

# RENVILLE COUNTY LAND USE ORDINANCE

## CHAPTER ONE

### ADMINISTRATION

#### *SECTION 1. PURPOSE, AUTHORITY, AND JURISDICTION*

1. Title. This Ordinance shall be known, cited, and referred to as the “Renville County Land Use Ordinance.” When referred to herein, it shall be known as “this Ordinance.”
2. Purpose. This Ordinance is adopted for the following purposes:
  - A. To implement the policies established in the Renville County Comprehensive Plan.
  - B. To stage development and redevelopment to coincide with the availability of necessary public services.
  - C. To divide the unincorporated areas of the County into zoning districts.
  - D. To define the allowable uses in zoning districts within the unincorporated areas of the County.
  - E. To regulate the location, construction, reconstruction, alteration, and use of structures and land within the unincorporated areas of the County.
  - F. To provide for the compatibility of different land uses and the most appropriate use of land throughout the County.
  - G. To regulate uses or development in Shoreland, Scenic River, Project River Bend, and Flood Plain areas by creating overlay districts with additional regulations applicable to land and structures located within those districts.
  - H. To regulate the placement of sewage and waste treatment facilities on land.
  - I. To conserve and protect natural resources and maintain a high standard of environmental quality.
  - J. To regulate the placement of structures in flood prone areas.
  - K. To regulate the alteration and grading of land and natural vegetation.

- L. To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the County.
  - M. To limit congestion on public roads and to foster public safety and convenience in travel and transportation.
  - N. To prevent environmental hazards and pollution and to protect surface and groundwater from contamination.
  - O. To preserve the value of land and value of structures throughout the County.
  - P. To protect and preserve viable agricultural land.
  - Q. To provide for the wise use and conservation of energy resources.
  - R. To provide for the gradual and equitable elimination of those uses of land and structures that do not conform to the standards for the area in which they are located.
  - S. To provide for the orderly, economic, and safe removal and processing of sand, gravel, rock, soil, and other material.
  - T. To provide for the orderly development of land through subdivision regulation.
  - U. To protect area needed for future public use from further development through Official Maps.
  - V. To provide for the enforcement of this Ordinance and to define and limit the powers and duties of the administrative officers and bodies responsible therefor.
  - W. To prevent the creation or establishment of hazards adjacent to airports.
  - X. To provide for the creative and efficient development of essential services.
  - Y. To regulate the placement of animal feedlots and animal manure.
  - Z. To regulate the location of sexually oriented businesses in order to limit adverse effects on adjacent properties.
  - AA. To regulate the placement of wind energy conversion systems.
3. Statutory Authorization. This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 394.

4. Jurisdiction. This Ordinance shall apply to all areas in Renville County, Minnesota:
  - A. Except areas within the incorporated limits of any city, however organized, except as provided by law.
  - B. Except as otherwise provided by law.

## ***SECTION 2. DEFINITIONS***

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

**Abandon** – To cease a specific use of a property for a period of 12 consecutive months or more.

**Abut** – To border upon a parcel of land; to share all or part of a common property line with another parcel of land.

**Access Drive** – A point on a public road allowing access to a private drive.

**Access Lot** – A parcel of land that provides access to public waters.

**Accessory Apartment** – A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

**Accessory Building** – A detached single-story building greater than 120 square feet in size used or intended to be used for the storage of personal property or for agricultural purposes.

**Accessory Use or Structure** – A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

**Active Solar Energy System** – A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

**Addition** – A structure added laterally to an existing building and occupying ground outside the limits of the building to which it constitutes an addition. The addition of minor structural elements such as chimneys, steps, sidewalks, exposed handicap accessible ramps, bay windows, and roof overhangs shall not be considered as an

addition. The enclosure or partial enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition.

**Administrator** – The Renville County Zoning Administrator.

**Adult and Child Care Centers / Learning Centers** – An establishment providing for the care, supervision, and protection of children or adults.

**Adult Bookstore** – A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental, or sale of instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.” “Substantial or significant portion of items,” for purposes of this Ordinance, shall mean more than 15 percent of usable floor area.

**Adult Business** – Adult businesses include the following:

1. Any business conducted for the entertainment of adults engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of sexually explicit nature. Included in the definition is any business that as substantial or significant course of conduct sells, offers for sale, rents, exhibits, shows, or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.
2. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows, or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video, CD-Rom, DVD, or any other form of medium or sexually oriented devices intended for use in the specified sexual activities, which receives 20 percent or more of the gross revenue from or devotes 20 percent or more of the stock on hand or 20 percent or more of the gross floor area to such activity or comprises such adult-type merchandise and/or activities in more than 2,000 square feet of floor area in total is presumed to be engaging in “substantial or significant” conduct with respect to such activity.
3. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or otherwise exposed specified anatomical areas.
4. Any business conducted for the entertainment of adults wherein an employee, patron, or any other person engages in or is shown specified sexual activities or

exhibits or engages in partial or total nudity or otherwise exposed specified anatomical areas.

5. Any business that, as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas or the human anatomy are exposed.

**Adult Cabaret** – A building or portion of a building used for providing dancing or other live entertainment if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

**Adult Conversation/Rap Parlor** – A conversation/rap parlor which excludes minors by reason of age or which provides the service of engaging in or listening to conversation, talk, or discussion if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

**Adult Health/Sports Club** – A health/sports club that excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

**Adult Massage Parlor** – A massage parlor which restricts minors by reason of age or which provides the service of “massage” if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

**Adult Mini-Motion Picture Theater** – A building or portion of a building with a capacity of less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**Adult Motion Picture Theater** – A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**Adult Steam Room/Bathhouse Facility** – A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing, or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Specified anatomical areas:

1. Less than completely and opaquely covered:
  - A. Human genitals;
  - B. Pubic region;
  - C. Buttocks; or
  - D. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

**Adult Uses** – Adult uses include adult bookstores, adult motion picture theaters, adult cabarets, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathroom facilities, adult enterprises, or businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

**Aggregated Project** – Aggregated projects are those which are developed and operated in a coordinated fashion but which have multiple entities separately owning one or more of the individual WECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

**Aggrieved Person** – An applicant, permittee, or adjoining landowner.

**Agricultural Building or Structure** – Any buildings or structures existing or erected on agricultural land designed, constructed, and used principally for agricultural purposes, with the exception of dwelling units.

**Agricultural Business, Seasonal** – A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public produce or any derivative thereof grown or raised on the property.

**Agricultural Use** – The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

1. Field crops including: barley, soybeans, corn, forage, oats, sugar beets, rye, sorghum, and sunflowers.
2. Livestock including: dairy and beef cattle, sheep, swine, horses intended for slaughter, mules, farmed cervidae, llamas, ostriches, emus, rheas, bison, and goats.
3. Poultry and game birds.
4. Horticulture or nursery stock, fruit, vegetables, timber, trees, bees, and fur-bearing animals.
5. Lands enrolled in a government conservation program.
6. Incidental and accessory activities and uses including, but not limited to:
  - A. Pasture, woodland or wetlands, or wildlife land held and/or operated in conjunction with other agriculture uses described in this definition.
  - B. Preparing, packing, treating, storing, or disposing of the products or by-products raised on the premises described in this definition.
  - C. Retail selling by the producer of products raised on premises described in this definition.

**Airport or Heliport** – Any land or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-way.

**Airstrip, Private** – An area of land designed and set aside for the landing and take-off of aircraft including all necessary facilities for the housing and maintenance of aircraft.

**Alley** – A public right-of-way less than 30 feet in width that normally affords a secondary means of vehicular access to abutting property.

**Alteration** – To change or make different; to remodel or modify.

**Animal Clinic/Veterinarian** – Use or facility for the care of animals.

**Animal Manure** – Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

**Animal Mortality Plan** – The handling of dead animals in accordance with state requirements including Minnesota Statutes, Section 35.82, and Minnesota Rules, Chapters 1719.

**Animal Unit** – A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound slaughter steer or heifer.

The following figures shall be used in determining animal unit numbers for Renville County:

1.	<u>Dairy:</u>	1 calf	= 0.2 animal units
		1 heifer	= 0.7 animal units
		1 mature cow (under 1,000 lb.)	= 1.0 animal units
		1 mature cow (over 1,000 lb.)	= 1.4 animal units
2.	<u>Beef:</u>	1 calf	= 0.2 animal units
		1 feeder cattle or heifer	= 0.7 animal units
		1 slaughter steer or stock cow	= 1.0 animal units
		1 cow/calf pair	= 1.2 animal units
3.	<u>Swine:</u>	Other swine under 55 lb.	= 0.05 animal units
		55 - 300 lb.	= 0.3 animal units
		Over 300 pounds	= 0.4 animal units
4.	<u>Turkeys:</u>	1 turkey under 5 lbs.	= 0.005 animal units
		1 turkey over 5 lbs.	= 0.018 animal units
5.	<u>Chickens:</u>	Pullets	= 0.002 animal units
		1 chicken under 5 lbs. (dry manure system)	= 0.003 animal units
		1 chicken over 5 lbs. (dry manure system)	= 0.005 animal units
		1 laying hen or broiler (liquid manure system)	= 0.033 animal units
6.	<u>Horse:</u>	1 horse	= 1.0 animal units
7.	<u>Sheep:</u>	1 sheep or lamb	= 0.1 animal units
8.	<u>Duck:</u>	1 duck	= 0.01 animal units

For animal categories not listed in 1 through 8, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.



**Animals, Domestic Farm** – Cattle, hogs, horses, sheep, goats, chickens, and other animals commonly kept for food production or other purposes.

**Animals, Domestic Pets** – Dogs, cats, birds, and similar household pet animals commonly kept by any member of a household for personal companionship and enjoyment. Any wild animal, reptile, or fowl considered wild, exotic, or non-domestic, such as lions, bears, wolves, and similar animals, shall not be considered domestic pets.

**Antenna** – That portion of any equipment and support structure used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fibre, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.

**Apartment** – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family or a group of individuals living together as a single-family unit. This includes any unit in buildings with four or more dwelling units.

**Apartment Building Use** – Four or more apartments grouped in one building with common areas and facilities, e.g., entrances, lobby, elevator, stairs, mechanical space, walls, and grounds.

**Applicant** – A person, corporation, or other legal entity recognized by law who applies for a Variance, Zoning Permit, Conditional Use Permit, or other land use permit.

**Application** – The process by which the owner of land in Renville County submits a request to develop, construct, build, modify, or erect a structure upon such land. Application includes a properly filed application form provided to the applicant by Renville County Environmental Services, submittal of all required written documentation, surveys, plans, photographs, drawings, other permits and legal forms, payment of all required fees, and any verbal statements and representations made by an applicant to the County concerning such a request.

**Appraised Valuation** – The market value of a structure as determined by the current records of the County Assessor.

**Aquaculture Use** – Controlled discharge of nutrients to enhance growth or reproduction of harvestable freshwater or marine life species including the cultivation of aquatic life such as cold or warm water fish and shellfish.

**Area, Developable/Buildable** – Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than 25 percent, unbuildable easements or rights-of-way, and required building setbacks.

**Array (Solar)** – Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.

**As-Built** – Drawings and documentation specifying the final in-place location, elevation, size, and type of all system components. These records identify the results of materials testing and describe conditions during construction. Information provided must be verified by a certified statement.

**Associated Facilities (WECS)** – Facilities, equipment, machinery, and other devices necessary to the operation and maintenance of a large wind energy conversion system including access roads, collector and feeder lines, and substations.

**Attorney** – The Renville County Attorney or designated legal representative.

**Auto or Motor Vehicle Reduction/Salvage Yard** – A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment (see also Salvage/Junkyard/Recyclable Center).

**Auto or Motor Vehicle Service Station** – A building designed primarily for the supplying of motor fuel, oil, lubrication, sale of accessories, and the servicing of and minor repair of motor vehicles.

**Automotive Dealership** – An automotive dealership is any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle and body repair, fuel dispensing, and the rental and leasing of vehicles.

**Awning** – A nonrigid hood or cover projecting from a building, which may be folded, collapsed, or retracted against the building.

**Basement** – Any area of a structure, including crawl spaces, having its floor or base subgrade below ground level on all four sides, regardless of the depth of excavation below ground level.

**Basin** – An area specifically designed and engineered to be associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer.

**Bed and Breakfast Establishments** – An owner-occupied, single-family dwelling structure where room(s), breakfast, and hospitality are provided and all costs are included in the nightly room price. Meals may or may not be served to residents or overnight guests.

**Bedroom** – Any room or unfinished area within a dwelling that:

1. Is designed or used for sleeping; or
2. 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.

**Berm** – A raised, sloped landscape mound of earthen material designed to provide visual interest, screening of areas, or to reduce noise, dust, or emissions.

**Biofuel** – A type of renewable energy derived from organic materials including ethanol, biodiesel, green diesel, and biogas.

**Biomass** – Renewable organic materials such as wood, agricultural crops or wastes, and municipal wastes.

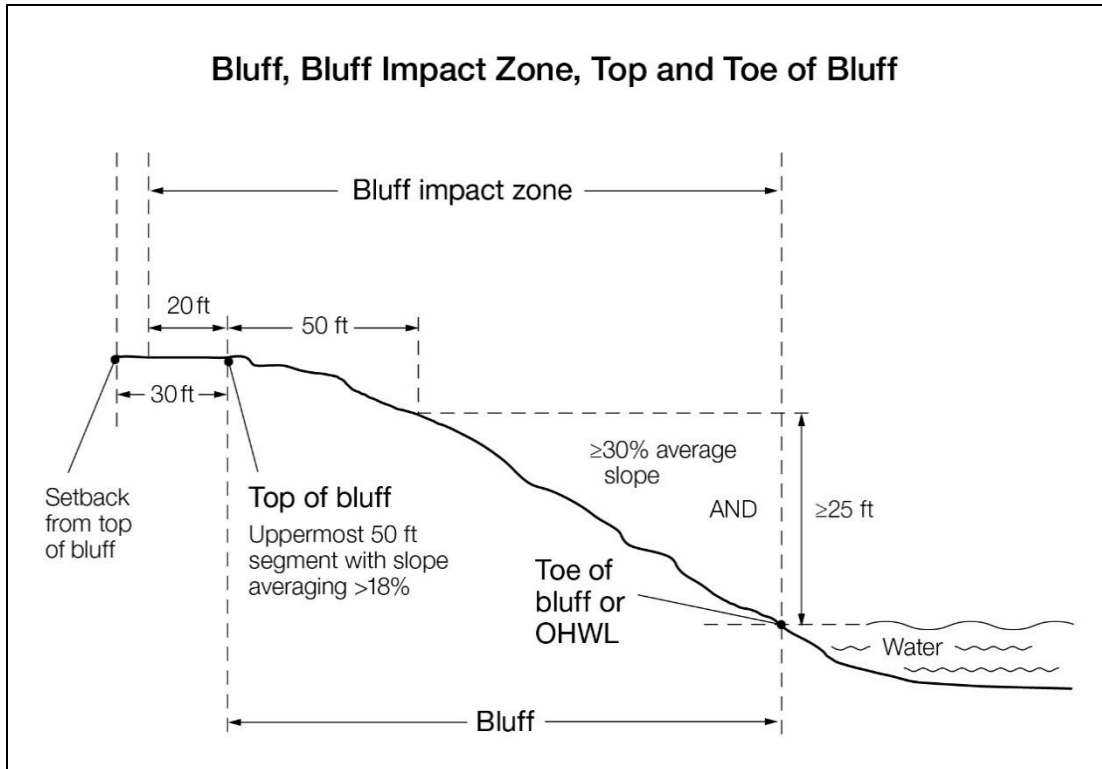
**Biomass Conversion Facility** – A facility that converts renewable biomass into heat, power, bio-based products, or advanced biofuels.

**Block** – A tract of land within a subdivision bounded by streets, or a combination of streets, and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or property lines or boundaries of a subdivision.

**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 of 50 feet or more shall not be considered part of the bluff):

1. Part or the entire feature is located in a shoreland area.
2. The slope rises vertically at least 25 feet above the ordinary high water level of the water body.
3. 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.
4. The slope must drain toward the water body.

**Bluff Impact Zone** – A bluff and land located within 20 feet from the top of a bluff.



**Bluff Line** – A line along the top of a slope connecting the points at which the slope becomes less than 13 percent. This applies to those slopes within the land use district that are beyond the setback provision from the ordinary high water level.

**Bluff, Toe of** – The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is greater.

**Bluff, Top of** – The higher point of a 50-foot segment with an average slope exceeding 18 percent.

**Board** – The Renville County Board of County Commissioners.

**Board of Adjustment and Appeals** – An officially constituted body appointed by the Board whose principal duties are to hear appeals and, where appropriate, grant Variances from the strict application of the Zoning Ordinance.

**Boat House** – A structure for storage of a boat or lake sporting and recreational equipment.

**Borrow Site** – An area located within the construction easement from which material is extracted for use in conjunction with a federal, state, County, or township road construction project.

**Buffer** – A strip of land intended to create physical separation between potentially incompatible uses of land.

**Buildable Land** – Land with a slope less than 25 percent and outside of any required setbacks and above any floodway, drainageway, or drainage easement.

**Buildable Lot Area** – The minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluff, areas with slopes of greater than 25 percent, all easements and rights-of-way, historic sites, wetlands, floodway, and land below the ordinary high water level of public waters are subtracted for the purpose of placement of structures.

**Building** – Any structure either temporary or permanent having a roof which is used or intended to provide shelter or enclosure of person, animals, chattel, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separate shall be deemed a separate building.

**Building Code** – The Minnesota State Building Code.

**Building Face** – The wall of a building fronting a street or avenue.

**Building Face Area** – The quantitative measure of the wall surface area calculated by multiplying the wall height by the wall width.

**Building-Integrated Solar Systems** – An active solar system 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 include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

**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.

**Building Official** – The designated authority charged with the administration and enforcement of the State Building Code.

**Building Permit** – A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

**Building Setback** – The minimum horizontal distance between the building and right-of-way line, property line, ordinary high water level, or bluff line.

**Building Setback Line** – A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water level or line behind which buildings or structures must be placed.

**Bulk Storage (Liquid) Use** – Bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of 10,000 gallons for sale or for personal use.

**Business** – Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or services are offered for compensation.

**Cabin** – A structure used seasonally or intermittently as a single-family dwelling.

**Campground Use** – 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.

**Canopy or Marquee** – A permanent roof-like shelter either freestanding or extending from part or all of building fascia over a public right-of-way or a portion of the premises and constructed of some durable material such as wood, metal, glass, or plastic.

**Car Wash Use** – A building or area that provides hand or machine-operated facilities for washing and cleaning motor vehicles.

**Carpport** – An automobile shelter having one or more sides open.

**Cellar** – Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement.

**Cemetery** – Land governed by a cemetery association, local government, or congregation of worshipers and used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums, and chapels when operated in conjunction with and within the boundaries of such cemetery.

**Centralized Wastewater Treatment System** – A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area. Traditionally, such a system has been called a publicly owned treatment works (POTW).

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

**Certificate of Survey** – A graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota licensed land surveyor.

**Certified** – An individual that is included on the agency’s SSTS certification list and is qualified to design, install, maintain, repair, pump, operate, or inspect an SSTS as appropriate with the individual’s qualifications. A certified individual who is working under a license is subject to the obligations of the license. Certified individuals were previously known as registered professionals.

**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.

**Change in Operation** – An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

**City** – The cities of Renville County.

**Clear-Cutting** – The removal of an entire stand of vegetation.

**Club or Lodge** – A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages in compliance with the applicable federal, state, County, and local laws.

**Cluster Development** – A subdivision development that places housing units into compact groupings while providing commonly owned or permanently dedicated open space and natural features of the landscape including wooded areas.

**Clustering/Cluster Housing** – A development pattern and technique whereby housing structures or building sites are arranged in closely related groups so as to make the most efficient and aesthetic use of the natural amenities of the landscape.

**Columbarium** – A structure, room, or other space in a building or structure containing niches for interment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

**Commencement of Construction – Feedlot** – To begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work (including clearing, excavation, or removal of existing buildings, structures, or facilities) necessary for the placement, assembly, or installation of facilities or equipment at:

1. A new or expanded animal feedlot; or
2. A new, modified, or expanded manure storage area.

**Commercial Manure Pumper or Applicator** – Any person or company that pumps or land applies manure from feedlot facilities not owned or operated by the person or company.

**Commercial Planned Unit Development** – 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.

**Commercial Recreation Facilities** – All uses such as tennis, racquetball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.

**Commercial Use** – The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**Commissioner** – The Commissioner of the Department of Natural Resources.

**Common Interest Community** – Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair, or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

**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.

**Community Garden** – Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs, and grasses for the residents' use or to be sold directly to consumers through membership in the garden.



**Community Residence** – A facility licensed by the State of Minnesota that provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.

**Community Water and Sewer Systems** – Utility systems serving a group of buildings, lots, or an area of the County with the design and construction of such utility systems as approved by the State of Minnesota and Renville County.

**Compliance Inspection** – An evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

**Comprehensive Plan** – The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities, including recommendations for planned execution, documented in text, ordinance, and maps which constitute the guide for the future development of the unincorporated area of the County.

**Concept/Sketch Plan** – A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented as part of the pre-application meeting.

**Conditional Use** – A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon findings that: certain conditions as detailed in the Zoning Ordinance exist; and the use or development conforms to the Comprehensive Plan of the County; and the use or development is compatible with the existing neighborhood.

**Condominium** – A common-interest community in which portions of the real estate are designated as units and the remainder of the real estate is designated for common ownership solely by the owners of the units. In addition, undivided interests in the common elements are vested in the unit owners.

**Conservation Easement** – An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection, and maintenance of natural resources, open space, and agriculture.

**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 setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas. These developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

**Conservation Use** – Environmentally sensitive and valuable lands protected from any activity that would significantly alter its ecological integrity, balance, or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, flood plain, native prairie, wildlife corridors, shorelands, steep slopes, and its accessory uses such as interpretive centers and management facilities.

**Construction** – Includes significant site preparation work (including land clearing, excavation, and the installation of utilities) necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building.

**Construction Short-Form Permit** – A permit issued for an animal feedlot or manure storage area according to Minnesota Rules, Chapter 7020.

**Contiguous** – Parcels of land that share a common lot line or boundary. Parcels that are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Ordinance.

**Contour Interval** – The vertical height between contour lines.

**Contour Map** – A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

**Contractor's Use** – Any use whose principal business is in connection with any structure built including general engineers/architects, concrete, swimming pool, plumbing, electrical, landscape, and building construction contractors.

**Controlled Access Lot** – A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

**Convenience Store** – A retail sales establishment that, in addition to other retail sales and rentals, may sell gasoline at pumps, car washes, and take-out foods, but not including gasoline or automobile service stations.

**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 regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common open space is provided.

**Conveyance** – Conveyances shall have the meaning specified in Minnesota Statutes, Section 272.12.

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

**Copy** – A print or reproduction.

**Corrective Action** – Any action required by the Department to ensure compliance or conformance with this Ordinance and state regulations.

**Corrective or Protective Measure** – A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.

**Cost of Renovation, Repair, or Replacement** – The fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

**Country Club** – A golf club equipped with a golf course and a clubhouse.

**County** – Renville County, Minnesota.

**Court** – An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

**Covenants** – Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Covered Basin** – An earthen constructed manure holding structure either totally covered with a minimum of a six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire earthen basin area, concrete, or glass-lined steel structure totally enclosing and covering the entire manure holding area.

**Crawl Space** – Any areas or rooms with less than seven-foot ceiling height measured to the finished floor or grade below.

**Crematorium or Crematory** – A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

**Crop Demonstration Sign** – A sign placed on agricultural land identifying the brand of product(s) being grown on the site.

**Crop Equivalent Rating (CER)** – A numerical means to reflect relative differences in productivity between soils. The differences are based on the net economic return obtained using a specific “level” of management. Productivity ratings are used to reflect physical and chemical properties of soils and the effect of those properties on productivity for the most commonly grown crops in this area. CERs are indexed on a scale of zero to 100.

**Cultural Resource** – The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Renville County and its people.

**Curb Level** – The grade elevation established by the Engineer of the curb in front of the center of the building. Where no curb level has been established, the Engineer shall determine a curb level or its equivalent for the purpose of this Ordinance.

**Decibel** – The unit of sounds measured on the “A” weighting scale of a sound level meter, set on slow response, the weighting characteristics of which are specified in the “Standards on Sound Level Meters of the USA Standards Institute.”

**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.

**Density** – A measure of the intensity of residential use on the land, expressed in terms of lot area per dwelling unit or dwelling units per acre. For such calculations, the land area shall be exclusive of water area and flood plain but may include protected wetlands and hydric soils.

**Department** – Renville County Environmental Services.

**Depth of Rear Yard** – The horizontal distance between the rear building line and the rear lot line.

**Developer** – The owner of land proposed to be subdivided or their representative.

**Development** – The act of building structures and installing site improvements.

**Development Agreement** – An agreement between a developer and the County regarding the development of a parcel of land. The agreement may include, but is not limited to, construction and ordinance design standards, required improvements, financial obligations and guarantees, construction timelines, and project improvement warranties.

**Dilapidated Dwelling/Structure** – All dwellings or structures which, by inadequate maintenance, abandonment, unsanitary conditions, are vermin-infested and/or are lacking facilities or essential equipment, are unsafe and dangerous to human life, and are unfit for human habitation, occupation, or use. A dilapidated dwelling/residence/structure shall include:

1. Any dwelling/structure which because of physical condition constitutes a public nuisance.

2. Any dwelling/structure which has been officially declared a fire hazard or is otherwise dangerous to the safety of persons or property.
3. Any dwelling/structure from which utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that it is unfit for its intended use.
4. Any dwelling/structure which, by reasons of environmental contamination, poses a threat to public health or safety in its present condition.
5. Any nonconforming dwelling/structure that is damaged to an extent of more than 50 percent of its market value as determined by the County Assessor.

**Disclosure** – Any conclusions or statements regarding an ISTS or abandoned ISTS made by the owner of a property with or served by an ISTS to fulfill the requirements of Minnesota Statutes, Section 115.55, Subd. 6. ISTS information provided by someone other than the property owner must meet the requirements of a compliance inspection as outlined in Minnesota Rules, Chapter 7080.

**Discontinued Animal Feedlot** – An animal feedlot nonconforming as to use that has not been stocked with a minimum of one animal unit within 12 consecutive months.

**District** – A section of the County for which the regulations governing the height, area, density, and use of buildings and premises are the same.

**Ditch (Public or Private)** – A term as defined under and with reference to the provisions of Minnesota Statutes, Chapter 103E.

**DNR** – The Minnesota Department of Natural Resources.

**Domestic Fertilizer** – For the purposes of this Ordinance, domestic fertilizer means:

1. Animal manure that is put on or into the soil to improve the quality or quantity of plant growth.
2. Animal manure that is used as compost, soil conditioners, or specialized plant beds.

**Domestic Septage (Pumping)** – The liquid or solid material removed from a septic tank including waste from holding tanks, aerobic tanks, and pump tanks. This also includes septage from cesspools, portable toilets, type III marine sanitation devices, or similar systems that receive only household, non-commercial, and non-industrial sewage.

**Drainage Course** – A watercourse or indenture for the drainage of surface water.

**Drainageway** – A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

**Dredging** – The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

**Drive-In Retail Use** – An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service, obtain goods, or be entertained while remaining in their motor vehicles regardless of whether or not services and goods are also provided within a building.

**Driveway** – A private road or path that is located on the lot that it services and which affords vehicle access to a public road.

**Driveway Access Permit** – A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to the issuance of a land use permit.

**Duplex, Triplex, and Quad** – A dwelling structure on a single lot, having two, three, and four units respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitary facilities.

**Dwelling** – Any building with provision for living, sanitary, and sleeping facilities.

**Dwelling, Detached** – A residential building that is entirely surrounded by open space on the same lot with no common party walls.

**Dwelling, Seasonal** – A residential building not capable of year-round occupancy due to non-winterized construction or inadequate nonconforming year-round on-site sewage treatment systems.

**Dwelling Site** – A designated location for residential use.

**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. There are three principal types:

1. **Single-Family Dwelling (Detached)**: A dwelling structure designed for or occupied exclusively by one family, not attached to another dwelling, meeting all of the following standards:
  - A. A permanent foundation extending below frost level or professionally engineered design.

- B. A minimum of 760 square feet of floor area on the ground floor.
  - C. Minimum width of 16 feet as measured across the narrowest width. The dimension of a building addition to a dwelling shall not be used to establish the 16-foot minimum dimension.
  - D. Open space on the same lot to surround dwelling.
2. **Single-Family Dwelling (Attached)**: A residential building containing two or more separate dwelling units with a common wall and located on a single lot:
- A. **Twin Home**: A residence designed for or intended for occupancy by two families only, with separate housekeeping and cooking facilities for each.
  - B. **Townhouse**: A one-family dwelling attached to two or more one-family dwellings by a common vertical wall.
  - C. **Triplex**: A residence designed for or intended for occupancy by three families only, with separate housekeeping and cooking facilities in each.
  - D. **Quad**: A residential building containing four dwelling units with one common wall, each unit so oriented as to have all exits open to the outside.
3. **Multiple-Family Dwelling**: A type of residential structure where building entrances, stairways, halls, and other common elements are shared among several units, with separate housekeeping and cooking facilities for each.

**Earth-Sheltered Building** – A building constructed so that 50 percent or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered earth-sheltered.

**Easement** – Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Easement, Scenic** – An interest in land, less than the fee title, that limits the use of the land to protect the scenic, recreational, or natural characteristics of a wild, scenic, or recreational river area. Unless otherwise expressly and specifically provided by the parties, the easement must be:

1. Perpetually held for the benefit of the people of the state.
2. Specifically enforceable by its holder or any beneficiary.
3. Binding upon the holder of the servient estate and the holder's heirs, successors, and assigns.
4. Restricted so as not to give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

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

**Engineer** – The Renville County Engineer or designated representative.

**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.

**Environmental Impact Statement (EIS)** – A detached written statement as required under Minnesota Statutes, Chapters 116C and 116D.

**EPA** – The United States Environmental Protection Agency.

**Equal Degree of Encroachment** – A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**Erosion Control/Wildlife Developments** – Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife.

**Essential Service Line** – Any primary or subsidiary conductor designed or utilized for the provision of maintenance of essential services including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, and right-of-way but not including any structure.

**Essential Service Structure** – Any pertinent structure required to be on line to accommodate the proper provision or maintenance of essential services including any electric or gas substation, water tower or well house, sewage lift station, or other similar facility.

**Essential Services** – Services and utilities needed for the health, safety, and general welfare of the community such as underground, surface, or overhead electrical, gas, telecommunication, water, sewer, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the



area in which it is located. Essential services do not include utility scale power generation appurtenances or equipment.

1. **Minor Essential Service Facilities.** Any essential services or structures located within any County or township easement or County or township rights-of-way providing single service distribution.
2. **Major Essential Service Facilities.** Any essential services or structures providing transmission and distribution services from station to station and not intended for end route consumption.

**Essential Services – Utility Substation** – A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity to small retail quantities. These uses include electric or gas substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

**Ethanol** – Fermentation ethyl alcohol derived from agricultural products including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources that:

1. Meets all of the specifications in ASTM Specification D4806-04a; and
2. Is denatured as specified in 27 Code of Federal Regulations, Parts 20 and 21.

**Ethanol Production Facility** – A facility that ferments, distills, dewater, or otherwise produces ethanol as defined in Minnesota Statutes, Section 41A.09, Subd. 2a, paragraph (a).

**Existing Building Site** – A non-cultivated area that has an existing access to a public right-of-way and at least one of the following is presently on the premises: a windbreak, water well, accessory structures, or a dwelling.

**Existing Dwelling/Residence** – A structure that is suitable for occupancy. Any dwelling or residential structure that can be considered dilapidated shall not qualify as an existing residence.

**Existing Feedlot** – An animal feedlot that has been utilized for livestock production within the past five years.

**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.

**Expansion, Enlargement, or Intensification** – Any increase in a dimension, 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 nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County.

**Expansion of an Existing Feedlot** – Construction or any activity or change in the Ordinance which may result in the increase in the number of animal units that a feedlot is capable of holding or an increase in manure storage capacity.

**Extended Care, Intermittent Care, and Long-Term Care Facilities** – A nursing home licensed under Minnesota Statutes, Sections 144A.02 – 144A.10, or a boarding care home licensed under Minnesota Statutes, Sections 144.50 – 144.56, as may be amended.

**Exterior Storage (Includes Open/Exterior Storage)** – The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

**Extraction Area** – Any non-agricultural, artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land for earth-sheltered or conventional construction of residential, commercial, and industrial buildings, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other natural matter, or made by turning, breaking, or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

**Extraction/Processing of Minerals Use** – The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 – 93.51.

**FAA** – The Federal Aviation Administration.

**Failing System** – Any ISTS that discharges sewage to a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation as described in Minnesota Rules, Chapter 7080. In addition, any system posing an imminent threat to public health or safety as defined in Minnesota Rules, Chapter 7080, shall be considered failing.

**Fall Zone** – The area defined as the farthest distance from the tower base in which a tower will collapse in the event of a structural failure.

**Family** – Any number of individuals each related by blood, marriage, adoption, foster care, arrangement, or court order living together as a single housekeeping unit or not more than five persons not so related, maintaining a common household.

**Farm** – A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, poultry, or fish farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

**Farm Fence** – A fence as defined by Minnesota Statutes, Section 344.02, Subd. 1(a) – (d).

**Farm, Hobby** – An area used as a limited farm operation where the income from the farm is incidental to the property.

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

**Farmland** – Any land used in conjunction with a farming operation.

**Farmstead** – Property on which structures and a farm dwelling are located for management, storage, livestock, etc. for a farm operation.

**FCC** – The Federal Communications Commission.

**Feedlot, Livestock** – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these rules, 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 rules.

**Feedlot and Manure Storage Area Registration** – An official record required for all feedlot facilities as defined in Minnesota Rules, Chapter 7020. The document must include information completed by the feedlot producer including the location of the feedlot, type of facility including pastures, barns and open lots, distances from wells, number and types of animals, number of animal units, and type of manure storage area.

**Feedlot – New** – An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a pre-existing animal feedlot has been abandoned or unused for livestock production for five years or more.

**Feedlot Operator/Owners** – An individual, a corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.

**Feedlot Permit** – A document issued by the MPCA or delegated County that contains requirements, conditions, and compliance schedules relating to the discharge and management of animal manure pollutants. Feedlots and manure storage areas subject to permit requirements as stated in Minnesota Rules, Part 7020.0405, shall be issued a NPDES/SDS Permit, Minnesota Construction Short-Form or Interim Permit, or Manure Storage Area Permit.

**Fence** – Any partition, structure, wall, gate, berm, or planting specifically placed to form a divider marker, barrier, or enclosure and located along the boundary or within the required yard.

**Fill** – Any sand, gravel, earth, rock, or other materials deposited, replaced, pushed, dumped, transported, moved, or placed on a parcel of land.

**Filling** – The placement of fill on a parcel of land.

**Final Plat** – The final map or drawing of a subdivision meeting all requirements of the County and in such form as required by the County for purposes of recording.

**Flag Lots** – A large lot or lots that are accessed to the public road by a narrow, private right-of-way or driveway. The private right-of-way is known as the “stem.”

**Flashing Light** – A light source that is not constant in intensity or color at all times while in use.

**Flood** – A temporary increase in the flow or stage of a stream, river, creek, wetland, or lake that results in the inundation of normally dry areas.

**Flood Frequency** – The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**Flood Fringe** – That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for the unincorporated areas of Renville County, Minnesota.

**Flood Plain** – The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

**Floodproofing** – A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**Floodway** – The bed of a wetland or lake, the channel of a watercourse, and those portions of the adjoining flood plain that are reasonably required to carry or store the regional flood discharge.

**Floor Area, Gross** – The sum of the gross horizontal areas of the various floors of a building measured from the exterior faces of the exterior walls or, for a structure without walls (e.g., a carport), the total ground area covered by a roof, not including area under a typical overhang dimension.

**Floor Area, Livable** – The floor area of a dwelling excluding all areas occupied by basements, garages, porches, attics, stairways, storage, utility, and heating rooms.

**Floor Area Ratio** – The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

**Floor Plan, General** – A graphic representation of the anticipated or existing use of the floor area within a building or structure.

**Foot Print** – The length and width of the building's foundation and the building's height.

**Forest Land Conversion** – The clear-cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

**Forestry** – The use and management, including logging, of a forest, woodland, or plantation and related research and educational activities including the construction, alteration, or maintenance of woodroads, skidways, landings, and fences.

**Freight Transportation Terminals** – Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, the following uses: trucking and courier services, trucking terminal facilities, railroad terminal facilities, courier services, letter delivery, package delivery, parcel delivery, and other similar uses.

**Frequency** – The oscillations per second in a sound wave.

**Frontage** – That boundary of a lot that abuts an existing or dedicated public or private road/street.

**Funeral Home Use** – A building or part thereof used for funeral services. Such buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall NOT include facilities for cremation.

**Fur Farm** – An area used for keeping and/or raising fur-bearing animals.

**Garage, Private** – An accessory building or accessory portion of the principal building which is intended for and used to store private passenger vehicles, trailers, or farm trucks.

**Garage Sale** – Sale by property residents at residents’ address of personal property of a kind usually and customarily found in and about residential property. It shall not include personal property purchased for the purpose of resale.

**Garage, Truck** – A building used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half tons capacity.

**General Development Lakes** – Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use. There are no General Development Lakes in Renville County.

**Golf Course Use** – An area of land laid out for golf with a minimum series of nine holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards. A pro shop, restaurant, club house, and driving range are accessory uses to the principal use of the property as a golf course.

**Governing Body** – The Renville County Board of County Commissioners.

**Grade** – The average of the finished level at the center of the exterior walls of the building or the slope of a road, street, or other public way specified in percentage terms.

**Grade, Street** – The established elevation of the street in front of the building measured at the center of such front. Where no street grade has been established, the County Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

**Grading, Temporary** – Grading, excavating, or filling that meets the following criteria shall be considered temporary:

1. Grading, excavating, or filling of at least 500 and not more than 10,000 cubic yards of material.
2. Grading, excavating, or filling that is temporary in nature, with a one-year time limit.
3. Grading, excavating, or filling that is not located in a Flood Plain, Shoreland, Scenic River, or Project Riverbed District. Grading, excavating, or filling in these districts shall be regulated under the appropriate chapter of the Ordinance specific to each of these districts.

**Greenhouse** – An enclosure used for the cultivation or protection of plants.

**Grid-Intertie Solar System** – A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

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

**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.

**Hazardous Materials** – Substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. “Hazardous materials” include any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally or intentionally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, chemical and biological substances, and toxic or flammable gases.

**Hazardous Substance:**

1. Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, Title 33, Section 1321(b)(2)(A);
2. Any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, Title 42, Section 7412; and
3. Any hazardous waste.

Hazardous substance does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

**Hazardous Waste** – Any refuse, sludge, or other waste material or combinations of refuse, sludge, or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or 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. Categories

of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

**Health Recreation Facility** – An indoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool, hot tub, and/or sauna, and pro shop.

**Hedge** – A row of bushes or small trees planted close together to form a fence or enclosure.

**Height of Building** – The vertical distance between the highest adjoining ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or the highest ridge of a gable, mansard, gambrel, or other pitched or hipped roofs.

**High Voltage Transmission Line (HVTL)** – A conductor of electric energy and associated facilities designated for and capable of operating at a nominal voltage of 100 KV or more either immediately or without significant modification. Associated facilities shall include, but not be limited to, insulators, towers, substations, and terminals.

**Highway** – Any public thoroughfare or vehicular right-of-way with a federal, state, County, or township numerical route designation.

**Holding Pond** – An impoundment made by excavation, earth fill, concrete, fabricated steel, or other suitable material for the safe, non-water polluting, temporary storage of stormwater runoff.

**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.

**Home Occupation** – A non-residential use conducted on a dwelling site for gainful employment which: (1) is clearly incidental and subordinate to the use of the property as residential; (2) is carried on solely within the main dwelling or an accessory building; (3) does not alter or change the exterior character of appearance of the property; and (4) is created and operated by the occupant of the dwelling. Home occupations are divided into two levels:

1. **Level I:** A use or occupation located in a dwelling that generates no customers to the premises.
2. **Level II:** A use or occupation located in an accessory building or a use or occupation that would generate traffic or customers visiting the dwelling site. Licensed daycare providers subject to state regulations are exempted.



**Homeowners Association** – A formally constituted, non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

**Horse Training Facility, Commercial** – An accessory building in which horses (10 or more) not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.

**Horse Training Facility, Private** – An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

**Horticulture** – The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, and trees, including forestry, ornamental plants and trees, and cultured sod.

**Hospitals** – An institution providing primary health services and medical or surgical care to persons, including inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as a related part of the institution, facilities such as laboratories, outpatient facilities, training facilities, medical offices, staff residences, and support services such as pharmacy, cafeteria, gift shop, florist, dispensary of surgical supplies, and similar customary uses associated with hospitals.

**Hotel/Motel** – A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment, and recreational facilities.

**HVTL Associated Facilities** – Buildings, equipment, and other physical structures that are necessary to the operation of a high voltage transmission line.

**Impervious Surface** – A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. It includes surfaces such as compacted sand, clay, or gravel as well as concrete and asphalt driveways, roofs, sidewalks, patios, and parking and loading areas.

**Improvement** – Making the nonconforming use or structure better, more efficient, or more aesthetically pleasing including any change that does not replicate what pre-existed but does not include an expansion, enlargement, or intensification.

**Incorporation (Animal Manure)** – The mixing of manure with the topsoil by means such as discing, plowing, rototilling, injection, or other mechanical means concurrent with the application or within 24 hours, providing the mixing occurs before a rainfall event.

**Incorporation (Septage)** – Domestic septage applied to the land surface and incorporated into the soil surface by means such as discing, plowing, rototilling, injection, or other mechanical means.

**Individual Parcel** – A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Ordinance.

**Individual Sewage Treatment System or ISTS (See Also Subsurface Sewage Treatment System or SSTS)** – An individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, Sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that is designed to receive a sewage design flow of 5,000 gallons per day or less. ISTS includes the holding tanks and privies that serve these same facilities.

**Industrial Use** – The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**Inoperative** – Incapable of movement under its own power.

**Intensive Vegetation Clearing** – The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Interim Permit** – A permit issued by the agency or County Feedlot Officer that expires no longer than 24 months from the date of issue.

**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 determined by the County.

**ISTS** – An individual sewage treatment system.

**Kennel – Commercial, Boarding** – A commercial activity where animals are brought to the facility by their owner and boarded away from their owner for limited periods of time excluding animal and veterinarian clinics. Animals in boarding kennels are kept separated and do not engage in breeding activities. Animals in boarding kennels are not held out for sale. Accessory uses may include grooming and training.

**Kennel – Commercial, Breeding** – A commercial activity where four or more dogs and/or domestic pets over six months of age are kept for breeding purposes, engage in breeding activities and birthing, and where resulting young are raised for sale and sold excluding animal and veterinarian clinics. Accessory uses may include boarding, grooming, and training.

**Kennel, Confinement Area** – A structure used or designed for use to restrict an animal to a limited amount of space such as a room, pen, cage, kennel, compartment, crate, or hutch.

**Kennel, Housing Facility** – A room, building, or area that contains a confinement area.

**Kennel, Private** – Any place where four to 10 dogs and/or domestic pets over six months of age are owned and kept, by any member of the household, primarily for personal companionship, recreational enjoyment, or for performance events and where breeding and selling of animals is an accessory use to the principal use of the property.

**Kennel Run** – Enclosed or fenced area, indoor or outdoor, to allow dogs and/or domestic pets to exercise.

**Lagoon** – An impoundment made by the excavating of earthen fill for biological treatment of animal manure.

**Land Alteration and Grading** – Excavating, filling, or changing of the natural topography in the amount of 500 cubic yards or more of material per project including, but not limited to, landscaping, excavation for wildlife habitat, excavation and preparation for building or similar activity, and land improvements.

**Land Application** – The application of domestic septage or manure on or into the soil surface.

**Land Clearing** – The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within a 12-month period.

**Land Reclamation** – Activity that is taken during and after temporary grading or a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

**Land Spreading** – The placement of manure or septage or human waste from septic or holding tanks on or into the soil surface.

**Land Use Development Application** – The term includes, but is not limited to, applications for the following: individual sewage treatment system permits, vegetative alteration permits, grading permits, or other types of land use permits, Conditional Use Permits, amendments to this Ordinance, Variances from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by Renville County Environmental Services unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by Department staff.

**Landfill, Demolition Waste** – A place for the disposal of demolition waste, building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition.

**Landfill, Solid Waste** – A place for the disposal of solid waste including garbage, refuse, and other discarded solid materials resulting from residential, commercial, industrial, and community activities.

**Landscaping** – Plantings, including trees, grass, ground cover, shrubs, and other natural materials such as rock and wood chips, and decorative features including sculpture, patterned walks, and fountains.

**Legal Nonconformity** – Any land use, structure, physical form of land development, lot of record, or sign legally established before the effective date of this Ordinance or subsequent amendment to it that would not be permitted by, or is not in full compliance with, the regulations of this Ordinance. A legal nonconformity is one of two types: nonconforming use or nonconforming structure.

**Light Fixture, Outdoor** – Outdoor, electrically powered, illuminating devices; outdoor lighting or reflective surfaces; lamps; and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for: (1) buildings and structures; (2) recreational areas; (3) parking lot lighting; (4) landscape lighting; (5) billboards and other signs; (6) street lighting; (7) product display area lighting; and (8) building overhangs and open canopies.

**Light Manufacturing** – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

**Livestock** – Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production purposes.

**Livestock Operations** – A lot or structure or combination of lots and structures intended for the breeding, raising, or holding of 10 or more animal units in the Shoreland District or 50 or more animal units in the non-Shoreland District.

**Loading Space** – A space accessible from a street, alley, or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

**Lodging Room** – A room rented as sleeping and living quarters but without cooking facilities. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one lodging room.

**Lot** – A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

**Lot Area** – The area of a lot contained within the lot lines.

**Lot Area, Minimum Per Dwelling Unit** – The minimum number of square feet or acres of lot area required per dwelling unit.

**Lot, Buildable** – A lot that meets or exceeds all requirements of the Renville County Land Use Ordinance without the necessity of Variances.

**Lot, Corner** – A lot bordered on at least two adjacent sides by intersecting roads or highways.

**Lot Coverage** – The area of the lot occupied by the principal buildings, accessory buildings, and impervious surfaces.

**Lot Depth** – The mean horizontal distance between the front right-of-way or lot line and the rear lot line.

**Lot, Double Frontage** – Lots which have a front line abutting on one street/road and a back or rear line abutting on another street/road.

**Lot, Interior** – A lot other than a corner lot including through lots.

**Lot Line** – The property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the plot line.

**Lot Line, Front** – That boundary of a lot which abuts an existing or dedicated public street/road.

**Lot Line, Rear** – That boundary of a lot that is opposite the front lot line. If the rear line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** – Any boundary of a lot that is not a front lot line or a rear lot line.

**Lot, Parcel, or Tract** – A parcel of land that was recorded by plat, metes and bounds, registered land survey, or other accepted means as a separate lot, parcel, or tract in the

office of the Renville County Recorder on or before the effective date of the Land Use Ordinance.

**Lot of Record** – Any lot that was recorded by deed or filed as a separate parcel in the office of the County Recorder for Renville County, Minnesota, prior to the effective date of this Ordinance.

**Lot, Substandard** – A lot or parcel of land for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this Ordinance.

**Lot Width** – The horizontal distance between the side lot lines of a lot measured at right angles to the lot depth at the established front building setback line.

**Lowest Floor** – The lowermost 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.

**Management Plan** – A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations including a planned course of action in the event a system does not meet performance expectations.

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include “recreational vehicle.”

**Manufactured Home Park** – Any site, lot, field, or tract of land under single ownership designed, maintained, or intended for the placement of two or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structures, vehicles, or enclosures intended for use as part of the equipment of such manufactured home park.

**Manure** – Any solid or liquid containing animal excreta.

**Manure Stockpile Standards** – Requirements as outlined in Minnesota Rules, Chapter 7020, for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpile sites.

**Manure Storage Area or Structure** – An area or structure associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

**Mausoleum** – A structure for the entombment of the dead in crypts or vaults in a place used, or intended to be used, for cemetery purposes.

**Medical Clinics / Offices** – A use involving establishments dispensing health services.

**Medical Uses** – Those uses concerned with the diagnosis, treatment, and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent homes, and assisted living centers.

**Meteorological Tower** – Those towers and equipment which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

**Metes and Bounds** – A description of real property which is not described by reference to a lot or block shown on a map or a recorded plat but is described by starting at a known point and describing the direction and length of the lines forming the boundaries of the property.

**Midsized Subsurface Sewage Treatment System or MSTS** – A subsurface sewage treatment system, or part thereof, as set forth in Minnesota Statutes, Sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade and that is designed to receive sewage with a design flow greater than 5,000 gallons per day to 10,000 gallons per day. MSTS also includes sewage collection systems and associated tanks that discharge into MSTS treatment or dispersal components.

**Minimum Subdivision Design Standards** – The guides, principles, and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

**Mining/Extraction Use** – The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Ordinance, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

1. Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage.
2. On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.

3. Landscaping purposes on a lot used or to be used as a building site.
4. Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.
5. The removal of excess materials in accordance with approved plats or highway construction.
6. Temporary grading.

**Modification of Existing Feedlot** – Conversion or remodeling of an existing structure or manure handling facility, a change in livestock type or a change in the operation of a feedlot that does not result in an increase in the number of animal units of the facility.

**Modular or Pre-Fabricated Home** – A non-mobile housing unit that is entirely or mostly fabricated off site and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be considered the same as a single-family dwelling under the standards in this Ordinance provided it meets the standards for floor area and other minimum standards.

**Motor Vehicle** – Car, truck, motorcycle, bus, or recreational vehicle or similar equipment which is permitted by license to operate on public roads.

**Motor Vehicle Repair** – Major or general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.

**Motor Vehicle Sales** – The sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles for sale or trade on a motor vehicle sales lot.

**Moving Permit** – A permit required from the responsible unit of government prior to the moving of any partially or wholly erected structure on a public road.

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

**MSTS** – A mid-sized SSTS as defined in Minnesota Rules, Part 7081.0020, Subp. 4.

**Municipality** – A city or township, however organized.

**Nameplate** – A sign indicating the name and/or the address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.

**National Pollutant Discharge Elimination System (NPDES)** – A National Pollutant Discharge Elimination System Permit issued by the MPCA.



**Natural Drainageway/Waterway** – A natural passageway or depression in the earth’s surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands before reaching a final ponding area.

**Natural Environment Lakes** – Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

**Natural Resources** – The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

**Neighborhood** – An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

**New Construction (ISTS)** – Installing or constructing a new ISTS; or altering, extending, or adding capacity to a system that has been issued an initial Certificate of Compliance.

**Nonconforming Structure** – Any structure lawfully or legally existing on the effective date of this Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Ordinance or amendments thereto.

**Nonconformity** – Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

**Non-Residential Subdivision** – A subdivision whose intended use is other than residential, such as commercial or industrial.

**Notice of Noncompliance (ISTS)** – A document written and signed by a certified inspector after a compliance inspection that gives notice that an ISTS is not in compliance as specified under Minnesota Rules, Part 7080.1500.

**Nursery** – An area where plants are grown for transplanting, for use as stocks for budding or grafting.

**Nursery, Day** – A use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay.

**Nursing Home/Care Center** – A building facility for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Facilities shall be licensed by the State Board of Health as provided for in Minnesota Statutes.

**Obstruction (Waterway)** – Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by floodwater.

**Odor Reducing Technologies** – Technologies that will reduce odor emissions from a feedlot. Examples include biofilters, synthetic covers, natural crusts, pit additives, non-thermal plasma reactors, feed additives, or total confinement.

**Office Use** – Those commercial activities that take place in business and professional office buildings where goods are not produced, sold, or repaired. Such activities include, but are not limited to, banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.

**Official Controls** – Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, and official maps and have been adopted by Renville County.

**Official Map** – A map established by the governing body in accordance with the provisions of Minnesota Statutes, Section 394.361.

**Open Basin, Open Concrete Tank, or Any Open Manure Storage Vessel** – Any structure, or designed and approved manure storage vessel, which is not covered by a minimum of a six-inch thick layer of straw, a synthetic or floating cover, or a wooden, concrete, or glass-lined structure. All manure storage vessels not totally encompassed by one of the above-described methods shall be considered an open manure storage vessel.

**Open Sales Lot** – Any land used or occupied for the purpose of buying and selling goods and services, materials, merchandise, equipment, or real estate, excluding personal property auctions, estate sales, garage sales, or similar one-time, on-site events.

**Open Space** – Land used for agriculture, natural habitat, pedestrian corridors, trails, and/or recreational purposes that is undivided and permanently protected from future development.

**Open Space Recreational Uses** – Recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

**Open/Exterior Storage** – Storage of any material outside of a building.

**Operator, Mining** – Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

**Ordinance** – The Renville County Land Use Ordinance.

**Ordinary High Water Level (OHWL)** – The boundary of “public waters” and “wetlands” as defined by Minnesota Statutes, Chapter 103G, 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.

**Original Soil** – Naturally occurring soil that has not been cut, filled, moved, smeared, compacted, altered, or manipulated to the degree that the loading rate must be reduced from that associated with natural soil conditions.

**Other Establishments** – Any public or private structure other than a dwelling that generates sewage.

**Outdoor Kennel Area** – An enclosed outdoor area designed to allow dogs and/or domestic pets to stay without a leash.

**Outlot** – A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. An outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and, therefore, not usable as a building site.

**Outpatient Surgical, Diagnostic, Testing, and Rehabilitative Services** – Specialized services including diagnostic and treatment services provided under the direction of a licensed physician to patients not requiring hospitalization.

**Overlay District** – A zoning district shown as an overlay on the zoning map.

**Owner** – An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Panel (Solar)** – A solar photovoltaic device composed of groups of individual solar cells connected in series, in parallel, or in series-parallel combinations to produce a standard output.

**Parking Space** – A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard motor vehicle.

**Parks and Playgrounds** – Public lands and open spaces dedicated or reserved for and usable for recreational purposes.

**Pasture** – 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 water devices.

**Patio** – An open recreation area that is often paved and within one foot of pre-existing grade.

**Percentage of Grade** – “Percentage of grade” vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

**Performance Standards** – The minimum development standards as adopted by this Ordinance.

**Periodically Saturated Soil** – 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 Minnesota Rules, Part 7080.1720, Subp. 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 the Minnesota Pollution Control Agency.

**Permittee** – Any person who obtains a permit from the County pursuant to this Ordinance. A person is a permittee only for the term of the permit.

**Person** – Includes an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.

**Photovoltaic System** – An active solar energy system that converts solar energy directly into electricity.

**Pitted Barn** – A building with self-contained, concrete manure storage capabilities. The concrete manure storage vessel shall be covered by the building if directly below the building or may be located outside the building and covered with an impervious material.

**Planned Unit Development** – A method of land use or 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 that incorporates clustering of these units or sites to provide areas of common open space and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common-interest communities, shared-interest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, hotels, motels, or any combination of these. Planned unit developments shall also include any conversion of pre-existing structures and land uses in order to utilize this method of development.

**Planning Commission** – The Renville County Planning Commission.

**Plant Nursery/Tree Farm** – A building or premises used primarily for the growing, wholesale, and retail sales of trees, shrubs, flowers, other plants, and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

**Plat** – A map or drawing of a subdivision containing all elements and requirements set forth in official controls adopted pursuant to Minnesota Statutes, Chapters 394 and 505.

**Platform** – 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 less than three feet above ground.

**Pollution Abatement Structure** – Any of the defined animal manure storage systems listed within the Ordinance which are designed and constructed to collect runoff from existing open concrete feeding floors or open dirt lots which currently pose a pollution hazard to surface or groundwater of Renville County.

**Potential Pollution Hazard (Feedlot)** – A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or flood plain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of a water well.
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards including, but not limited to, Minnesota Rules, Chapters 7050, during a rainstorm event of less magnitude than the 25-year (4.9 inches), 24-hour event, or will violate any applicable state rules.

**Power Purchase Agreement** – A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

**Preliminary Approval (Subdivision)** – Official action taken by the County on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes, Section 462.358, and the applicable subdivision regulation. In accordance with Minnesota Statutes, Section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

**Preliminary Plat** – The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

**Prime Farmland** – Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

**Primitive Campsites** – An area that consists of individual remote wooded campsites.

**Principal Structure or Use** – One that determines the predominant use as contrasted to accessory use or structure.

**Private Recreational Area** – A recreation use particularly oriented to utilizing the outdoor character of an area including hiking and riding trails, interpretative areas, and other passive forms of recreation and not open to the general public.

**Private Road/Driveway** – A street/road serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

**Private Stable or Paddock** – A facility for the exclusive use of the owners or occupants of the premises on which it is located that is either: (1) a building having stalls or compartments for the shelter of horses; or (2) an enclosed area used for pasturing or exercising horses.

**Process Wastewaters** – Water and/or precipitation, including rain or snow, which comes in contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

**Property Line** – The legal boundaries of a parcel of property that may also coincide with a right-of-way line of a road, cart way, and the like.

**Protected Waters** – Those waters of the state identified as public waters or wetlands under Minnesota Statutes, Section 103G.005, Subd. 15, and inventoried under Minnesota Statutes, Section 103G.201, and identified on a protected waters inventory map available in the County Auditor/Treasurer office and the Environmental Services office.

**Public Access** – An area owned and/or operated by a governmental entity for the launching and retrieval of watercraft from the public waters or other recreational activities adjacent to public waters.

**Public Building and Facilities** – A building and its grounds the cost and maintenance of which is paid for by a government or government agency.

**Public Conservation Lands** – Land owned in fee title by state or federal agencies and managed specifically for [grassland] conservation purposes including, but not limited to, state wildlife management areas, state parks, state scientific and natural areas, federal wildlife refuges, and waterfowl production areas. For the purposes of this Ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

**Public Land** – Land owned or operated by municipal, school district, county, state, or other governmental units.

**Public Nuisances** – A public nuisance is a thing, act, occupation, or use of property which:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or peace of any considerable numbers of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way or waters used by the public.
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided (reference Minnesota Statutes, Section 609.74).

**Public Open Space** – Any publicly owned open area including, but not limited to, the following: parks, trails, playgrounds, school sites, and parkways.

**Public Utility** – Any person, firm, corporation, municipal department, or board fully authorized by the County to furnish to the public electricity, gas, steam, communication services, telegraph services, transportation, water, or other essential public services.

**Public Waters** – Any public waters or wetlands defined in Minnesota Statutes, Section 103G.005, Subd. 15, or identified as public waters or wetlands by the inventory prepared according to Minnesota Statutes, Section 103G.201.

**Qualified Employee** – A state or local government employee who designs, installs, maintains, pumps, or inspects SSTS as part of the person's employment duties.

**Quarter-Quarter Section** – A division of a section of land according to the survey and rules of the original United States Government Land Survey containing approximately 40 acres.

**Reach** – A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**Recreation/Entertainment Facilities, Commercial** – Includes all uses such as bowling alleys, roller and ice skating rinks, driving ranges, and movie theaters, but not limited to, those uses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

**Recreation Equipment** – Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 25 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding 25 square feet in floor area, or sheds utilized for storage of equipment.

**Recreation Facility, Public** – Includes all uses such as tennis courts, ball fields, picnic areas, hiking and biking trails, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

**Recreation Use Area** – The area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments, and new resorts.

**Recreational Development Lakes** – Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.



**Recreational Vehicle** – A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term “recreational vehicle” shall be synonymous with the term “travel trailer/travel vehicle.”

**Recyclable Materials** – Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Ordinance, these materials are limited to paper, glass, plastics, and metals.

**Recycling Center** – A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.

**Redoximorphic Features** – A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color or a soil matrix color controlled by the presence of ferrous iron. Redoximorphic features are described in Minnesota Rules, Part 7080.1720, Subp. 5, Item E.

**Refuse** – Putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes and including municipal treatment wastes that do not contain free moisture.

**Regional Flood** – A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

**Registered Land Survey** – A survey map identifying registered (Torrens) land in accordance with Minnesota Statutes, Chapter 508, or successor statutes.

**Regulatory Flood Protection Elevation** – An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated.

**Religious Facility** – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Replacement (ISTS)** – The removal or discontinued use of any major portion of an ISTS and reinstallation of that portion of the system, such as reinstallation of a new sewage tank, holding tank, dosing chamber, privy, or soil dispersal system.

**Replacement, Reconstruction, or Restoration** – Construction that exactly matches pre-existing conditions. By way of example, this would include, but is not limited to, exactly matching pre-existing conditions in terms of location, dimension, size, area, floor plan, useable space (both finished and unfinished), height, volume, and roof line.

**Residential Care, Congregate Care, and Assisted Living Facilities** – A building, complex, or distinct part thereof consisting of fully self-contained, individual living units with a service or package of services advertised, marketed, or otherwise described, offered, or promoted using the phrase “assisted living” either alone or in combination with other words, whether orally or in writing, and which is subject to the requirements of Minnesota Statutes, Sections 144G.01 – 144G.06, as may be amended.

**Residential Lot Suitable Area** – The minimum area on a residential lot or parcel of land 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.

**Resort** – A commercial establishment that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures, or any part thereof kept, used, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation for periods of one day, one week, or longer and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. Resorts allow no residential use of a dwelling unit/site for more than 30 days within a calendar year except dwellings used as residences for the service providers or dwelling units/sites for renters. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

**Resource Inventory** – A survey of the land’s features including its natural resources, cultural resources, scenic views and view sheds, and physical characteristics.

**Restaurant/Cafe** – A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-consume state in individual servings or in nondisposable containers and where the customer consumes these foods while seated at tables or counters located within the building.

**Right-of-Way** – The publicly owned land along a road or highway corridor, a portion of which is covered by the road or highway pavement.

**Riparian** – Land contiguous to the bank of a stream, river, creek, the shore of a lake, or the edge of a wetland.

**Road** – A public or private right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. Ingress and egress easements shall not be considered roads.

**Road Authority** – Governing body responsible for the management and maintenance of public roads and highways.

**Roadside Sales Stand** – Structure used only for the display and sale of agriculturally grown products, with no space for customers within the structure, on a seasonal basis.

**Rotor Diameter, WECS** – The diameter of the circle described by the moving motor blades.

**Runway** – A surface of any airport landing strip.

**Runway Instrument** – A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

**Salvage/Junkyard/Recyclable Center** – Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled, or handled on a commercial basis including, but not limited to, scrap metal, aluminum, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

**Scenic River District** – Those lands designated by the Commissioner of the Minnesota Department of Natural Resources as the protected land corridor along the Minnesota River that the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers System.

**Scenic View/Resources** – That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific, and manmade values.

**School** – A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary, and other instruction including, but not limited to, child day care center, kindergarten, elementary, junior high, high school, and technical or college instruction.

**Screen** – A barrier accomplished by a variety of means intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen must be at least 80 percent opaque.

**Secondary Shoreline Buffer Zone** – The land located between the shore impact zone and the structure setback.

**Security Lighting** – Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

**Selective Cutting** – The removal of single, scattered trees/vegetation.

**Self-Service Storage Facility** – A structure or structures containing separate storage spaces of varying sizes that are leased or rented individually.

**Semi-Public Uses** – Uses owned by private or private nonprofit organizations which are open to some but not all of the public such as: denominational cemeteries, private schools, clubs, lodges, recreation facilities, and religious facilities.

**Senior Independent Living Facilities** – A building, complex, or distinct part thereof consisting of fully self-contained, individual apartment units with full kitchen and restroom facilities in each unit which are specifically marketed to mature adults.

**Sensitive Resource Management** – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of plants or animals in need of special protection.

**Septage** – Solids and liquids removed from an SSTS and includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that received sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets. Waste from Type III marine sanitation devices, as defined in 33 Code of Federal Regulations, Part 159.3, and material that has come into contact with untreated sewage within the past 12 months is also considered septage.

**Septic Permit** – A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

**Setback** – The minimum horizontal distance between a structure or sewage treatment system or other facility and the ordinary high water level, top of bluff, natural resource feature, sewage treatment system, road or highway, property line, or other facility.

**Sewage** – Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes.

**Sewage Tank** – Any watertight, covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids for a detention period that provides separation of solids from liquid and digestion of

organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil dispersal system.

**Sewage Treatment System** – Sewage treatment system has the meaning given under Minnesota Rules, Part 7080.1100, Subp. 82.

**Sewer System** – Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

**Sewered** – Property that is located in the Shoreland District that is served by a public sewage treatment system or sanitary district.

**Shared-Interest Community** – Real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate and occupying a part of the real estate pursuant to a proprietary lease or covenant for residential use for more than 30 days within a year, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair, or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

**Shielding** – A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

**Shopping Center** – Any group of four or more retail/service businesses with a single architectural plan.

**Shore Impact Zone** – Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback but not less than 50 feet. This area serves as the primary shoreline buffer.

**Shore Recreation Facilities** – Swimming areas, docks, watercraft mooring areas and launching ramps, and other water recreation facilities.

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

**Sign** – A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the

general public and which directs attention to a product, place, activity, person, institution, or business.

**Sign, Abandoned** – A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where such sign is displayed.

**Sign, Agricultural Product** – Sign located on a farm residence property advertising farm products or merchandise or services sold, produced, manufactured, or furnished on such farm.

**Sign, Apartment Development** – Sign which identifies an apartment complex of eight or more units.

**Sign Area** – The area that is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures. Only one side of a double-face sign structure shall be used in computing the total sign area.

**Sign, Awning, Canopy, or Marquee** – A sign attached to or constructed on the fascia hung, painted, or attached to a canopy, awning, or marquee.

**Sign, Banner** – An attention-getting device intended to be hung either with or without a frame. Such signs are typically made of plastic, paper, or other fabric and are hung for a limited amount of time.

**Sign, Billboard/Advertising** – A sign erected along a County, state trunk, or federal highway for the purpose of advertising a business, service, activity, product, event, person, or subject not offered or sold on the premises on which said sign is located.

**Sign, Business** – A sign which directs attention to a business or profession conducted upon the premises at which the sign is located and which may refer to goods or services produced, offered for sale, or obtained at such premises.

**Sign, Changing (Automatic)** – Any sign such as electronically or electrically controlled public service information signs, message centers, or reader boards where different automatic changing messages of an informative or commercial nature of interest to the traveling public are shown.

1. **Message Center**: A sign which contains a changing message within the copy area which remains on for a specified minimum period of time and blacks out for a specified minimum of time between messages.
2. **Electronic Reader Board**: A sign which contains a traveling message, or a message which appears to be traveling, and usually in a horizontal manner. The characters incorporated into any message remain constant, and do not change in

hue or intensity, as they travel or appear to travel across or through the automatic changing copy of the sign.

3. **Public Service Information Sign**: Any sign intended primarily to promote messages of general interest to the community such as time, temperature, date, atmospheric conditions, news, or traffic control, etc.

**Sign, Construction** – A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

**Sign, Directional** – A sign that contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.

**Sign, Flashing** – An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

**Sign, Freestanding** – Any stationary, self-supporting sign standing on the ground not affixed to any other structure. Includes monument, ground, or pedestal sign.

**Sign, Garage Sale** – Signs advertising a garage sale.

**Sign, Height** – The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb to the highest point of said sign.

**Sign, Historical** – Any sign that is of historical significance or that is a historical resource.

**Sign, Home Occupation** – A sign identifying a residential professional office or home occupation, which has received a Conditional Use Permit, conducted in a portion of the home or accessory building.

**Sign, Housing Development** – Sign which identifies the name of a housing development subdivision of eight or more units.

**Sign, Identification** – A sign that identified the inhabitant of the dwelling.

**Sign, Illuminated** – Any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source.

**Sign, Institutional** – A sign identifying a religious or public institution or public recreational facility including airport, library, community center, park, religious facility, hospital, armory, school, nature center, or cemetery.

**Sign, Manufactured Park** – Sign identifying a manufactured home park of eight or more units.

**Sign, Memorial** – Names on buildings, date of construction, commemorative tablet, and the like, which are constructed of bronze or other non-combustible material and which are an integral part of the building or structure.

**Sign, Mobile or Portable** – Signs on wheels or otherwise capable of being moved from place to place.

**Sign, Motion** – Any sign that revolves, rotates, has any moving parts, or gives the illusion of motion.

**Sign, Nameplate** – A sign that states the name and/or address of the business, industry, or occupant.

**Sign, Nonconforming (Legal)** – Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance.

**Sign, Pedestal** – A ground sign usually erected on one central shaft or two posts which is solidly affixed to the ground.

**Sign, Political** – A sign on behalf of a candidate for office or measures on election ballots.

**Sign, Projecting** – A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

**Sign, Public** – Signs of public, noncommercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and the like when signs are erected by or on order of a public officer or employee in the performance of official duty.

**Sign, Real Estate** – A business sign placed upon a property advertising that particular property (land and/or buildings) for sale, rent, or for lease.

**Sign, Real Estate Development** – A temporary sign for the purpose of selling or promoting a subdivision plat or development project.

**Sign, Roof** – Any sign that is erected, constructed, or attached wholly or in part upon or over the roof of a building.

**Sign, Shopping Center or Industrial Park** – A business sign designating a group of shops or offices.

**Sign Structure** – The supports, uprights, braces, and framework of the sign.



**Sign, Unlawful** – A sign which violates the Ordinance or which the Zoning Administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.

**Sign, Wall** – A sign attached to or painted on or erected against the wall of a building with the exposed face of the sign plane parallel to the plane of the said wall.

**Sign, Window** – Signs placed inside a building for the purpose of viewing from the exterior through a window.

**Significant Historic Site** – Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**Slope** – The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

**Soil Dispersal Area** – The area required for the soil dispersal system including spacing between individual units or zones.

**Soil Dispersal System** – A system where sewage effluent is dispersed into the soil for treatment by absorption and filtration and includes, but is not limited to, trenches, seepage beds, at-grade systems, mound systems, and drip dispersal systems.

**Solar Energy** – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy Conversion System** – A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

**Solar Energy Conversion System, Accessory** – A solar panel or array mounted on a building, pole, or rack that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use.

**Solar Energy Conversion System, Solar Farms** – A solar array composed of multiple solar panels on ground-mounted racks or poles which is the primary land use for the

parcel on which it is located. Solar farms generally have a Direct Current (DC) rated capacity greater than 100 kilowatts.

**Solid Waste** – Garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, solids or dissolved material in domestic sewage, and other significant pollutants in water resources such as salt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

**Solid Waste Management Facility** – A facility for the collection, transportation, processing or reuse, conversion, or disposal of solid waste. As it pertains to this definition, facility means the land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

**Solid Waste Transfer** – A process or facility in which solid waste from collection vehicles is compacted or rearranged for subsequent transport to another location.

**Specified Anatomical Areas** – Specified anatomical areas include any of the following, whether actual or simulated: (1) less than completely and opaquely covered: (A) human genitals or pubic region, (B) buttocks, and (C) female breast below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** – Specified sexual activities means and includes any of the following: (1) the fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or (2) sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth above.

**Spillage Lighting** – Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

**SSTS** – A subsurface sewage treatment system.

**Standard Plat** – The subdivision of land into standard plats as outlined in Minnesota Statutes, Chapter 505.

**State Disposal System (SDS) Permit** – A State Disposal System Permit issued by the MPCA.

**State Licensed Residential Facility or Housing with Services Establishments** – A group home, family foster home, or other publicly supported out-of-home residential facility, including any out-of-home residential facility licensed by the state, County, or other political subdivision, or any agency thereof, to provide foster care.

**Steep Slope** – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

**Story** – That portion of a building included between the surface of any floor and the surface of the floor next above including below ground portions of earth-sheltered buildings.

**Street** – A public right-of-way that affords primary means of access to abutting property and shall also include avenue, highway, or road.

**Street, Collector or Minor Arterial** – A street that serves or is designed to serve as a traffic way for a neighborhood or to move traffic from local roads to major or arterial roads.

**Street, Cul-de-sac** – A street turn-around with only one outlet.

**Street, Local** – A street intended to serve primarily as an access to abutting properties.

**Street, Major or Arterial** – A street that serves, or is designed to serve, heavy flows of traffic between communities and/or other heavy traffic generating areas.

**Street Pavement** – The wearing or exposed surface of the roadway used by vehicular traffic.

**Street, Rural Design** – A street without curb and gutter having either paved or gravel shoulders.

**Street, Service** – Marginal access street or otherwise designated as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

**Street, Urban Design** – A street that incorporates either concrete or bituminous curb and gutter.

**Street Width** – The shortest distance between the lines delineating the roadway including shoulders or parking lanes of a street. On urban designed streets, it is face to face of curbs.

**Structural Alteration** – Any change in the supporting members of a building, such as bearing walls, columns, beams, foundation, or girders, or any substantial changes in the roof and/or exterior wall construction that would alter the dimensions of the structure.

**Structure** – Any building or accessory structure including decks, platforms, carports, sheds, and pools/tubs, except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines, towers, poles, or other supporting facilities.

**Structure (Flood Plain)** – Anything constructed or erected on the ground or attached to the ground or on-site utilities including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Chapter Nine (Flood Plain Regulations), Section 9.3.A, of this Ordinance, and other similar items.

**Subdivider** – Any person commencing proceedings under the Ordinance to effect a subdivision or re-subdivision of land hereunder for himself or for another.

**Subdivision** – The division or re-subdivision of land into two or more lots, tracts, parcels, sites, units, or interests for the purpose of offer, sale, or lease.

1. **Minor Subdivision**. Any subdivision three or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Land Use Ordinance, or these regulations.
2. **Major Subdivision**. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of an existing street.

**Substandard Shoreland Use** – Any use of shorelands 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 and length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.

**Substandard Use** – Any use within the land use district existing prior to the date of enactment of this Ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.

**Substantial Damage** – Damage of any origin sustained by a structure where the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this Ordinance, “historic structure” shall be defined in 44 Code of Federal Regulations, Part 59.1.

**Subsurface Sewage Treatment System or SSTS (See Also Individual Sewage Treatment System or ISTS)** – An individual subsurface sewage treatment system as defined in Minnesota Rules, Part 7080.1100, or a mid-sized sewage treatment system as defined in Minnesota Rules, Part 7081.0020.

**Subsurface Sewage Treatment System Business or SSTS Business** – A business that designs, installs, maintains, repairs, pumps, operates, or inspects an SSTS as appropriate with the organization’s license and qualifications.

**Suitability Analysis** – An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

**Suitable Area** – The area remaining on a lot or 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, except the ordinary high water level structure setback, are subtracted.

**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.

**Survey, Land** – The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.

**Surveyor** – A land surveyor licensed under Minnesota state laws.

**SWCD** – The Renville County Soil and Water Conservation District.

**Systems in Shoreland Areas or Wellhead Protection Areas or Systems Serving Food, Beverage, or Lodging Establishments or SWF** – Any SSTS designed and constructed:

1. In a shoreland area where land adjacent to public waters has been designated and delineated as shoreland by local ordinances as approved by the Department of Natural Resources.
2. In a wellhead protection area regulated under Minnesota Statutes, Chapter 103I.
3. For a food, beverage, and lodging establishment that is required to obtain a license under Minnesota Statutes, Section 157.16, Subd. 1, including manufactured home parks and recreational camping areas licensed according to Minnesota Statutes, Chapter 327.

**Tangent** – A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

**Tavern/Bar/Liquor Establishment** – A building with facilities for the sale/serving of beer, liquor, wine, set-ups, and short order foods.

**Temporary Asphalt or Concrete Batch Plant** – A temporary mixing plant brought in and assembled by a contractor to produce concrete or asphalt for paving projects.

**Temporary Dwelling, Agricultural Use** – A manufactured home located in an Agricultural District which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Land Use Ordinance.

**Temporary Dwelling, Care Facility** – A manufactured home which temporarily serves as a residence for a relative of the occupants residing in the primary single-family residence on the property where such relative requires care by the family.

**Temporary Dwelling, During Construction** – A manufactured home which temporarily serves as a residence for the present or potential occupant that the primary single-family residence is being constructed, reconstructed, or altered.

**Tower** – Any pile, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna or to serve as an antenna, supporting electrical generators, rotor blades, or meteorological equipment.

**Tower Accessory Structure** – A structure located at the base of the tower housing base receiving/transmitting equipment.

**Tower Height** – The height as determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antennae, rotor blades, or other attachments.

**Townhouse** – A single structure consisting of three or more dwelling units having a private entrance on the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

**Toxic and Hazardous Wastes** – A waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, or disposed of. Waste materials include, but are not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a disposal.

**Transfer of Property** – The act of a party by which the title to 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 or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

**Transmission Line** – Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Travel Trailer** – A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, jacks, houses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term “trailer” shall include camp car, camp bus, camper, and house car.

**Travel Trailer/RV Campground** – An area or premises operated as commercial accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers, and tents.

**Truck Stop Use** – A motor fuel station devoted principally to the needs of tractor-trailer units and trucks and which may include eating and/or sleeping facilities.

**Unincorporated Area** – The area outside a city.

**Unsewered** – Property that is located in the Shoreland District that is not served by a public sewage treatment system or sanitary district, but instead is served by approved individual wastewater treatment systems.

**Urgent Care Centers** – Healthcare services provided on a walk-in, no-appointment basis for acute illness or injury that is not life threatening.

**Use** – The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized, or maintained.

**Use, Accessory** – A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.

**Use, Open Space** – The use of land without a structure or including a structure incidental to the open space use.

**Use, Permitted** – A public or private use which of itself conforms to the purposes, objectives, requirements, regulations, and performance standards of a particular district.

**Use, Principal** – The main use of land or buildings as distinguished from subordinate or accessory use. A “principal use” may be either permitted or conditional.

**Variance** – A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship. A “variance” means the same as that defined in Minnesota Statutes, Section 394.27, Subd. 7.

**Vegetation, Natural** – Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

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

**Veterinary** – Those uses concerned with the diagnosis, treatment, and medical care of animals including animal or pet hospitals.



**Vicinity Map** – A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

**Warehousing** – The storage, packing, and crating of materials or equipment within an enclosed building or structure.

**Warehousing and Distribution Uses** – A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Water Management/Flood Control Structure** – A ditch, dam, floodwall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit by the DNR.

**Water-Oriented Accessory Structure or Facility** – A small building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include gazebos, screen houses, fish houses, pump houses, and detached decks and platforms. Boat houses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245, are not water-oriented accessory structures.

**Waters of the State** – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof.

**WECS, Associated Facilities** – Facilities, equipment, machinery, and other devices necessary to the operation and maintenance of a wind energy conversion system including access roads, collector and feeder lines, and substations.

**WECS, Commercial** – A WECS that is 200 feet or greater in overall tower height.

**WECS, Feeder Line** – Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

**WECS, Internal Turbine Spacing Setback** – The distance between individual wind turbines in a WECS project required by the Minnesota Public Utilities Commission to ensure that WECS projects are sited to make the best use of wind resources, prevent unnecessary production losses, and promote reliability.

**WECS, Non-Commercial** – A WECS that is less than 200 feet in overall tower height.

**WECS, Property Line** – The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

**WECS, Substations** – Any electrical facility designed to convert electricity produced by wind turbines to voltage for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.

**WECS, Wind Access Buffer Setback** – The distance between WECS projects required by the Minnesota Public Utilities Commission to protect the wind and property rights of persons outside the permitted project boundary and persons within the project boundary who are not participating in the project.

**WECS – Wind Energy Conversion System** – A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy including, but not limited to, power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.

**Well Contamination Source** – All contamination sources as listed in Minnesota Rules, Chapter 4725.4450.

**Wellhead Protection Plan** – A plan developed for the protection of a public water supply.

**Wetland** – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

**Wholesale Business Use** – The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

**Wildlife Management Area** – A lot or lots where the main land use is for promotion of wildlife through raising of feed or provision of environmental conditions.

**Wind Easement** – A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of

any owner of land or air space for the purpose of ensuring adequate exposure of a wind power system to the winds.

**Wind Turbine** – Any piece of electrical-generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

**Windbreak** – Strips, rows, or groups of trees and/or shrubs planted and maintained to alter wind flow and microclimate, thereby protecting a specific area.

**Yard** – The open space on an occupied lot that is not covered by any structure.

**Yard, Front** – A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

**Yard, Rear** – The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

**Yard, Required** – A yard area that may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.

**Yard, Side** – The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

**Yard Waste** – Garden waste, leaves, lawn cuttings, weeds, and tree or shrub prunings generated at residential or commercial properties.

**Yard Waste Facility** – Any site used for the composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.

**Youth Camp** – An establishment organized, developed, managed, and operated under supervision for the primary purpose of education, recreation, health, or similar purpose for young persons less than 21 years of age. These establishments must be primarily service-oriented for transient lodging of youth.

**Zoning Administrator** – The duly appointed person charged with enforcement of this Ordinance.

**Zoning District** – An area or areas within the County for which the regulations and requirements of this Ordinance are applied.

**Zoning/Land Use Ordinance** – An ordinance adopted by Renville County regulating the use of land.

**Zoning/Land Use Permit** – A document issued by the Zoning Administrator to permit construction or the establishment of, but not limited to, all buildings, building additions, structures, towers, temporary grading, shoreland repairs, vegetation alterations, sewer systems, modular/pre-fabricated homes, all farm buildings, grain bins, silos, etc.

**Zoning Map** – The official Renville County map or maps incorporated into this Ordinance as a part thereof delineating the boundaries of the zoning districts.

### ***SECTION 3. GENERAL PROVISIONS***

1. Rules of Interpretation.
  - A. In the event of conflicting provisions within the chapters of the Renville County Land Use Ordinance, statute, resolution, or regulation of any kind, the more restrictive provision shall apply.
  - B. In the application of this Ordinance, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Ordinance.
  - C. Properties that lie in an overlay district are subject to regulations for that overlay district as well as the regulations in the other chapters of this Ordinance.
  - D. The words and phrases used in this Ordinance shall be construed in their plain, ordinary, and usual sense except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.
  - E. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure or to carry on any trade, industry, occupation, or activity.
  - F. Except as provided herein, the provisions of this Ordinance are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Ordinance.
2. Separability. It is hereby declared to be the intent that provisions of this regulation are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
  - B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
3. Compliance. Except as this chapter specifically provides:
- A. No structure shall be erected, expanded, enlarged, intensified, or moved unless in conformity with the regulations specified in this Ordinance.
  - B. No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with all the regulations contained in this Ordinance.

#### ***SECTION 4. ADMINISTRATION***

- 1. Land Use Ordinance Administration. Renville County Environmental Services (“Department”) shall administer the provisions of this Ordinance.
- 2. Powers and Duties. The Department shall have the following powers and duties:
  - A. Review all matters pertaining to applications and enforcement of this Ordinance.
  - B. Review all applications for permits and issue permits for applications that are in compliance with the regulations contained in this Ordinance.
  - C. Conduct compliance and other inspections to determine compliance with the terms of this Ordinance. If violations are discovered, the Department shall notify in writing persons responsible for violations and take such other steps as are necessary to ensure compliance with this Ordinance.
  - D. Review and approve all minor subdivisions created in the unincorporated areas of the County.
  - E. Maintain permanent and current records of all action taken pursuant to the Ordinance including, but not limited to, all maps, amendments, Zoning Permits, Conditional Use and Interim Use Permits, Variances, appeals, and applications.

- F. Receive, file, and forward all applications for appeals, Variances, plats, conditional uses, interim uses, or other matters to the Planning Commission and/or Board of Adjustment and Appeals and provide additional information and recommendations as may be necessary for action to be taken.
  - G. Initiate, with the advice and consent of the Attorney, in the name of the County, any appropriate legal actions or proceedings against a violator as provided for in this Ordinance.
  - H. Collect fees, as set by resolution of the Board, for all applications, permits, or other matters covered under the provisions of this Ordinance.
  - I. Assist the public in complying with and understanding their responsibilities and rights under this Ordinance.
3. Enforcement Actions.
- A. Abatement Order. An abatement order may be issued by the Department to correct or abate any violation of the provisions of this Ordinance following a reasonable investigation and determination whether or not a violation exists. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:
    - i. A date by which the property owner shall complete abatement and obtain a letter of satisfaction from the Department.
    - ii. The action on the part of the property owner to eliminate or resolve the violation.
    - iii. Advise the property owner that failure to comply with the abatement order is a violation of this Ordinance.
    - iv. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment and Appeals within 10 business days of receipt of the abatement order.
  - B. Stop Work Order. The Department may issue a written stop work order upon the determination that construction, excavation, or any other activity regulated by this Ordinance is taking place without authorization by the County. This order shall detail the violations, the remedies necessary to correct the violations, and the time frame allowed in which the property owner is to correct the violations. The order shall also indicate that the property owner has 10 business days from the receipt of the stop work order to appeal the order to the Board of Adjustment and Appeals. Upon

receipt of a stop work order, the person conducting the construction, excavation, or other activity regulated by this Ordinance shall immediately cease the activity until authorization for such activity is granted by the Department. Each day that a violation continues shall constitute a separate offense.

#### ***SECTION 5. BOARD OF ADJUSTMENT AND APPEALS***

1. Duties and Responsibilities. There is hereby established the Renville County Board of Adjustment and Appeals (“BOAA”) which shall have the following powers with respect to the Renville County Land Use Ordinance:
  - A. Administrative Appeals. The BOAA shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator with respect to the administration of the Renville County Land Use Ordinance.
  - B. Variances. The BOAA shall have the exclusive power to order the issuance or denial of Variances from the terms of any official control including restrictions placed upon nonconformities.
  - C. Official Map Appeals. The BOAA shall hear and decide an appeal by the owner of land who has been denied a permit to build within the limits of land delineated on an official map.
2. BOAA Membership and Meetings.
  - A. The BOAA shall consist of five members. One member shall be appointed from each of the five commissioner districts. At least one member shall also be a member of the Planning Commission. No elected official of the County or any employee of the County shall serve as a member of the BOAA.
  - B. Member Terms. Each member shall serve for a period of three years, and the terms of the members shall be staggered so that no more than two terms expire in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term; provided, however, that any member shall continue to serve after the expiration of their term until a successor is appointed. No member shall serve more than four consecutive terms of appointment. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the Board.
  - C. Election of Officers and Rules for Proceedings. At its first meeting of the calendar year, the BOAA shall elect a chair and vice-chair from its members and shall appoint a recording secretary who need not be a

member of the BOAA. Subject to such limitations as may be imposed by the Board, the BOAA may adopt rules for the conduct of proceedings before it. The BOAA shall provide for a record of its proceedings that shall include minutes of its meetings, its findings of fact, and the action taken on each matter heard by it including the final order.

- D. Meetings and Quorum. The meeting of the BOAA shall be held at the call of the Department or the BOAA Chair. A majority of the BOAA shall constitute a quorum, and a majority vote of that quorum is sufficient to conduct business and take action. The BOAA Chair has full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a BOAA member from voting shall be decided by a majority vote of all members except the member being challenged following legal review by the Attorney. In the event that the disqualification of a member due to conflict of interest results in less than a quorum (three members) of the BOAA for a meeting, no further action can be taken on that matter before the BOAA.
  - E. Compensation. The members of the BOAA may be compensated in an amount determined by the Board for their necessary expenses to attend meetings and conduct business of the BOAA including mileage and trainings.
3. Appeals Process.
- A. Notice and Hearing Procedures.
    - i. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the BOAA and establish a date and time for a public hearing on the application.
    - ii. The BOAA shall hold a public hearing for all Variances and appeals. Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the township, municipality, or other area concerned and in the official newspaper designated by the Board at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and the City Council of any municipality within two miles of the affected property. In unincorporated areas of the County, property owners of record within 500 feet of the affected property shall be notified in writing of the public hearing for any application for a Variance except that in the case of an official map appeal, written



notice must be sent to property owners of record within one-half mile of the affected property.

- iii. All written notice shall be mailed no less than 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate any proceedings provided a bona fide attempt to comply with this section has been made.
- iv. The applicant or his/her representative shall appear before the BOAA in order to address questions regarding the proposed application.
- v. The BOAA and Department shall have the authority to request additional information from the applicant in the case of an appeal or application for a Variance that is declared necessary to verify information or establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for the denial of the request or appeal.

B. BOAA Findings of Fact and Certification of Final Action.

- i. In conducting a public hearing in any case of an appeal or application for a Variance, the BOAA shall prepare written findings of fact setting forth its findings and reasons for its decision.
- ii. The BOAA shall forward to the Zoning Administrator the written findings of fact and its order regarding the appeal or Variance application. The Zoning Administrator shall then file a certified copy of the BOAA's order with the County Recorder. After recording, a copy of the BOAA's order shall be sent to the affected Township Board of Supervisors and to the applicant.

4. Administrative Appeals.

A. A decision by the Zoning Administrator may be appealed by any aggrieved party within 10 calendar days from the date of the decision by filing with the Department a written notice of appeal. The notice of appeal shall state:

- i. The particular order, requirement, decision, or determination from which the appeal is taken.
- ii. The name and address of the appellant.

- iii. The grounds for appeal.
  - iv. The relief requested by the appellant.
- B. The BOAA shall follow the appeals process as outlined in Section 5.3 of this chapter in making a decision on an administrative appeal. The BOAA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
5. Variances.
- A. Application Process.
- i. An application for a Variance shall be filed with the Zoning Administrator on forms provided by the Department. The application shall be accompanied by a copy of the deed or certified survey of the property, a site plan, and any other information the Zoning Administrator may require for purposes of administering this Ordinance.
  - ii. An applicant must have an ownership interest in the property for which the application is made.
  - iii. If the application does not contain all required information, the Zoning Administrator, upon receipt of the application, shall notify the applicant, in writing, within 15 business days or as amended by Minnesota Statutes, Chapter 15.99, noting what information is missing.
- B. Re-application. No application for the same Variance as ruled upon by the BOAA shall be resubmitted for a period of 12 months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.
- C. Criteria for Considering Variances.
- i. Variances may be granted when it is determined that there are practical difficulties in complying with the official controls. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Land Use Ordinance and when they are consistent with the Comprehensive Plan.

- ii. A Variance may be granted only where the strict enforcement of County zoning controls will result in “practical difficulties.” A determination that a “practical difficulty” exists is based upon the consideration of the following criteria:
    - a. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
    - b. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?
    - c. Will the Variance maintain the essential character of the locality?
    - d. Does the need for a Variance involve more than economic considerations?
  - iii. The BOAA will evaluate the facts according to the criteria set forth in this chapter in deciding whether to approve or deny a Variance application.
  - iv. Where, in the opinion of the BOAA, a Variance may result in an adverse effect on the environment, the applicant may be requested by the BOAA to demonstrate the nature and extent of that effect.
  - v. It is the responsibility of the applicant to present facts to the BOAA sufficient to prove that the criteria for the approval of a Variance have been satisfied.
- D. Variance Conditions. The BOAA may impose conditions in the granting of Variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the Variance.
- E. Township Consideration. In exercising its power under this chapter, the BOAA shall take into consideration the affected town board’s recommendations when making its decision.
- F. Expiration of Variance. A Variance shall expire and be considered null and void one year after the BOAA’s final decision to grant the Variance if the use or construction for which the Variance was granted has not begun. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. One administrative extension of up

to one year may be granted by the Director of the Department upon written request of the property owner, no less than 30 days prior to expiration of the Variance, provided there is reasonable cause found for granting the extension.

- G. Use Variance. No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

6. Official Map Appeals.

- A. Any denial of a land use permit by the Zoning Administrator pursuant to an official mapping regulation may be appealed by any aggrieved party within 30 calendar days from the date of such decision by filing with the Zoning Administrator a written notice of appeal. The notice of appeal shall state:

- i. The name and address of the appellant.
- ii. The particular order, requirement, decision, or determination from which the appeal is taken.
- iii. The grounds for appeal.
- iv. The relief requested by the appellant.

- B. The BOAA shall follow the appeals process as outlined in Section 5.3 of this chapter in making a decision on an administrative appeal. The BOAA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

- C. The BOAA shall consider the following criteria in making its determination of an appeal on the issuance of a land use permit:

- i. Will the property owner suffer a substantial loss in yield of a reasonable return on the entire property unless a land use permit is granted?
- ii. Will the granting of a land use permit best serve the interest of justice and fairness by balancing the interest of the County in preserving the integrity of the official map and the Comprehensive Plan and the interest of the property owner in the use of the property?

- D. If the BOAA authorizes issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted.
7. Record of BOAA Orders. A certified copy of any order issued by the BOAA for an appeal or a request for a Variance shall be filed with the Office of the County Recorder. The order issued by the BOAA shall include the legal description of the property involved. The Department shall maintain a record of all orders issued by the BOAA. A copy of the filed order shall be mailed to the applicant and affected Board of Township Supervisors.
  8. Judicial Appeals. All decisions by the BOAA in approving or denying Variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final. The findings of fact and decision shall be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings of fact and decision shall also be made available for public inspection in the office of Renville County Environmental Services. Any aggrieved person may appeal the decision of the BOAA to Renville County District Court pursuant to Minnesota Statutes, Section 394.27, Subd. 9, or successor statutes, within 30 days of notice of the decision.

***SECTION 6. PLANNING COMMISSION***

1. Duties and Responsibilities. There is hereby created a Renville County Planning Commission whose duties and responsibilities shall consist of the following:
  - A. To study, report, and make recommendations on amendments to the official controls including the Ordinance and official maps and the Comprehensive Plan prior to adoption of the amendment by the Board.
  - B. To conduct public hearings, review all applications, and prepare a report and recommendation to the Board on the following:
    - i. Conditional Use and Interim Use Permits.
    - ii. Major plats for subdivisions of land.
    - iii. Planned unit developments.
    - iv. Plans for public land acquisition and development.
  - C. To conduct hearings and make recommendations to the Board on alleged violations of condition(s) contained in Conditional Use and Interim Use Permits.

- D. Such other duties as the Renville County Board of County Commissioners may prescribe.
2. Commission Membership and Meetings.
- A. The Commission shall be composed of seven members. One member shall be appointed from each of the five commissioner districts with two members appointed at-large that shall not be from the same district. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County.
  - B. Member Terms. Each citizen member serves for a period of three years with the terms being staggered such that no more than three members' terms expire in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term; provided, however, that any member shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms of appointment. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the Board.
  - C. Election of Officers and Rules for Proceedings. At the first meeting of the calendar year, the Planning Commission shall elect a chair and vice-chair from its members and shall appoint a recording secretary who need not be a member of the Planning Commission. Subject to such limitations as may be imposed by the Board, the Planning Commission may adopt rules for the conduct of proceedings before it. The Planning Commission shall provide for a record of its proceedings that shall include minutes of its meetings, its findings of fact, and the action taken on each matter heard by it including the final recommendation.
  - D. Meetings and Quorum. The meetings of the Planning Commission shall be held at the call of the Department or the Planning Commission Chair. A majority of the members shall constitute a quorum, and a majority of the quorum is sufficient to conduct business and take action. The Planning Commission Chair has full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Planning Commission member from voting shall be decided by a majority vote of all members except the member being challenged following legal review by the Attorney. In the event that the disqualification of a member due to conflict of interest results in less than a quorum (four members) of the Planning Commission for a meeting, no further action can be taken on that matter before the Planning Commission.

- E. Compensation. The members of the Planning Commission may be compensated in an amount determined by the Board for their necessary expenses to attend meetings and conduct business of the Planning Commission including mileage and trainings.

**SECTION 7. CONDITIONAL USES**

Certain conditions protecting the public interest may be applied to the issuance of a Conditional Use Permit, and a periodic review of the permit may be required. A Conditional Use Permit shall be required in the following instances:

- Proposed Uses. Only those uses listed as conditional uses within the applicable primary district or overlay district may be allowed through issuance of a Conditional Use Permit.
  - Existing Uses. All uses existing at the time of adoption of this Ordinance that now require a Conditional Use Permit may continue subject to the performance standards contained in this Ordinance. Any enlargement, structural alteration, modification or addition, or intensification of the use shall require a Conditional Use Permit, and the use shall be subject to the criteria and procedures for issuance of a Conditional Use Permit set forth in this Ordinance.
1. Application Process.
    - A. An application for a Conditional Use Permit shall be filed with the Zoning Administrator on forms provided by the Department.
    - B. The application shall include the following information as deemed necessary by the Zoning Administrator or by the Planning Commission:
      - i. A completed application form signed and dated by the applicant and property owner(s) and all applicable fees paid.
      - ii. Written description of the intended type of business, use, or activity to be conducted on the property.
      - iii. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery, and equipment to be used on the property.
      - iv. Days and hours of operation.
      - v. Number of employees including subcontractors (full-time and part-time).

- vi. Site plan drawn to scale including the following information:
  - a. Date of preparation, scale north arrow, property lines, and property dimensions.
  - b. Existing and proposed buildings, well, septic system (or other restroom facilities), driveway access(s), and public or private easements, wooded areas, wetlands, drainageways, watercourses, location of roads, railroads, utilities, exterior lighting, parking areas, site stormwater drainage patterns, wells, fences, and outside storage areas.
  - c. Existing vegetation and proposed plantings.
  - d. Existing and proposed signage including a dimensional diagram of all proposed signage.
- vii. Septic System Certificate of Compliance and well information (areas not served by public sewer and water).
- viii. Written description of any hazardous materials that will be generated or stored and method of disposal.
- ix. A certificate of liability insurance.
- x. Property deed or certificate of survey.
- xi. Construction plans and building elevations (if new construction).
- xii. Grading and drainage plan.
- xiii. Estimate of the life expectancy of the use.
- xiv. Soil erosion control plan (if required).
- xv. Wetland impact approval (if applicable).
- xvi. Building floor plan including dimensions.
- xvii. Reclamation plan (if required).
- xviii. Handicap accessibility plan (if required).
- xix. All required state or federal permits or licenses.
- xx. Waste management plan.



- xxi. Proof of ownership or legal interest in the property.
  - xxii. Any additional information required by this Ordinance or requested by the Zoning Administrator or the Planning Commission specific to the request.
- C. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing, within 15 business days or as amended by Minnesota Statutes, Chapter 15.99, if the application is found to be incomplete noting what information is missing.
2. Notice and Hearing Procedure.
- A. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a date and time for a public hearing on the application.
  - B. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the township, municipality, or other area concerned and in the official newspaper designated by the Board at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and to the City Council of any municipality located within two miles of the affected property. In unincorporated areas of the County, property owners of record within one-quarter mile of the affected property or the 10 properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing for any application for a Conditional Use Permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed public hearing to property owners within the incorporated area located within 500 feet of the subject site.
  - C. All written notifications shall be mailed 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply has been made.
  - D. The applicant or his/her representative shall appear before the Planning Commission in order to answer questions concerning the proposed Conditional Use Permit application.
  - E. The Planning Commission and Department shall have the authority to request additional information from the applicant concerning a

Conditional Use Permit application that is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

3. Criteria for Considering Conditional Use Permits.
  - A. In reviewing an application for a Conditional Use Permit, the Planning Commission shall determine if the proposed use is in harmony with the general purpose and intent of the Land Use Ordinance and Comprehensive Plan. In making a determination, the Planning Commission shall consider and make findings on the following criteria:
    - i. The impact of the proposed use on the health, safety, and general welfare of the residents in the surrounding neighborhood.
    - ii. The effect of the proposed use on existing public utilities, public services, parks, roads (including traffic and parking), and schools.
    - iii. The effect of the proposed use on property values and future development of land in the surrounding neighborhood.
    - iv. The ability of the proposed use to meet goals and policies adopted in the Comprehensive Plan.
    - v. The ability of the proposed use to meet the standards of the Zoning Ordinance or any applicable Minnesota rule or statute or federal law including a determination that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
    - vi. The effects of the proposed use on the environment including its impact on groundwater, surface water, and air quality.
    - vii. The effect of the proposed use on existing natural, historic, or scenic views or features in the surrounding neighborhood.
  - B. It is the responsibility of the applicant to present facts sufficient to prove that the criteria for approval of a Conditional Use Permit have been satisfied.
4. Planning Commission Findings of Fact and Recommendation. In conducting a public hearing, the Planning Commission shall make written findings of fact stating the reason for its recommendation to approve or deny the Conditional Use Permit application. The Planning Commission shall forward its written findings

of fact and a recommendation to the Board which shall be considered by the Board along with other relevant evidence presented in making its decision.

5. Notice and Certification of Final Action.
  - A. The Board shall make a decision to approve or deny the application based on the evidence presented and shall make written findings of fact in support of its decision within the time permitted by Minnesota Statutes, Chapter 15.99, as amended. If it grants the Conditional Use Permit, the Board may impose conditions it considers necessary to protect the public health, safety, and welfare. Such conditions will be administratively reviewed and, if violated, the Board may take action to order the revocation of the permit.
  - B. The Board shall forward to the Zoning Administrator the written findings of fact and its order regarding the Conditional Use Permit application. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and to the affected Board of Township Supervisors.
6. Judicial Appeals. All decisions by the Board shall be final. The findings of fact and decision shall also be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings of fact and decision shall also be made available for public inspection in the office of Renville County Environmental Services. Any aggrieved person may appeal the decision of the Board to Renville County District Court pursuant to Minnesota Statutes, Section 394.27, Subd. 9, or successor statutes, within 30 days of notice of the decision.
7. Monitoring Costs. The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.
8. Nonconformities. In connection with the issuance of Conditional Use Permits to nonconforming situations, the Planning Commission may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.
9. Compliance. The use shall conform to the applicable sections of this Ordinance.
10. Terms and Conditions. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms and any conditions designated in the permit. Conditional Use Permits shall remain in

effect for so long as the conditions agreed upon are observed provided that nothing in this section shall prevent the Board or the Planning Commission from acting or amending official controls to change the status of conditional uses.

11. **Permit Re-application.** No application for a Conditional Use Permit shall be resubmitted for a period of 12 months from the date of an order of denial of the previous application, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
12. **Permit Recording.** A certified copy of a Conditional Use Permit shall be filed with the office of the County Recorder. The Conditional Use Permit shall include the legal description of the property involved. The Department shall be responsible for the document recording requirements of this section and shall maintain a record of all Interim Use Permits issued. A copy of the filed Conditional Use Permit shall be mailed to the applicant and affected Board of Township Supervisors.
13. **Conditional Use Permit Amendments.** Amendments to a Conditional Use Permit shall be limited to requests for changes in specific conditions of the existing permit. A request to amend an existing Conditional Use Permit shall be administered in the same manner that is required for a new Conditional Use Permit application.
14. **Conditional Use Permit Expiration.** A Conditional Use Permit shall expire one year after the Board's final decision to grant the permit if no construction has begun or if the use for which the Conditional Use Permit was granted has not been established. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls or other portions of a building.
15. **Revocation of Conditional Use.**
  - A. A violation of this Ordinance or any condition set forth in a Conditional Use Permit shall be a violation of both the permit and this Ordinance.
  - B. Failure to correct a violation within 30 days of written notice from the Zoning Administrator shall be grounds to revoke a Conditional Use Permit through the following procedure:
    - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Conditional Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the Board.

The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.

- ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 7.2 of this chapter.
- iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the Board. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment of the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
- iv. The Board shall accept, reject, or modify the recommendation of the Planning Commission. In the event the Board rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
- v. Following the Board's action, the Board shall forward to the Zoning Administrator its findings of fact and order supporting its decision regarding the revocation of the Conditional Use Permit. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and to the affected Board of Township Supervisors.
- vi. Revocation of the permit shall be effective upon delivery of the Board's order to the permit holder.

### ***SECTION 8. INTERIM USES***

Certain land development uses are designated as interim uses under this Ordinance. Conditions, in order to protect the public interest, may be applied to the issuance of an Interim Use Permit; and a periodic review of the permit may be required. Under Minnesota Statutes, Section 394.303, an Interim Use Permit may be granted if:

- The use conforms to the zoning regulations;
- The date or event that will terminate the use can be identified with certainty;

- Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
  - The user agrees to any conditions that Renville County deems appropriate for permission of the use.
1. Application Process.
    - A. An application for an Interim Use Permit shall be filed with the Zoning Administrator on forms provided by the Department.
    - B. The application shall include the following information as deemed necessary by the Zoning Administrator or by the Planning Commission:
      - i. A completed application form signed and dated by the applicant and property owner(s) and all applicable fees paid.
      - ii. Written description of the intended type of business, use, or activity to be conducted on the property.
      - iii. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery, and equipment to be used on the property.
      - iv. Days and hours of operation.
      - v. Number of employees including subcontractors (full-time and part-time).
      - vi. Site plan drawn to scale including the following information:
        - a. Date of preparation, scale north arrow, property lines, and property dimensions.
        - b. Existing and proposed buildings, well, septic system (or other restroom facilities), driveway access(s), and public or private easements, wooded areas, wetlands, drainageways, watercourses, location of roads, railroads, utilities, exterior lighting, parking areas, site stormwater drainage patterns, wells, fences, and outside storage areas.
        - c. Existing vegetation and proposed plantings.
        - d. Existing and proposed signage including a dimensional diagram of all proposed signage.

- vii. Septic System Certificate of Compliance and well information (areas not served by public sewer and water).
- viii. Written description of any hazardous materials that will be generated or stored and method of disposal.
- ix. A certificate of liability insurance.
- x. Property deed or certificate of survey.
- xi. Construction plans and building elevations (if new construction).
- xii. Grading and drainage plan.
- xiii. Estimate of the life expectancy of the use.
- xiv. Soil erosion control plan (if required).
- xv. Wetland impact approval (if applicable).
- xvi. Building floor plan including dimensions.
- xvii. Reclamation plan (if required).
- xviii. Handicap accessibility plan (if required).
- xix. All required state or federal permits or licenses.
- xx. Waste management plan.
- xxi. Proof of ownership or legal interest in the property.
- xxii. Any additional information required by this Ordinance or requested by the Zoning Administrator or the Planning Commission specific to the request.

C. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing, within 15 business days or as amended by Minnesota Statutes, Chapter 15.99, if the application is found to be incomplete noting what information is missing.

2. Notice and Hearing Procedure.

A. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a date and time for a public hearing on the application.

- B. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the township, municipality, or other area concerned and in the official newspaper designated by the Board at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and to the City Council of any municipality located within two miles of the affected property. In unincorporated areas of the County, property owners of record within one-quarter mile of the affected property or the 10 properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing for any application for an Interim Use Permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed public hearing to property owners within the incorporated area located within 500 feet of the subject site.
  - C. All written notifications shall be mailed 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply has been made.
  - D. The applicant or his/her representative shall appear before the Planning Commission in order to answer questions concerning the proposed Interim Use Permit application.
  - E. The Planning Commission and Department shall have the authority to request additional information from the applicant concerning an Interim Use Permit application that is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
3. Criteria for Considering Interim Use Permits.
- A. In reviewing an application for an Interim Use Permit, the Planning Commission shall determine if the proposed use is in harmony with the general purpose and intent of the Land Use Ordinance and Comprehensive Plan. In making a determination, the Planning Commission shall consider and make findings on the following criteria:
    - i. The impact of the proposed use on the health, safety, and general welfare of the residents in the surrounding neighborhood.



- ii. The effect of the proposed use on existing public utilities, public services, parks, roads (including traffic and parking), and schools.
  - iii. The effect of the proposed use on property values and future development of land in the surrounding neighborhood.
  - iv. The ability of the proposed use to meet goals and policies adopted in the Comprehensive Plan.
  - v. The ability of the proposed use to meet the standards of the Zoning Ordinance or any applicable Minnesota rule or statute or federal law including a determination that the use is allowed with an Interim Use Permit in the designated zoning district in which it is proposed.
  - vi. The effects of the proposed use on the environment including its impact on groundwater, surface water, and air quality.
  - vii. The effect of the proposed use on existing natural, historic, or scenic views or features in the surrounding neighborhood.
- B. It is the responsibility of the applicant to present facts sufficient to prove that the criteria for approval of an Interim Use Permit have been satisfied.
4. Planning Commission Findings of Fact and Recommendation. In conducting a public hearing, the Planning Commission shall make written findings of fact stating the reason for its recommendation to approve or deny the Interim Use Permit application. The Planning Commission shall forward its written findings of fact and a recommendation to the Board which shall be considered by the Board along with other relevant evidence presented in making its decision.
5. Notice and Certification of Final Action.
- A. The Board shall make a decision to approve or deny the application based on the evidence presented and shall make written findings of fact in support of its decision within the time permitted by Minnesota Statutes, Chapter 15.99, as amended. If it grants the Interim Use Permit, the Board may impose conditions it considers necessary to protect the public health, safety, and welfare. Such conditions will be administratively reviewed and, if violated, the Board may take action to order the revocation of the permit.
  - B. The Board shall forward to the Zoning Administrator the written findings of fact and its order regarding the Interim Use Permit application. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order

shall be sent to the applicant and to the affected Board of Township Supervisors.

6. **Judicial Appeals.** All decisions by the Board shall be final. The findings of fact and decision shall also be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings of fact and decision shall also be made available for public inspection in the office of Renville County Environmental Services. Any aggrieved person may appeal the decision of the Board to Renville County District Court pursuant to Minnesota Statutes, Section 394.27, Subd. 9, or successor statutes, within 30 days of notice of the decision.
7. **Monitoring Costs.** The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Interim Use Permit.
8. **Existing Uses.** All uses existing at the time of adoption of this chapter that now require an Interim Use Permit may continue in the same manner of operation as the use did upon the effective date of this chapter as amended. Any enlargement, structural alteration, or intensification of use shall require an Interim Use Permit as provided for in this chapter.
9. **Permit Re-application.** No application for an Interim Use Permit shall be resubmitted for a period of 12 months from the date of an order of denial of the previous application, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
10. **Permit Recording.** A certified copy of an Interim Use Permit shall be filed with the office of the County Recorder. The Interim Use Permit shall include the legal description of the property involved. The Department shall be responsible for the document recording requirements of this section and shall maintain a record of all Interim Use Permits issued. A copy of the filed Interim Use Permit shall be mailed to the applicant and affected Board of Township Supervisors.
11. **Interim Use Permit Amendments.** Amendments to an Interim Use Permit shall be limited to requests for changes in specific conditions of the existing permit. A request to amend an existing Interim Use Permit shall be administered in the same manner that is required for a new Interim Use Permit application.
12. **Interim Use Permit and Ownership Transfer.** The Interim Use Permit shall be issued to a specific applicant/owner for a specific use. If the applicant/owner or the use changes, the Interim Use Permit shall become void.
13. **Interim Use Permit Expiration.** An Interim Use Permit shall expire one year after the Board's final decision to grant the permit if no construction has begun or if the

use for which the Interim Use Permit was granted has not been established. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. An Interim Use Permit shall also expire if the use is discontinued for a minimum of one year measured from the last day the use was in normal operation.

14. Revocation of Interim Use.

- A. A violation of this Ordinance or any condition set forth in an Interim Use Permit shall be a violation of both the permit and this Ordinance.
- B. Failure to correct a violation within 30 days of written notice from the Zoning Administrator shall be grounds to revoke an Interim Use Permit through the following procedure:
  - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Interim Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the Board. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
  - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 7.2 of this chapter.
  - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the Board. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment of the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
  - iv. The Board shall accept, reject, or modify the recommendation of the Planning Commission. In the event the Board rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
  - v. Following the Board's action, the Board shall forward to the Zoning Administrator its findings of fact and order supporting its decision regarding the revocation of the Interim Use Permit. The Zoning Administrator shall then file a certified copy of the Board's

order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and to the affected Board of Township Supervisors.

- vi. Revocation of the permit shall be effective upon delivery of the Board's order to the permit holder.

15. Interim Use Permit Termination. An Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- A. The date or event stated in the permit; or
- B. A violation of conditions under which the permit was issued; or
- C. A change in the Land Use Ordinance rendering the use nonconforming.

Following verification of any one of the termination events, the Zoning Administrator shall, following issuance of a 30-day notice of permit termination to the permit holder or property owner, file a notice of termination in the office of the County Recorder.

#### ***SECTION 9. OTHER REQUIRED PERMITS***

1. Land Use Permit.

- A. No structure shall be erected, expanded, enlarged, intensified, or moved in without the issuance of a land use permit by the Department. Portable structures of 150 square feet or less that comply with all Ordinance performance standards are exempt from obtaining a land use permit.
- B. No site preparation work including rough grading, driveway construction, footing excavation, tree removal, or other physical changes to the site shall occur prior to the issuance of a land use permit and other required permits unless prior approval has been granted by the Department.

2. Subsurface Sewage Treatment System (SSTS) Construction Permit. An SSTS construction permit is required prior to the installation, replacement, or repair of an SSTS. Approval and issuance of an SSTS construction permit must be obtained in conjunction with the issuance of a land use permit by the Department for any use requiring on-site sewage treatment and disposal.

3. Driveway Access Permits. Access drives onto County roads shall require an access permit from the County Public Works Division. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. All other driveway access permits shall be approved by the

governing road authority. All access drive permits shall be issued in conjunction with the issuance of a land use permit.

4. **Animal Feedlot Permit.** A Construction Short-Form, a National Pollutant Discharge Elimination System Permit (NPDES), a State Disposal System Permit (SDS), or an Interim Permit may be required to construct or operate a new or expanded feedlot capable of holding 300 animal units or more or a new or expanded or modification of an existing liquid or solid manure storage area. For the purpose of this section, a manure storage facility shall be considered a part of any animal feedlot.
5. **Land Alteration and Grading Permit.**
  - A. A land alteration and grading permit is required for:
    - i. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones.
    - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
    - iii. Grading and excavating of 500 cubic yards or more of material per project.
    - iv. Removal or alteration of vegetation in shoreland and bluff impact zones.
  - B. Projects for which a permit has been issued including agricultural activities, road construction projects, excavations necessary for the construction of structures, sewage treatment systems, driveways, and subdivisions that have received final plat approval do not require the issuance of a separate land alteration grading permit.
6. All permits shall expire and be considered null and void one year after they have been issued if no construction has begun or if the use has not been established.

#### ***SECTION 10. ENVIRONMENTAL REVIEWS***

The provisions of the rules for the Environmental Review Program, Minnesota Rules, Chapter 4410, or as amended are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Renville County will follow in implementing the provisions of Minnesota Statutes, Chapter 116D, relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board.

The applicant of a use or project for which an environmental review is required, either by state law or by the Board, shall pay all costs of preparation and review and shall supply all information reasonably requested by Renville County Environmental Services to complete the document.

No use or project for an action for which an environmental review is required shall be issued any County permits until all costs for preparation and review are paid by the applicant, all information required is supplied, and until the environmental review process has been completed as provided in this Ordinance and Minnesota Rules, Chapter 4410.

### ***SECTION 11. NONCONFORMITIES***

Within the districts established by this Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Ordinance an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations contained in this Ordinance. It is the intent of this Ordinance to regulate such nonconforming situations in such a way that they can continue but will ultimately be phased out by limiting their enlargement, expansion, intensification, re-establishment after discontinuance or abandonment, or restoration after damage or destruction in order to bring uses and structures into conformity with goals, objectives, and policies of the Renville County Comprehensive Plan. A nonconformity that is determined by the Renville County Board of County Commissioners to be detrimental to the achievement of the goals and objectives of the Comprehensive Plan may be acquired by the Board by purchase. An unlawful or illegal use of a property or structure as of the effective date of this Ordinance shall not be interpreted to be a nonconforming situation. A nonconforming situation located in a Shoreland, Flood Plain, Scenic River District, or Project River Bend District may be continued subject to additional regulations specified in the following chapters of the Land Use Ordinance:

Shoreland Management Regulations – Chapter Six

Flood Plain Regulations – Chapter Nine

Minnesota Scenic River Regulations – Chapter Five

Project River Bend Management Regulations – Chapter Fourteen

1. Nonconforming Use.
  - A. Any use existing on the effective date of this Ordinance which is not in conformity with the regulations contained in this Ordinance shall be considered a nonconforming use. A nonconforming use may be allowed to continue subject to the following conditions:

- i. No nonconforming use shall be expanded, enlarged, or intensified except to make it a permitted use.
  - ii. A change from one nonconforming use to another nonconforming use is prohibited.
  - iii. A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming except uses involving the removal of natural materials such as granite, sand, or gravel. Legal nonconforming mining operations operating without a valid Conditional Use Permit may be expanded within the boundaries of the parcel in which the mining use was approved and established prior to the time it became nonconforming subject to the standards contained in Chapter Seven (Mining Regulations) of this Ordinance.
  - iv. If a nonconforming use is replaced by a permitted use, the nonconforming status and any rights that arise under the provisions of this section of the Ordinance are terminated.
  - v. A nonconforming use or use of a structure that has been discontinued for a period of 12 consecutive months shall not be re-established, and any further use or occupancy of the structure shall be in conformity with the regulations of this Ordinance. Time will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter.
  - vi. If a structure used for a nonconforming use is damaged to the extent that the cost of replacement, reconstruction, or restoration would exceed 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, then the damaged structure shall not be replaced, reconstructed, or restored except in conformity with this Ordinance.
- B. The Planning Commission or Zoning Administrator may require that a Conditional Use Permit be issued for any nonconforming use.

2. Nonconforming Structure.

- A. Any structure existing on the effective date of this Ordinance which is not in conformity with the regulations contained in this Ordinance is a nonconforming structure and may be allowed to continue including through repair, replacement, restoration, maintenance, or improvement,

but not including expansion, except in conformity with the following conditions:

- i. No nonconforming structure shall be expanded, enlarged, or intensified without first obtaining a Variance unless each of the following conditions can be met for the district in which the structure is located:
  - a. The expansion, enlargement, or intensification does not violate any other standards of this Ordinance other than regulation(s) that made the structure nonconforming in the first place.
  - b. An on-site sewage treatment system can be installed in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance or it is connected to a public sewer.
  - c. The expansion, enlargement, or intensification does not occur within a bluff or shore impact zone or floodway area.
- ii. The replacement, reconstruction, restoration, expansion, enlargement, or intensification of an existing residential dwelling, which does not meet the residential dwelling setback from an existing livestock feedlot or manure storage structure, may be allowed provided that any construction does not further encroach into the nonconforming setback.
- iii. A nonconforming structure that has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, shall not be replaced, reconstructed, restored, expanded, enlarged, or intensified except in conformity with this Ordinance with the exception that homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes may be continued including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, if a Zoning Permit has been applied for within 180 days of when the property is damaged. The Board may impose reasonable conditions upon the Zoning Permit in order to mitigate any newly created impact on adjacent property or water body.
- iv. If a nonconforming structure in the Shoreland District, which is located less than 50 percent of the required setback from the ordinary high water level, has been damaged by fire, explosion,



natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the Department may require an increased setback from the ordinary high water level, if practicable and reasonable conditions are placed upon the Zoning Permit, to mitigate created impacts on the adjacent property or water body.

- v. Normal maintenance of a nonconforming structure including nonstructural maintenance and repair is permitted.
- vi. All construction projects for which a valid Zoning Permit was granted before the effective date of this Ordinance may be completed although the structure would not meet newly established standards of this Ordinance.

3. Nonconforming Lots.

- A. Any separate lot or parcel created in accordance with the Renville County Subdivision Regulations and of record in the Renville County Recorder's Office on or before the effective date of this Ordinance may be used for the legal use for which it is zoned subject to the following conditions:
  - i. It can be accessed by a public or a private road.
  - ii. There is a "buildable area" on the site.
  - iii. An on-site sewage treatment system can be installed in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance or it is connected to a public sewer.
  - iv. All other requirements of this Ordinance can be met.
- B. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without Variances from lot size requirements provided that:
  - i. All structure and septic system setback distance requirements can be met.
  - ii. A Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080, can be installed or the lot is connected to a public sewer.
  - iii. The impervious surface coverage does not exceed 25 percent of the lot.

- C. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development if it meets the following requirements:
- i. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, Chapter 6120.
  - ii. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080, and local government controls.
  - iii. Impervious surface coverage must not exceed 25 percent of each lot.
  - iv. Development of the lot must be consistent with an adopted Comprehensive Plan.

A lot not meeting these requirements must be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible.

- D. Contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes, Section 115.55, and Minnesota Rules, Chapter 7080, or connected to a public sewer.
- E. A conforming lot or parcel shall not be reduced in size so that it would become nonconforming in any aspect of this Ordinance. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot area and width standards and the sewage system requirements of the zoning district in which it is located and the newly created parcel is legally combined with an adjacent parcel.
- F. A nonconforming lot or parcel shall not be reduced in size.
- G. Where a nonconforming lot or parcel of record contains a conforming principal structure, the principal structure may be expanded, enlarged, or intensified without a Variance provided:

- i. The expansion, enlargement, or intensification meets all other standards of this Ordinance.
  - ii. An on-site sewage treatment system can be installed in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance or it is connected to a public sewer.
  - iii. The expansion, enlargement, or intensification does not occur within a bluff or shore impact zone or floodway area.
  
- 4. Nonconforming Signs.
  - A. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a nonconforming use.
  - B. Business signs on the premises of a nonconforming building or use may be maintained and continued, but such signs shall not be increased in number, area, height, or illumination.
  - C. No signs erected before the passage of this Ordinance shall be rebuilt, altered, expanded, or moved to a new location without being brought into compliance with the requirements of this Ordinance.
  - D. Repainting, cleaning, and other normal maintenance or repair of the sign or sign structure is permitted.
  - E. In the event that the use of a nonconforming advertising sign structure is discontinued or its normal operation stopped for a period of 12 months, the structure shall be removed by the owner or lessor at the request of the Zoning Administrator.
  
- 5. Variance Evaluation. In evaluating all Variances, zoning and other permit applications, or Conditional Use and Interim Use Permit requests, the Department shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

**SECTION 12. AMENDMENTS TO THE LAND USE ORDINANCE  
AND COMPREHENSIVE PLAN**

The Board may adopt amendments to this Ordinance or the Renville County Comprehensive Plan. Amendments to the text or the zoning district maps may be

adopted to reflect changes in the goals and policies of the Comprehensive Plan. Any amendment of the Ordinance shall be in compliance with the Comprehensive Plan.

1. Amendment Process.

- A. An amendment to this Ordinance or the Comprehensive Plan may be initiated by the Board, the Planning Commission, or by application of property owner(s). An application by a property owner(s) shall be presented to the Renville County Board of County Commissioners. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for its study, report, and recommendation and may not be acted upon by the Board until it has received the recommendation of the Planning Commission.
- B. Before the adoption of any Ordinance amending the Comprehensive Plan or the adoption or amendment of any text or zoning maps of the Ordinance, a public hearing shall be held as outlined in Section 7.2 of this chapter.
- C. Planning Commission Recommendation. In conducting the public hearing, the Planning Commission shall state the reason for its recommendation to amend the Ordinance or Comprehensive Plan. The recommendation shall be forwarded to the Board which shall be considered by the Board in making its decision.
- D. Notice and Certification of Final Action.
  - i. The Board shall take action on an amendment of the Ordinance or Comprehensive Plan and shall make findings in support of its decision.
  - ii. The Board shall forward its decision to the Zoning Administrator. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and any affected state agency if applicable.

2. Application Process. The following information shall be provided by a property owner seeking an Ordinance text or map amendment.

- A. Application for Change of Text. An application to change the wording of this Ordinance shall include:
  - i. Reason for the request change;
  - ii. Statement regarding compatibility with the Comprehensive Plan;

- iii. Text portion of the existing language to be amended; and
- iv. Proposed amended text.

B. Application for Change in District Boundary (Rezoning). An application to change district boundaries shall include the following:

- i. The name and address of owner/owners;
- ii. A specific description of the area proposed to be rezoned;
- iii. A map indicating the present zoning district and the proposed zoning district;
- iv. Proposed use of the land to be rezoned;
- v. A statement describing how the proposed change in district boundary will be compatible with the Comprehensive Plan; and
- vi. No application for a change in zoning district boundary on the same parcel of land and for the same zoning district shall be resubmitted for a period of 12 months from the date of the decision on the previous application unless growth boundaries for the applicable township have been established or modified to include said parcel of land; or unless an adjoining parcel of land has been rezoned during the 12 months since the initial application; or unless, in the opinion of the Department, the request is substantially changed from the original request.

3. Criteria for Considering a Change in District Boundary (Rezoning). In determining whether a proposed amendment of the official Renville County land use maps is in harmony with the general purpose and intent of the Ordinance and the Comprehensive Plan, the Planning Commission shall consider:

- A. Is the change consistent with the Renville County Comprehensive Plan?
- B. Are the existing surrounding land uses consistent with the permitted uses of the proposed zoning classification?
- C. Will a zoning change alter the characteristics of the neighborhood?
- D. Will a zoning change have a negative effect on property values in the neighborhood?

### ***SECTION 13. FEES***

To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding administrative costs shall be paid by the applicant. The fee shall be determined by the Renville County Board of County Commissioners.

1. Non-Payment of Fees. If any fee required to be paid to the County to defray the cost of services related to administer this Ordinance is not paid by the applicant, the Board may certify to the County Auditor/Treasurer by November 30 all unpaid, outstanding fees and a description of the lands against which the costs arose. It shall be the duty of the County Auditor/Treasurer, upon order of the Board, to extend the assessments with interest, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending November 30, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.
2. Appeals. Appeals of the imposition of fees associated with administering this Ordinance shall be heard by the Renville County Board of County Commissioners according to the following steps:
  - A. The appellant shall submit a written letter to the Renville County Administrator containing supporting facts and documentation in sufficient detail to allow a determination as to whether the facts warrant relief of the imposed fees.
  - B. The Board shall consider and decide all appeals of imposed fees, which shall be final. The Board may uphold the imposition of fees, modify, or forgive fees based upon whether or not there were administrative or clerical errors on the part of the County, whether or not the applicant actually applied for and/or received a County service, or if there are exceptional circumstances under which the strict enforcement of this section would cause undue hardship and would be unreasonable, impractical, or not feasible.
  - C. The Renville County Administrator shall notify the appellant of the decision by the Board.

### ***SECTION 14. ENFORCEMENT***

1. Circumstances Constituting a Violation. Any person, firm, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses

to comply with the provisions of this Ordinance including violations of conditions and safeguards established in connection with the granting of Variances, land use permits, land alteration and grading permits, Conditional Use and Interim Use Permits, or failures to comply with restoration orders, or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense.

2. Administrative Enforcement Process.

- A. Purpose. The purpose of this section is to provide an administrative process for enforcing the provisions of the Renville County Land Use Ordinance and for determining and resolving ordinance violations. This administrative process is established pursuant to authority granted by Minnesota law including Minnesota Statutes, Chapter 394, or its successor statutes.
- B. Investigation and Administrative Order. Alleged ordinance violations shall be referred to the Department. The Department shall conduct an investigation and determine whether or not a violation exists. If it is determined that a violation exists, a violation report shall be prepared establishing the facts supporting the determination that an Ordinance violation exists. The Zoning Administrator may also prepare an administrative order setting forth, at a minimum, the following:
  - i. The action required on the part of the property owner to eliminate or resolve the violation;
  - ii. A reasonable time in which the violation must be remedied; and
  - iii. Inform the property owner and/or permit holder of their right to appeal the order and determination to the Board of Adjustment and Appeals within 10 days of their receipt of the administrative order.
- C. Service of Order and Report. If an administrative order is drafted, the Zoning Administrator shall serve the order and report upon the record owner and/or permit holder of the property upon which the violation exists. Service of the order and subsequent documents shall be made by first class mail and shall be deemed effective upon depositing such documents in the United States Mail with proper postage affixed and prepaid and addressed to the record owner of the property at the address on file with the County Auditor/Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. The violation report shall constitute the administrative record

supporting determination of the violation and issuance of the administrative order.

- D. **Appeal of Determination and Administrative Order.** Upon service of the violation report and administrative order, the record owner of the property shall have 10 business days to appeal the order and determination of violation by the Zoning Administrator to the Board of Adjustment and Appeals by filing with the Zoning Administrator a written notice of intent to appeal, specifying the name and address of the appellant, and the grounds for the appeal. If no action is taken, then both the facts established in the report and the administrative order shall be deemed a final decision.
  
- E. **Public Hearing, Findings of Fact, and Decision.** If written notice of appeal is received as provided in Section 5.4.A of this chapter, then the Zoning Administrator shall schedule a hearing on the appeal before the Board of Adjustment and Appeals at the earliest practical time and consistent with the provisions of the Renville County Land Use Ordinance and applicable state law. Public notice of the hearing shall be given as provided by Minnesota Statutes, Section 394.26, or successor statutes. The Board of Adjustment and Appeals shall conduct the hearing as outlined in Chapter One (Administration), Section 5.3.A, of the Land Use Ordinance. The Zoning Administrator shall present a report establishing the violation and any additional facts, testimony, or information as may be available to support the Zoning Administrator's determination. The record owner of the property may present facts, testimony, or information supporting the appeal. The public shall also be given a chance to present facts, testimony, and information. The Board of Adjustment and Appeals may take and consider all testimony and information that it deems relevant in making its decision. The Board of Adjustment and Appeals shall make a record capable of being transcribed of the proceedings and shall preserve all written and pictorial information presented and received at the hearing. Upon conclusion of the hearing, the Board of Adjustment and Appeals may, in whole or in part, uphold the order, reverse the order, or amend the order. The Board of Adjustment and Appeals shall make written findings of fact and state the reasons for its decision in writing. The findings of fact and decision shall constitute the final decision of the Board of Adjustment and Appeals. A certified copy of the order shall be recorded with the County Recorder.
  
- F. **Notice of Decision.** The findings and decision of the Board of Adjustment and Appeals shall be mailed to the record owner at the address on file with the County Auditor/Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. Once mailed, the findings and decision shall serve as the appellant's notice of the decision. The mailed notice shall be deemed effective, with respect to



the appellant record owner, three days after the findings and decision are deposited in the United States Mail. The findings and decision shall also be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings and decision shall also be made available for public inspection in the office of Renville County Environmental Services.

- G. Judicial Appeals. Any aggrieved person may appeal the decision of the Board of Adjustment and Appeals to the District Court pursuant to Minnesota Statutes, Section 394.27, Subd. 9, or successor statutes, within 30 days of notice of the decision.
  - H. Enforcement of Final Decisions. The Attorney may institute such actions as may be necessary to enforce final decisions issued hereunder.
3. Other Enforcement Options. The administrative enforcement process set forth in Section 14 is not the sole or exclusive means of enforcement that the County may follow. The administrative enforcement process is in addition to any other right, remedy, or cause of action the County may have under Minnesota law to take actions, either civilly or criminally, to eliminate or resolve violations of this Ordinance. All such rights, remedies, and causes of action may, in the County's sole discretion, be exercised separately or in conjunction with one another and with such frequency as the County deems appropriate. In the event of a violation or a threatened violation of this Ordinance or any regulation or other official controls adopted by the Board, the Zoning Administrator, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct, or abate such violations or threatened violations, and it shall be the duty of the Attorney to institute such action.

#### ***SECTION 15. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after its publication according to law.

# RENVILLE COUNTY LAND USE ORDINANCE

## CHAPTER TWO

### ZONING REGULATIONS

#### PART 1

#### ZONING DISTRICTS, OFFICIAL MAPS, AND USES

##### SECTION 1. GENERAL ZONING DISTRICT RULES OF APPLICATION

1. Establishment of Zoning Districts. The zoning districts shall apply as designated on the zoning maps or as defined within this Ordinance. Two types of zoning districts are utilized. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

##### PRIMARY DISTRICTS

- “A” – Agricultural
- “RR” – Rural Residential
- “UE” – Urban Expansion
- “HMU” – Healthcare/Mixed Use
- “CI” – Commercial/Industrial

##### OVERLAY DISTRICTS

- “FP” – Flood Plain
- “S” – Shoreland
- “SR” – Scenic River
- “PR” – Project River Bend

2. Official Zoning Maps. The locations and boundaries of the primary districts established by this Ordinance are set forth on the zoning maps which are hereby incorporated by reference as though a part of this Ordinance. It shall be the responsibility of the Department to maintain and update the zoning maps and any amendments thereto.
3. District Regulations.
  - A. Application of Standards. Unless specified otherwise in this Ordinance, when one or more zoning district standards are in conflict, the more restrictive standards shall apply.

- B. Appeal of District Boundary. Appeals from the Department’s determination of the exact location of district boundary lines shall be heard by the Board of Adjustment and Appeals.
- C. Prohibited Uses. Whenever, in any zoning district, a use is neither specifically permitted nor prohibited, the use shall be prohibited. In the case of a prohibited use, the Renville County Board of Commissioners or the Planning Commission, on its own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable and, if so, in what zoning district it should be placed. A determination would also be made as to conditions and standards relative to development of the use. The Renville County Board of Commissioners or Planning Commission, upon receipt of the study, shall, if appropriate, initiate an amendment to the Land Use Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.
- D. Zoning Upon Detachment. Any tract of land that is detached from a statutory or charter city and becomes part of an adjoining township shall be zoned “A” (Agricultural) District. The tract of land shall remain in the “A” (Agricultural) District until placed in another district by action of the Renville County Board of Commissioners.

**SECTION 2. “A” AGRICULTURAL DISTRICT**

- 1. Purpose. The purpose of the “A” Agricultural District is to maintain and conserve agricultural lands which are historically valuable for crop and animal production, pastureland, and natural habitat for wildlife. This district is intended to meet the goals of the Renville County Comprehensive Plan by sustaining agriculture as a desirable land use for the long term and to preserve highly valued farmland for agricultural pursuits.
- 2. Land Uses in an Agricultural District.
  - A. Permitted Uses. The following uses are permitted subject to any performance standards contained in Part 3 of this chapter:
    - i. Agricultural uses including agricultural buildings or structures.
    - ii. Feedlots up to 300 animal units located more than one mile from a municipal boundary or a designated planned growth area.
    - iii. Single-family dwelling (detached).
    - iv. Farm drainage and irrigation systems.
    - v. Water management/flood control structures and erosion control/wildlife developments.

- vi. Public buildings and facilities.
- vii. Home occupations, Level I.
- viii. Plant nursery, tree farm, and seasonal agricultural business.
- ix. Agriculturally related services such as feed and seed sales, commercial manure applicators, and custom tillage/harvesting.
- x. Essential services – minor.
- xi. Land spreading of septage and sewage sludge regulated by the state.
- xii. Temporary dwelling, during construction (use up to one year).
- xiii. Non-commercial wind energy conversion systems.
- xiv. Aquaculture facilities that produce less than 20,000 pounds of cold water fish (harvest weight) or 100,000 pounds of warm or cool water fish (harvest weight) per year.
- xv. Horse training facility (private).
- xvi. Telecommunication towers 200 feet or less in overall height.
- xvii. Temporary grading.

B. Conditional Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 7, and further subject to any performance standards contained in Part 3 of this chapter:

- i. Feedlots 300 to 2,000 animal units.
- ii. Commercial sales and service of agriculture products.
- iii. Commercial grain and agricultural commodity storage facilities and feed and fertilizer plants.
- iv. Private recreational area, game preserve, youth camp, golf course use, and gun club.
- v. Solid waste and demolition landfill and yard waste facility as regulated by the state and County.
- vi. Public or private schools, religious facilities, cemeteries, columbaria, and mausoleums.

- vii. Veterinary/animal clinics.
- viii. Bed and breakfast establishments.
- ix. Telecommunication towers greater than 200 feet in overall height.
- x. Open space recreational use, wildlife management area, game refuge, forest preserve, nature center, conservancy, and interpretive center.
- xi. Light manufacturing uses which are determined not to need municipal sewer; would not require new construction, widening, or paving of roads; would need a spacious location; and would not adversely affect nearby properties and services.
- xii. Horse training facility (commercial).
- xiii. All feedlots located within one mile of a municipal boundary or a designated planned growth area or located in a wellhead protection area.
- xiv. Airport.
- xv. Public recreation facility.
- xvi. Essential services – major.
- xvii. Biofuel production facility.
- xviii. Used licensed vehicle sales lot not to exceed 20 vehicles or a lot area of 20,000 square feet when located on a parcel of land containing the owner’s primary dwelling.
- xix. Commercial wind energy conversion systems including wind energy conversion substations.
- xx. Aquaculture facilities that produce more than 20,000 pounds of cold water fish (harvest weight) or 100,000 pounds of warm or cool water fish (harvest weight) per year. These aquaculture facilities are required to submit a state NPDES permit as part of the Conditional Use Permit application.
- xxi. Solar energy conversion systems – solar farms including energy conversion substations.
- xxii. Biomass conversion facility.

C. Interim Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 8, and further subject to any performance standards contained in Part 3 of this chapter:

- i. Temporary dwelling, care facility.
- ii. Temporary dwelling, agricultural use.
- iii. Mining, extraction, and processing of minerals.
- iv. Home occupations, Level II, including commercial boarding and breeding kennels.
- v. Temporary asphalt and concrete plants.
- vi. Land alteration and grading (10,000 cubic yards or more).

D. Permitted Accessory Uses:

- i. Private garage and carports.
- ii. Private swimming pool subject to compliance standards contained in Part 3 of this chapter.
- iii. Other accessory uses customarily incidental to the permitted and conditional uses listed above including signage, sewage treatment systems, decks, patios, fences, and private kennels.
- iv. Private television towers and satellite dishes.
- v. Solar energy conversion systems – accessory. Active solar energy systems including building integrated roof and wall systems and solar systems using roof or ground mounting devices subject to district height, setback, and performance standards.

### **SECTION 3. “RR” RURAL RESIDENTIAL DISTRICT**

1. Purpose. The purpose of the “RR” Rural Residential District is to provide limited low-density residential development opportunity on land that is not highly valued farmland and is land that is located well beyond any growth or expansion area of a municipality. The intent of the District is to retain the rural character of the County by allowing residential development and on-site utilities in areas that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

2. Land Uses in a Rural Residential District.

A. Permitted Uses. The following uses are permitted subject to any performance standards contained in Part 3 of this chapter:

- i. Single-family dwelling (attached and detached).
- ii. Licensed residential programs (six or fewer persons).
- iii. Existing agriculture and incidental agriculture related uses including farm dwellings and agricultural buildings but excluding confined feedlots.
- iv. Essential services – minor.
- v. Home occupations, Level I.
- vi. Farm drainage.
- vii. Water management/flood control structures and erosion control/wildlife developments.
- viii. Public buildings and facilities.
- ix. Accessory apartments.
- x. Temporary dwelling, during construction (use up to one year).
- xi. Temporary grading.
- xii. Licensed nonresidential programs (12 or fewer persons) and group family day care facilities (14 or fewer persons).

B. Conditional Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 7, and further subject to any performance standards contained in Part 3 of this chapter:

- i. Golf course use.
- ii. Public or private schools, religious facilities, cemeteries, columbaria, and mausoleums.
- iii. Planned unit development.
- iv. Bed and breakfast establishments.

- v. Open space recreational use, wildlife management area, game refuge, forest preserve, nature center, conservancy, and interpretive center.
  - vi. Plant nursery, tree farm, and seasonal agricultural business.
  - vii. Horse training facility (private).
  - viii. Public recreation facility.
  - ix. Essential services – major.
  - x. Residential subdivision subject to Renville County Subdivision Regulations.
- C. Interim Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 8, and further subject to any performance standards contained in Part 3 of this chapter:
- i. Temporary dwelling, care facility.
  - ii. Home occupations, Level II.
  - iii. Land alteration and grading (10,000 cubic yards or more).
- D. Permitted Accessory Uses:
- i. Private garages and carports.
  - ii. Private swimming pool subject to compliance standards contained in Part 3 of this chapter.
  - iii. Other accessory uses customarily incidental to the permitted and conditional uses listed above including signage, sewage treatment systems, decks, patios, fences, and private kennels.
  - iv. Television towers and satellite dishes.
  - v. Solar energy conversion systems – accessory. Active solar energy systems including building integrated roof and wall systems and solar systems using roof or ground mounting devices subject to district height, setback, and performance standards.

**SECTION 4. “UE” URBAN EXPANSION DISTRICT**

1. Purpose. The purpose of the “UE” Urban Expansion District is to attempt to limit urban sprawl and preserve agricultural and rural lands immediately adjacent to urban areas served with public infrastructure. The district is intended to preserve these



areas of the County, in very low rural development densities, until such time when public infrastructure can be extended for future planned areas of commercial, industrial, and residential development. Limited rural development will be allowed in the Urban Expansion District that is consistent with a city's or township's Comprehensive Land Use Plan or Guide goals, objectives, and policies with regard to land use, facilities, utilities, and fiscal planning.

The Urban Expansion District boundaries shall be determined in conjunction with affected cities or townships. Future development in the "UE" District shall occur via orderly transition from agricultural to urban uses by:

- A. Annexation, rezoning, and development of area adjacent to the incorporated limits of existing urban center.
- B. Contiguous development as a logical extension of similar urban land uses and zoned to the appropriate district.

## 2. Land Uses in an Urban Expansion District.

- A. Permitted Uses. The following uses are permitted subject to any performance standards contained in Part 3 of this chapter:
  - i. Agricultural uses including buildings and structures except feedlots and other commercial operations.
  - ii. Essential services – minor.
  - iii. Farm drainage and irrigation systems.
  - iv. Home occupation, Level I.
  - v. Temporary dwelling, during construction (use up to one year).
  - vi. Temporary grading.
  - vii. Private kennels.
  - viii. Single-family dwelling (detached) on parcels a minimum of 10 acres in area.
  - ix. Plant nursery, tree farm, and seasonal agricultural business.
- B. Conditional Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 7, and further subject to any performance standards contained in Part 3 of this chapter:
  - i. Golf course use.

- ii. Public recreation facility.
  - iii. Essential services – major.
  - iv. Public buildings and facilities.
  - v. Water management/flood control structures and erosion control/wildlife developments.
  - vi. Open space recreational use, wildlife management area, game refuge, forest preserve, nature center, conservancy, and interpretive center.
  - vii. Uses listed as conditional uses in an Agricultural District, with the exception of feedlots and solar energy conversion systems (solar farms).
- C. Interim Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 8, and further subject to any performance standards contained in Part 3 of this chapter:
- i. Temporary dwelling, care facility.
  - ii. Temporary dwelling, agricultural use.
  - iii. Mining, extraction, and processing of minerals.
  - iv. Home occupations, Level II.
  - v. Temporary asphalt and concrete plants.
  - vi. Land alteration and grading (10,000 cubic yards or more).
- D. Permitted Accessory Uses:
- i. Private garages and carports.
  - ii. Private swimming pool subject to compliance standards contained in Part 3 of this chapter.
  - iii. Other accessory uses customarily incidental to the permitted, conditional, and interim uses listed above including signage, sewage treatment systems, decks, patios, fences, and private kennels.
  - iv. Television towers and satellite dishes.

- v. Solar energy conversion systems – accessory. Active solar energy systems including building integrated roof and wall systems and solar systems using roof or ground mounting devices subject to district height, setback, and performance standards.

**SECTION 5. “HMU” HEALTHCARE / MIXED USE DISTRICT**

- 1. Purpose. The “HMU” Healthcare / Mixed Use District is established to preserve land in the area surrounding RC Hospital & Clinics in order to promote, support, and accommodate the development of a medical campus by providing healthcare and medical office uses, health-oriented professional and administrative offices, retail and service uses supporting healthcare uses, and medium to high density housing uses which benefit from immediate proximity to healthcare uses, including mixed use projects.

Future development in the Healthcare / Mixed Use District is only intended when it is determined that it is consistent with the City of Olivia’s Comprehensive Land Use Plan goals, objectives, and policies with regard to land use, facilities, utilities, and fiscal planning.

- 2. Land Uses in the “HMU” Healthcare / Mixed Use District.

- A. Permitted Uses. The following uses shall be permitted in the “HMU” Healthcare / Mixed Use District:
  - i. Hospitals.
  - ii. Medical clinics / offices.
  - iii. Extended care, intermittent care, and long-term care facilities.
  - iv. Residential care, congregate care, and assisted living facilities.
  - v. Outpatient surgical, diagnostic, testing, and rehabilitative services.
  - vi. Professional offices of doctors, dentists, optometrists, and other medical professionals including incidental sales of medical and dental aids.
  - vii. Urgent care centers.
  - viii. Essential services.
- B. Conditional Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 7, and further subject to any performance standards contained in Part 3 of this chapter:

- i. Health and fitness centers.
  - ii. Adult and child care centers.
  - iii. Drug stores / pharmacies.
  - iv. Emergency air transportation landing facilities.
  - v. Senior independent living facilities.
  - vi. State licensed residential facility or housing with services establishments.
  - vii. Health-related educational institutions.
  - viii. Restaurants, cafes, delicatessens, and coffee shops.
  - ix. Medical equipment and supplies sales and services.
  - x. Public buildings.
  - xi. Hotels.
  - xii. Public parks and trails.
  - xiii. Fire, ambulance, and emergency medical services.
  - xiv. Learning centers.
- C. Interim Uses. NONE.
- D. Permitted Accessory Uses:
- i. Other accessory uses customarily incidental to the permitted and conditional uses listed above including garages, signage, decks, patios, and fences when located on the same property.
  - ii. Private television and telecommunication towers and satellite dishes.
  - iii. Solar energy conversion systems – accessory. Active solar energy systems including building integrated roof and wall systems and solar systems using roof or ground mounting devices subject to district height, setback, and performance standards.
  - iv. Buildings temporarily located for the purpose of construction for the construction period only.

## **SECTION 6. "CI" COMMERCIAL/INDUSTRIAL DISTRICT**

1. Purpose. The purpose of the "CI" Commercial/Industrial District is to provide land for the development of commercial and light industrial uses that require limited services, that allow the use to operate without providing environment or nuisance concerns, and that do not adversely impact natural or scenic resources.
2. Land Uses in a Commercial/Industrial District.
  - A. Permitted Uses. The following uses are permitted subject to any performance standards contained in Part 3 of this chapter:
    - i. Essential services – minor.
    - ii. Adult uses.
    - iii. Telecommunication towers 200 feet or less in overall height.
  - B. Conditional Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 7, and further subject to any performance standards contained in Part 3 of this chapter:
    - i. Retail sales and service uses.
    - ii. Essential services – major.
    - iii. Health and day care centers.
    - iv. Grocery stores.
    - v. Restaurants/cafes.
    - vi. Convenience stores.
    - vii. Office uses.
    - viii. Hotels and motels.
    - ix. Recreation vehicles and equipment sales and service.
    - x. Commercial recreational and entertainment facilities when contained within a building.
    - xi. Farm implement sales and service.
    - xii. Motor vehicle sales and service.

- xiii. Plant nursery, tree farm, and seasonal produce stand.
- xiv. Equipment rental shop.
- xv. Manufactured home sales lot.
- xvi. Self-service storage facility.
- xvii. Funeral home and crematorium.
- xviii. Building material sales lot.
- xix. Car wash operation.
- xx. Small engine and appliance repair.
- xxi. Tavern/bar/liquor establishments.
- xxii. Dwellings when included as an integral part of the principal commercial/industrial structure.
- xxiii. Clubs and lodges.
- xxiv. Auto or truck repair and auto body repair.
- xxv. Bed and breakfast establishments.
- xxvi. Telecommunication towers greater than 200 feet in overall height.
- xxvii. Veterinary/animal clinics and commercial breeding and/or boarding kennels.
- xxviii. Light manufacturing.
- xxix. Medical uses.
- xxx. Warehousing and distributing uses.
- xxxi. Public recreation facility.
- xxxii. Commercial and health recreational facilities.
- xxxiii. Automotive dealerships.
- xxxiv. Freight transportation terminal.
- xxxv. Yard waste facility.

- xxxvi. Welding and machine shop.
  - xxxvii. Contractor use.
  - xxxviii. Wholesale business use.
  - xxxix. Bulk storage use.
  - xl. Auto or motor vehicle reduction, salvage yard, recyclable center, and junkyard when totally screened.
  - xli. Concrete ready mix plants.
  - xlii. Commercial grain and agricultural production facilities, commodity storage facilities, and feed and fertilizer plants.
  - xliii. Commercial/industrial subdivisions subject to Renville County Subdivision Regulations.
  - xliv. Commercial and non-commercial wind energy conversion systems including wind energy conversion substations.
  - xlv. Apartment buildings.
  - xlvi. Shopping center.
  - xlvii. Truck stop use.
  - xlviii. Open sales lot.
  - xlix. Biofuel production facility.
  - I. Solar energy conversion systems – solar farms including energy conversion substations.
  - li. Biomass conversion facility.
- C. Interim Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 8, and further subject to any performance standards contained in Part 3 of this chapter:
- i. Mining, extraction, and processing of minerals.
  - ii. Temporary asphalt and concrete plants.
  - iii. Land alteration and grading (10,000 cubic yards or more).

D. Permitted Accessory Uses:

- i. Uses incidental to the principal uses such as off-street parking, loading and unloading area, storage building, fencing, signage, and sewage treatment system.
- ii. Buildings temporarily located for purpose of construction for the construction period only.
- iii. Solar energy conversion systems – accessory. Active solar energy systems including building integrated roof and wall systems and solar systems using roof or ground mounting devices subject to district height, setback, and performance standards.



**PART 2**  
**DENSITY AND LOT REQUIREMENTS**

This part regulates the development of land located in the A, RR, UE, and CI Districts.

This chapter does not apply to land located in the Minnesota Scenic River and Shoreland Management Districts. The development of land within these districts shall be determined in accordance with Chapter Six (Shoreland Management Regulations) and Chapter Five (Minnesota Scenic River Regulations).

**SECTION 1. DWELLING UNIT DENSITY**

1. Density in Districts.
  - A. In the “A” Agricultural District, the density of residential dwelling units shall not exceed one dwelling unit per 40 acres or quarter-quarter section.
  - B. In the “RR” Rural Residential District, the density of residential dwelling units shall not exceed eight dwelling units per 40 acres or quarter-quarter section.
  - C. In the “UE” Urban Expansion District, the density of residential dwelling units shall not exceed one dwelling unit per 10 acres.

**SECTION 2. LOT AND SETBACK REQUIREMENTS**

In the “A” Agricultural District, the following lot requirements must be met:

1. Minimum Lot Size .....5 acres
2. Minimum Median Lot Width .....300 feet
3. Maximum Lot Coverage .....100 percent of buildable area
4. Minimum Building/Structure Setbacks:
  - A. Front.....67 feet from the right-of-way except for structures in the U.S. Highway 212 corridor, which shall be setback 200 feet from the centerline of U.S. Highway 212
  - B. Side .....20 feet
  - C. Rear.....20 feet
  - D. Ditch.....150 feet
  - E. Major Essential Service – Underground .....150 feet

- 5. Maximum Building Height:
  - A. Agriculture Buildings/Structures and Permitted Towers.....none
  - B. Other Buildings and Structures .....35 feet

In the “RR” Rural Residential District, the following lot requirements must be met:

- 1. Minimum Lot Size .....5 acres
- 2. Minimum Frontage on a Public Road .....300 feet
- 3. Maximum Lot Coverage .....25 percent
- 4. Minimum Building/Structure Setbacks:
  - A. Front .....67 feet from the right-of-way except for structures in the U.S. Highway 212 corridor, which shall be setback 200 feet from the centerline of U.S. Highway 212
  - B. Side .....20 feet
  - C. Rear .....20 feet
  - D. Ditch .....150 feet
  - E. Major Essential Service – Underground .....150 feet
- 5. Maximum Building Height:
  - A. Agriculture Buildings and Structures .....none
  - B. Other Buildings and Structures .....35 feet

In the “UE” Urban Expansion District, the following lot requirements must be met:

- 1. Minimum Lot Size .....10 acres
- 2. Minimum Median Lot Width .....300 feet
- 3. Maximum Lot Coverage .....25 percent

4. Minimum Building/Structure Setbacks:
  - A. Front .....67 feet from the right-of-way except for structures in the U.S. Highway 212 corridor, which shall be setback 200 feet from the centerline of U.S. Highway 212
  - B. Side .....20 feet
  - C. Rear .....20 feet
  - D. Ditch .....150 feet
  - E. Major Essential Service – Underground .....150 feet
5. Maximum Building Height:
  - A. Agriculture Buildings and Structures .....none
  - B. Other Buildings and Structures .....35 feet

In the “HMU” Healthcare/Mixed Use, the following lot requirements must be met:

1. Minimum Lot Size ..... .50 acres
2. Minimum Frontage on a Public Road ..... 200 feet
3. Maximum Lot Coverage ..... 40 percent
4. Minimum Building/Structure Setbacks:
  - A. Front ..... 40 feet from the right-of-way
  - B. Side ..... 10 feet
  - C. Rear ..... 20 feet
  - D. Ditch ..... 150 feet
  - E. Major Essential Service – Underground ..... 150 feet
5. Maximum Building Height ..... 60 feet

In the “CI” Commercial/Industrial District, the following lot requirements must be met:

1. Minimum Lot Size .....10 acres unless the property is platted. Platted sites will be allowed if connected to public water and sewer. The

minimum lot size shall be sufficient to meet all applicable performance standards and lot and setback requirements.

2. Minimum Frontage on a Public Road .....300 feet (per 10-acre site unless subdivided)
3. Maximum Lot Coverage .....65 percent
4. Minimum Building/Structure Setbacks:
  - A. Front .....67 feet from the right-of-way except for structures in the U.S. Highway 212 corridor, which shall be setback 200 feet from the centerline of U.S. Highway 212
  - B. Side .....20 feet
  - C. Rear .....20 feet
  - D. Ditch .....150 feet
  - E. Major Essential Service – Underground.....150 feet
5. Maximum Building Height:
  - A. Buildings and Structures .....45 feet
  - B. Permitted Towers .....none

**PART 3**  
**PERFORMANCE STANDARDS**

The performance standards established in this part apply to all land uses and structures and are in addition to any specific zoning district regulations. The standards are designed to encourage a high standard of development; to prevent and eliminate those conditions that cause blight; to minimize conflict between land uses; to preserve the use and enjoyment of property; and to protect the public health, safety, and welfare. All future development in all districts shall be required to meet these standards, and the standards shall also apply to existing development where so stated.

**SECTION 1. DEVELOPMENT STANDARDS**

1. General Standards. All sites, land uses, and structures will be subject to these general standards as well as other specific regulations that apply to the lot or the proposed use.
  - A. All agricultural and livestock operations being conducted in compliance with the terms of this Ordinance shall not be deemed a violation of this Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area.
  - B. No structure shall be constructed on sites with slopes of greater than 25 percent or on easily erodible soils as defined in the soil survey maps of Renville County.
  - C. The following structures shall be permitted encroachments into yard setback requirements set forth in other sections of this Ordinance: eaves, awnings, steps, chimneys, sidewalks, exposed wheelchair ramps, and bay windows.
  - D. Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of 2.5 and 10 feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision of the intersecting street is possible from a distance of 50 feet from the intersection of the right-of-way lines.
  - E. In all districts where single-family dwellings are permitted, the following standards shall apply:
    - i. The minimum width of the main portion of the structure shall be not less than 16 feet in width as measured across the narrowest portion.
    - ii. All dwellings shall be placed on a permanent foundation designed with anchors to resist overturning, uplift, and sliding.
    - iii. All manufactured homes shall bear a Seal of Compliance issued by the State of Minnesota.

- F. All building sites created, which are not served by public sanitary sewer and not part of an approved planned unit development, must have at least one contiguous acre of accessible buildable land. Buildable land is defined as:
- i. Land with a slope less than 25 percent.
  - ii. Outside of any required setbacks.
  - iii. Above any 100-year flood plain, drainageway, or drainage easement.
- G. There shall be no more than one principal structure on any one parcel of land, unless otherwise authorized by this Ordinance. All structures must be constructed on a buildable lot or site.
- H. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above, or accessory building shall be used at any time as a dwelling unit.
- I. Access drives onto any public roads shall require a review and approval and/or permit by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. Access drive permits shall be issued in conjunction with the issuance of any land use permit. The Road Authority, at its discretion, may refer a request for an access drive permit to the Planning Commission for its recommendation.
- J. No structure shall exceed the maximum height permitted for the zoning district in which it is located except for agricultural buildings or structures; church spires, belfries, or domes that do not contain useable space; chimneys or smokestacks; flagpoles; water and cooling towers; essential service structures; rooftop mechanical or electrical equipment; historic monuments; grain elevators; and permitted towers. Any construction or alteration of a structure or tower that exceeds 200 feet in height must notify and receive a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within five miles of the structure proposed to exceed the height limitation.
- K. No site area shall be reduced such that the required setbacks shall be smaller than described in this Ordinance nor shall the area or width of any site be reduced below the minimum requirement established in this Ordinance.
- L. All structures and/or facilities shall comply with the accessibility portion of the Minnesota State Building Code, when applicable.

2. Relocating Structures. Every licensed house mover shall, in each and every instance before moving any building along a state, County, or township road in Renville County, obtain a permit from the Road Authority. An application for such permit shall designate the type of structure, the origin and destination of the building, the route over which it is to be moved, and shall state the date and time in which the moving of the building shall occur. No land use permit to move a building into the unincorporated areas of the County shall be issued unless and until the following land use regulations are complied with and approved by the Zoning Administrator:
  - A. The building to be moved shall comply in all respects with the standards in the Renville County Land Use Ordinance.
  - B. The lot or site on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.
  - C. The building must be placed on the lot or site so as to meet all the front, side, and rear yard requirements as set forth in the Land Use Ordinance.
  - D. Any building relocated into a Rural Residential District or Shoreland District must be compatible in age, architectural style, appearance, and assessor's market value to the existing surrounding neighborhood to which it is being moved.
  
3. Environmental Regulations.
  - A. Storage and Disposal of Regulated Substances.
    - i. No underground gasoline, oil, or similar liquid storage tanks shall be permitted in a Rural Residential or Shoreland Overlay District.
    - ii. Any use that generates or stores hazardous substances and materials, petroleum products, or other regulated substances shall not contain interior floor drains. If floor drains are essential to a commercial/industrial use, then the facility shall:
      - a. Connect the floor drain to a certified holding tank with flammable waste trap.
      - b. Monitor substances and materials entering the holding tank to determine proper disposal methods.
      - c. Dispose of substances and materials in accordance with federal and state standards, rules, and regulations.

- iii. Hazardous materials shall be contained in a closed, leak-proof tank or container that shall be stored and labeled in compliance with federal and state standards, rules, and regulations.
  - iv. All above-ground and underground tanks containing hazardous substances and materials, petroleum products, or other regulated substances shall comply with Minnesota Pollution Control Agency and federal agency standards, rules, and regulations including, but not limited to, standards for leak detection, record keeping, spill prevention, emergency response, transport, monitoring, secondary containment, corrosion protection, substance transfer, overfill protection, registration, and tank closure and disposal unless exempted from federal and state regulation.
  - v. Dry commercial fertilizers must not be stockpiled in areas where stormwater runoff could enter tile intakes, ditches, lakes, rivers, streams, wells, or other surface or groundwater.
  - vi. Dry bulk pesticides shall be stored under a roof that excludes precipitation from reaching the pesticide.
- B. Explosives. Uses involving the commercial storage, use, or manufacture of materials or products which could detonate by decomposition shall comply with State of Minnesota Fire and Safety Rules and shall not be located within 2,640 feet of a Rural Residential District or Shoreland Overlay District.
- C. Radiation and Electrical Interference. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such emissions are hereby declared to be a nuisance.
- D. Contaminated Soils. Soil that has been determined by the Minnesota Pollution Control Agency (MPCA) to be contaminated with petroleum or soil that has been determined by the Minnesota Department of Agriculture (MDA) to be contaminated with agricultural herbicides or pesticides may be land spread upon issuance of a permit. The permit shall be issued only upon the satisfaction of the following conditions:
- i. The MPCA or MDA has reviewed and approved the land spreading of contaminated soil on the proposed site.
  - ii. Renville County Environmental Services has received the completed agency agreement and all attachments.



- iii. The affected township or townships have been notified of the approved agency land spreading agreement. A copy of the permit shall be mailed to the affected Board of Township Supervisors.
  - iv. A permit to allow land spreading of contaminated soil shall include the following information regarding the proposed application site. The County may impose conditions upon the permit to assure compliance with this Ordinance.
    - a. Site and Soils Characteristics – slope, distance to surface water, drainage ditches, open tile in-takes and wells, water table level, soil characteristics, distance to adjoining residences, and site soils analysis.
    - b. Land Application Procedures – timetable established, maximum spreading thickness established, incorporation procedure, loading rate established, and soil mixing procedures.
    - c. Soil Sampling Requirements – soil nutrient levels determined, contamination levels of soils to be spread, and the follow-up monitoring requirements.
    - d. Maps – topographic, plat, and soil maps with the proposed application site clearly marked.
- E. Well Protection. A well contamination source must not be placed, constructed, or installed any closer to setback distances required from a water supply well than the distance as regulated in Minnesota Rules 4725.4450, as amended.
- F. Environmental Hazards. Land use permits and final plats shall not be approved until all known environmental hazards situated on the subject property have been identified by a site inspection, site survey, or other means as determined by the Department. If an environmental hazard is identified, it shall be brought into compliance with all federal, state, and County rules, regulations, and ordinances. Environmental hazards include the following:
- i. Unused or improperly sealed wells, cisterns, pits, tanks, and similar hazards.
  - ii. The unapproved storage of solid waste and demolition landfill waste.
  - iii. Discarded appliances and electronic devices.
  - iv. The unapproved storage or abandonment of inoperative or unlicensed motor vehicles, heavy equipment and farm implements, and combustion engines and parts.

- v. The unapproved storage of chemicals; explosives; and radioactive, infectious, or hazardous waste or material.
- vi. Abandoned, dilapidated, or burned-out structures.
- vii. Other uses similar to those listed above.

4. Exterior Storage Along Highways and Roads.

- A. The purpose of these standards is to protect the natural scenic beauty of roadsides along Renville County highways and roads. These standards are applicable in all primary and overlay districts and include all property with frontage on or visible within one-quarter mile of a federal, state, County, or township road or highway.
- B. In all districts, all useable personal property shall be stored within a building or fully screened so as not to be visible from a federal, state, County, or township road or highway except for the following: recreational equipment, construction and landscaping materials and equipment currently (within a period of 12 months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of licensed and operable vehicles, and permitted exterior storage and personal property.

5. Fences. These standards apply to all land use districts. Fences may be installed and maintained in accordance with the requirements contained in this section.

A. General Performance Standards.

- i. No fence shall be constructed on public rights-of-way.
- ii. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
- iii. Where a property line or road right-of-way is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line.
- iv. Fences may be placed along a property line or road right-of-way provided there is a certificate of survey and the adjacent property owner or Road Authority agrees in writing. If the adjacent property owner or Road Authority does not agree that the fence should be located along the property line or road right-of-way or there is no certificate of survey, the following minimum setbacks are required:

- a. Fences (front, side, and rear yard) – five feet from the property line or road right-of-way.
    - b. Tree Lines – 20 feet from any property line or road right-of-way.
  - v. Electric and farm fences shall only be located in an Agricultural District.
  - vi. Barbed wire security arms may be allowed in an Agricultural (A) and Commercial/Industrial (C/I) District. The security arm shall be angled in such a manner that it does not endanger the public.
- B. Fence Construction and Maintenance.
- i. Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose.
  - ii. Fences shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger or constitute a public or private nuisance. Any such fence that is or has become dangerous to health and welfare is a public nuisance, and the County may commence proper proceedings for the abatement thereof.
- C. Properties located in any residential land use district which are improved with an outdoor swimming pool or hot tub having a depth of 24 inches or greater at any one point shall comply with the following standards. Temporary or inflatable pools having a depth of 24 inches or less are exempt from these requirements.
- i. All swimming pools and hot tubs shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening, elevating, or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. A locking manufactured safety cover may be used as an alternative to the fencing and screening requirements.
  - ii. All pool and hot tub fences shall comply with any required setbacks.
  - iii. The pool or hot tub or the yard surrounding it shall be enclosed by a wall or fence or combination thereof that shall be at least four feet in height, shall be made of a noncorrosive material, shall be constructed so as to be not easily climbable, and the bottom of the fence shall not be more than four inches above grade. Above-ground pool vertical sidewalls may be used to meet the fence height requirement provided all points of access are controlled including removal of all stairs and ladders when the pool is not in use.

- iv. All fence openings or points of entry into the pool or hot tub shall be equipped with gates or doors. All gates or doors to swimming pools and hot tubs shall be equipped with self-closing and self-latching devices placed at sufficient height so as to be inaccessible to small children.

6. Land Alteration and Grading.

- A. The purpose of these standards is to regulate the alteration or grading of land. A land alteration and grading permit is required for:

- i. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones.
- ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- iii. Grading and excavating of 500 cubic yards or more of material per project.
- iv. Removal or alteration of vegetation in shoreland and bluff impact zones.

Projects for which a permit has been issued including agricultural activities, road construction projects, excavations necessary for the construction of structures, sewage treatment systems, driveways, and subdivisions that have received final plat approval do not require the issuance of a separate land alteration and grading permit.

In addition, grading, excavating, or filling of 10,000 cubic yards or more of material per project including, but not limited to, landscaping, excavation for wildlife habitat, excavation and preparation for building or similar activity, and land improvements shall require an Interim Use Permit.

- B. Land alteration and grading permit applications shall contain the following minimum standards:

- i. The application for a permit shall include an existing grade and finished reclamation plan. The finished grade shall pose no adverse effects on adjacent land. The Zoning Administrator may require information including, but not limited to, a plan for erosion control, general maintenance of site, vehicle ingress and egress, drainage plan, and plan for control of material disburshed from wind or hauling of material to or from the site.
- ii. Grading permit reclamation plans shall be reviewed by the Renville County Soil and Water Conservation District and may be reviewed, as

deemed necessary by the Zoning Administrator or in accordance with other rules, by the Minnesota Department of Natural Resources, the County Engineer, and the appropriate Watershed Management Organization.

- iii. A grading, drainage, and erosion control plan may be required if, in the judgment of the Zoning Administrator, significant soil erosion, vegetation destruction, or drainage damage may occur during the land alteration process. This plan shall be reviewed and approved by the Renville County Soil and Water Conservation District and shall contain specific recommendations regarding soil protection, preservation of vegetation, and drainage patterns during the land alteration process.
- iv. The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the grading permit. The permittee shall acquire and keep in force for the duration of the permit liability insurance specifically covering the project.

## 7. Land Preservation.

- A. General Standards. The following general standards shall apply for grading, drainage, and erosion control:
  - i. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
  - ii. Slopes over 25 percent (4:1) shall not be developed or altered.
  - iii. Development on slopes with a grade between 13 percent (8:1) and 25 percent (4:1) shall be carefully reviewed to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative, and structural damage.
  - iv. Erosion and siltation control measures shall be coordinated with the different stages of development. When soil is exposed, the exposure shall be for the shortest feasible period of time. Appropriate control measures shall be installed prior to development when necessary to control erosion.
  - v. Land shall be developed in increments of workable size such that erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
  - vi. The drainage system shall be constructed and operational as quickly as possible during development.

- vii. Whenever possible, natural vegetation shall be retained and protected.
- viii. Where the topsoil is removed, sufficient soil capable of producing crops shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a minimum depth of four inches and shall be of quality at least equal to the soil quality prior to development.
- ix. When soil is exposed, the exposure shall be for the shortest feasible period of time.
- x. The natural drainage system shall be used as far as feasible for the storage and flow of runoff. Stormwater drainage shall be discharged to sediment, detention or retention basins, or other treatment facilities. Prior to discharge to wetlands, diversion of stormwater to marshlands or swamps shall be considered for existing and planned surface drainage. Wetlands used for stormwater shall provide for natural or artificial water level control. Storage area or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and development cost.
- xi. No structure shall be erected in any bluff impact zone as defined in this Ordinance. Essential services shall be exempt from this restriction.
- xii. Grading and land alteration activity in any bluff impact zone shall be designed by a registered engineer. In no case shall excavating or filling be allowed for the purpose of establishing a site for the erection of a structure.
- xiii. No structure shall be erected within 30 feet of a bluff line. If the adjacent bluff zone is actively eroding, the Zoning Administrator may increase the setback requirement.

**B. Erosion Control.** The following measures shall be taken to control erosion during development:

- i. Exposed slopes shall not be steeper in grade than four feet horizontal to one foot vertical (25 percent).
- ii. Exposed slopes shall be protected by whatever means effective to prevent erosion considering the degree of the slope, soil material, and expected length of exposure. Slope protection may consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses, or temporary seeding of annual grasses. Control measures, other than those stated above, may be used in place of the above

measures to control if it can be demonstrated that they will as effectively protect exposed slopes.

- iii. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin, or silt trap) before being allowed to enter the natural drainage system.
- iv. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind a berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion.
- v. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.
- vi. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this chapter.
- vii. Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
- viii. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basin shall be landscaped.
- ix. Prior to the approval of a plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system.

C. Sediment Control. The following measure shall be taken to control sediment from leaving the site during development:

- i. Temporary barriers shall be constructed to prevent sediment from leaving the site. These barriers may consist of silt fences, straw bale sediment traps, or other proven methods.
- ii. Temporary sediment basins or traps may be required to remove medium and large-sized sediment particles from runoff and reduce discharge velocity.
- iii. The Zoning Administrator may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on the tires of vehicles.

- iv. Permanent impervious sediment control structures shall be utilized to remove sediment from runoff prior to its disposal in any protected body of water.
- D. Restoration. All permits shall contain a restoration plan providing for the use of land after development. The following are minimum standards for restoration:
- i. All disturbed areas shall be restored at the completion of the project.
  - ii. All restoration shall include the application of a minimum of four inches of a mineral topsoil or similar material that will support plant growth.
  - iii. Final grades shall be in conformity with the permit and topography of the surrounding land.
  - iv. If the land is to be restored to crop production, no slope shall exceed five feet horizontal to one foot vertical (20 percent).
  - v. If the restoration is not for crop production, no grade shall exceed four feet horizontal to one foot vertical (25 percent).
  - vi. All restored areas shall be seeded with a mixture recommended by the Renville County Soil and Water Conservation District or returned to crop production.
  - vii. The standards in ii, iii, iv, and v above may be raised or modified to accommodate a specific restoration plan.
- E. Flood Plain Development. Land alteration shall also be in accordance with Chapter Nine (Flood Plain Regulations), Chapter Five (Minnesota Scenic River Regulations), Chapter Six (Shoreland Management Regulations), and Chapter Fourteen (Project River Bend Management Regulations).
- F. Wetland Preservation.
- i. To the extent reasonable, all wetlands including marshlands and swamps shall be retained in their natural state to serve as a stormwater runoff basin, recharge area, and also as a wildlife habitat.
  - ii. No public water shall be filled, partially filled, dredged, altered by grading or mining, or disturbed in any manner without first securing a permit from the Minnesota Department of Natural Resources and/or the United States Army Corp of Engineers. A copy of any required permit must be filed with the Zoning Administrator.



- iii. The alteration of wetlands shall comply with the rules and regulations of federal, state, and local agencies.

G. Surface Water Runoff.

- i. No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion, or deposit of materials on adjacent properties, road rights-of-way, or water bodies. Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area, or other facility.
- ii. Upon inspection of any site that has created drainage problems or could create a drainage problem with proposed new development, the owner of the site or contractor may be required to complete a grading plan and apply for a grading permit.
- iii. The owner or contractor of any natural drainage improvement or alteration may be required to obtain a grading permit.
- iv. On any slope in excess of 13 percent (8:1) where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.
- v. The use of storm sewers is not an acceptable alternative to the use of the natural above-ground drainage systems to dispose of runoff. Storm sewers may only be used where it can be demonstrated that the use of the above-ground natural drainage system will inadequately dispose of runoff.

8. Land Clearing.

- A. A permit is required for land clearing of 20,000 square feet or more in non-prime agricultural use areas. A permit is not required for a minimum amount of clearing of trees and other woody plants associated with a construction project, provided a land use permit has been issued, and for development of subdivisions that have received final plat approval.
- B. Land clearing shall comply with all rules and regulations of federal, state, County, and local agencies.
- C. Land clearing shall comply with the following:
  - i. There shall be no removal of trees and vegetation located on slopes greater than 25 percent or in wooded flood plains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland

Management District, the Flood Plain District, the Project River Bend Management District, and the Minnesota Scenic River District are subject to the requirements as stated in Chapter Five (Minnesota Scenic River Regulations), Chapter Six (Shoreland Management Regulations), Chapter Nine (Flood Plain Regulations), and Chapter Fourteen (Project River Bend Management Regulations) in addition to the regulations of this chapter.

- ii. Construction fences, barricades, or signage may be required to be placed at the perimeter of the area to be cleared.
- iii. Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.
- iv. Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.
- v. Any land clearing permits shall contain a land restoration plan providing for the use of the land after project completion. The following are minimum standards for restoration:
  - a. All disturbed area shall be restored at the completion of the project.
  - b. All restoration shall include the application of a minimum of four inches of soil or similar material that will support plant growth.
  - c. All restored areas shall be seeded with a mixture recommended by the Renville County Soil and Water Conservation District unless it is put into forest or row crop production.
  - d. Final grades shall be in conformity with the permit and topography of the surrounding land.
  - e. The standards above may be raised or modified to accommodate a specific restoration plan.
- vi. The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure completion of the restoration plan.

9. Parking. The purpose of this section is to establish parking standards.
- A. Off-street parking area shall be improved with a durable surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable surfacing may include crushed rock treated with a dust inhibitor, asphalt, concrete pavers, or a reasonable substitute surface as approved by the County Engineer. All surfacing must be completed prior to occupancy of the structure unless approved by the Zoning Administrator.
  - B. All accessory off-street parking spaces required herein shall be located on the same site or adjacent to the site of the principal use served. Parking as required by the Americans with Disabilities Act (ADA) for the disabled shall be provided.
  - C. All off-street parking shall comply with the following general provisions:
    - i. Existing off-street parking spaces and loading spaces upon the effective date of this Ordinance shall not be reduced in number unless the number exceeds the requirements set forth in this Ordinance for a similar use.
    - ii. A parking space shall be at least nine feet wide by 20 feet long. In considering parking lots, a standard of 300 square feet per parking space shall be used to compute total area requirements including maneuvering areas. Parking spaces for the handicapped shall be provided in accordance with Minnesota Rules, Chapter 1341 (Accessibility for Buildings and Facilities).
    - iii. Joint off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in the Commercial/Industrial District provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period. The Zoning Administrator may require a properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues executed by the parties involved.
    - iv. When required accessory off-street parking facilities are provided elsewhere than on the site in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Renville County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.

- v. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale, or for rent.
- vi. Off-street parking areas shall be sufficient to provide parking for patrons, customers, suppliers, visitors, and employees. The number of parking spaces required shall be as set forth in the following table:

Apartment building use, single-family (attached and detached) dwelling	Two spaces per dwelling unit
Auto and truck repair, motor vehicle sales and service (new/used), farm implement sales and service, recreation vehicle and equipment sales and service, plant nursery, or building material sales	10 customer parking spaces plus two additional spaces for each 1,000 square feet of gross floor area
Drive-in retail use, restaurant/café, bars/taverns, clubs	One space for each 100 square feet of gross floor space but not less than 20 spaces
Golf course	Three spaces for each green plus additional spaces as may be required herein for related uses such as a restaurant
Hotel or motel, bed and breakfast	One space per unit plus one space per full-time employee
Nursing home/care center	One space per four beds
Public buildings	At least one off-street parking space for each 400 square feet of gross floor area
Retail store, service establishments, office uses, shopping centers, convenience store, medical uses, animal clinic	At least one off-street parking space for each 200 square feet of gross floor area
Schools:	
Nursery school	One space per teacher/employee
Elementary and junior high schools	Three spaces for each classroom
High school	At least one parking space for each four students based on design capacity. Additional spaces may be required for related uses such as a theater, gymnasium, or stadium.
Theaters, auditoriums, cinemas, religious facilities, stadiums, arenas, dance halls, and other places of assembly	Spaces equal in number to one-third of the maximum design capacity
Warehousing and distribution, light manufacturing	One space for each employee on maximum shift
Uses not specifically noted	As determined by the Zoning Administrator based on a parking study and/or industry standards

- vii. Parking areas shall be designed so as to provide adequate means of access to a public right-of-way. Such driveway access widths shall not exceed 32 feet in width or less than 24 feet in width. Driveway access shall be so located as to cause the least interference with traffic movement. Frontage or service roads may be required when, in the opinion of the Planning Commission, they are necessary to maintain traffic safety.
  - viii. When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
  - ix. No parking space shall be closer than 10 feet to any right-of-way or any property line.
10. Screening. Screening of commercial/industrial structures and parking and outside storage areas shall comply with the following performance standards:
- A. Off-street parking areas shall be screened when any of the following circumstances exist:
    - i. Any commercial/industrial off-street parking area that contains more than four parking spaces and is within 30 feet of an existing residential use or residential zoned district.
    - ii. Where the driveway to a commercial/industrial parking area of more than six parking spaces is within 15 feet of an existing residential use or residential zoned district.
  - B. Where any commercial/industrial structure is located adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property.
  - C. All exterior storage in Commercial/Industrial Districts shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction of the premises; and (3) merchandise located on service station pump islands.
  - D. Any screening required in this section shall consist of earth mounds, berms, or ground forms; fences and walls; landscaping (plant materials); or other similar form of screening.
11. Signs. The purpose of this section is to protect the natural scenic beauty of roadsides in Renville County.
- A. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.

B. General Standards:

- i. All signs erected, altered, substantially repaired, relocated, or maintained following the effective date of this Ordinance shall conform to the regulations in this Ordinance.
- ii. No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- iii. Private signs are prohibited within the public right-of-way and easements on any public property.
- iv. Flashing signs and signs giving off direct light that may be confused with traffic, aviation, or emergency signaling are prohibited.
- v. Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any state, County, or township road or residential structure.
- vi. No sign shall be painted directly on the roof or outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district.
- vii. All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached.
- viii. No sign shall be erected or maintained:
  - a. That would obstruct a clear view of an intersection of a public road or a railroad for a distance of 500 feet.
  - b. That would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty.
- ix. All signs shall be set back from the right-of-way of public roads not less than 10 feet from the closest part of the sign. All signs shall be set back 10 feet from adjacent property lines.
- x. No private sign shall be erected that resembles any official marker erected by a government agency or otherwise constitutes a traffic hazard.

- xi. No sign shall be permitted that obstructs any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress of any building or structure.
- xii. No signs shall be erected on a roof of a structure.

C. Performance Standards.

- i. Political signs are allowed in any district on private property with the consent of the owner of the property.
- ii. A real estate sign for purposes of selling, renting, or leasing a property may be placed in any yard of the property.
- iii. Real estate development and housing development signs may be erected for the purpose of selling or promoting a single-family or multiple-family residential project. The plat of the development must be recorded with the Renville County Recorder prior to the erection of a sign. The sign shall be removed when the project is completed, sold, or leased.
- iv. Billboard/advertising signs are allowed only in the Commercial/Industrial (CI) District and shall not be located closer than 1,320 feet to any other advertising sign measured in any direction and within 500 feet of any state or County park, public rest area, or significant historic site. All billboard/advertising signs shall require a Conditional Use Permit (CUP). No billboard/advertising sign shall be located along a road designated by the State of Minnesota as a scenic byway.
- v. Portable signs must advertise the use located on the premises. Portable signs must be securely placed so as to avoid damage or creation of a nuisance.
- vi. Projecting signs shall not project over a public sidewalk.

D. Signs Permitted Per District.

Type of Sign	District Allowed	Maximum Number	Maximum Area	Other Restrictions
Real estate signs	A, CI, UE, RR	Unlimited	None	None
Political signs	A, CI, UE, RR	Unlimited	None	Removal required 10 days following election
Directional and parking signs	A, CI, UE, RR, HMU	One per entrance/exit	None	None
Public signs	A, CI, UE, RR	Unlimited	None	None
Identification and nameplate signs	A, CI, UE, RR, HMU	Unlimited	None	None
Memorial signs	A, CI, UE, RR, HMU	Unlimited	None	None
Real estate development, housing development	A, CI, UE, RR, HMU	One	100 square feet	Removal required when project is completed, sold, or leased
Construction signs	A, CI, UE, RR, HMU	One	32 square feet	Removal required when project is completed
Agricultural product signs	A	Unlimited	None	None
Crop demonstration signs	A	Unlimited	None	Removal required following harvest
Institutional signs	A, CI, UE, RR, HMU	One	32 square feet	None
Portable signs	A, CI	One	32 square feet	May be erected up to 30 consecutive days
Freestanding signs	A, CI	One	100 square feet	Maximum height 35 feet
Wall and projecting signs, canopy or marquee signs	A, CI, HMU	One	Total of 300 square feet	Minimum height 10 feet
Billboard/advertising signs	CI	One	600 square feet	Maximum height 35 feet; minimum height 10 feet
Home occupation signs (Level II)	A, CI, UE, RR	One	32 square feet	None

E. Maintenance.

- i. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in a proper state of preservation. All signs shall be maintained in a safe, presentable, and good structural condition at all times. Maintenance shall include painting, repainting,



cleaning, replacement or repair of defective parts, and other necessary acts. The display surfaces of all signs shall be kept neatly painted or posted at all times.

- ii. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed or structurally improved by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within 10 days after written notification from the Zoning Administrator.
- iii. All sign locations shall be kept free from unreasonable growth, debris, or rubbish. Failure to correct such conditions after being so directed in writing by the Zoning Administrator shall be cause for removal of the sign or signs on said location or locations.

F. Abandoned Signs.

- i. Removal Required. Abandoned signs should be removed by the owner of the sign. Any such sign not removed shall be subject to removal by the County 30 days after the Zoning Administrator shall have served a notice of removal on the owner thereof by mail or, if the owner cannot be found, publication in the legal newspaper of the County. The notice of removal shall specify the nature of the violation, the action required by the owner, and the date by which the action must be completed. If the owner of the sign is not the owner of the premises on which the sign is located, the owner of the premises shall also be served. The expense of removal, if not paid by the owner of the sign within 30 days after removal thereof by the County and billing of the owner of the sign, shall be assessed against the real estate on which the sign is located in the manner in which improvements are assessed. This shall not limit any other rights that the County has to enforce collection of the cost against the owner of the sign and the owner of the property.
- ii. Exception. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 12 consecutive months.

G. Variances. Variances from sign standards may be granted if, upon showing the size and location of the proposed sign, the size of the structure to which the sign will be affixed, if any, and other space consideration of the area, it is determined that the proposed signs will not be hazardous and will not obstruct the view for or otherwise be detrimental to property or persons in the area.

12. Recreational Vehicle Use and Storage. The purpose of these regulations is to set standards to allow the parking and use of recreational vehicles (RV) in a residential zoned primary or overlay district, including travel vehicles, motor homes, campers, and park trailers, as temporary, seasonal living quarters while not substantially diminishing or otherwise impairing property value in the neighborhood nor causing any unreasonable adverse effects on adjacent properties.
  - A. General Performance Standards.
    - i. No recreational vehicle may be used as a dwelling unit, as defined by this Ordinance, or for business purposes.
    - ii. The placement of a recreational vehicle on a permitted lot or site shall comply with all lot and setback requirements of the primary and overlay district.
    - iii. Treatment and disposal of sewage and wastewater generated from the use of a recreational vehicle shall comply with all state and County regulations and standards.
    - iv. No recreational vehicle may be parked or used without current license registration.
    - v. The permanent parking and use of one recreational vehicle on an undeveloped, permitted lot or site shall be allowed by a land use permit and is subject to the general performance standards of this section.
    - vi. The use of a recreational vehicle shall only be allowed in the rear yard. For riparian lots, the front yard shall be considered that portion of the lot extending from the ordinary high water level to the minimum front yard building setback required in a residential district.

## **SECTION 2. PERFORMANCE STANDARDS FOR USES**

Purpose. The purpose of this section is to provide standards for specific uses listed as permitted, accessory, interim, or conditional within the primary district or any applicable overlay district. The performance standards contained in Part 3, Section 2, of this chapter apply to specific uses and are requirements that are in addition to any other requirements of this Ordinance for a specific use.

1. Accessory Apartments. An accessory apartment shall comply with all of the following performance standards:
  - A. There shall be no more than one accessory apartment within the single-family dwelling unit.

- B. No separate drive shall be permitted for the accessory apartment unit.
2. Accessory Buildings – Residential. All residential accessory buildings shall comply with the following performance standards:
- A. All setback and height requirements of the primary and overlay districts shall be met.
  - B. Residential accessory buildings shall be used for residential accessory uses only and shall not be used at any time as a residential dwelling unit. No commercial use or commercial-related storage is allowed in these structures except as otherwise allowed with the operation of a home occupation.
3. Agricultural Buildings and Structures. An agricultural building and structure shall comply with the following performance standards:
- A. All setback and height requirements of the primary and overlay districts shall be met.
  - B. Agricultural buildings and structures shall be used for agricultural use only. No commercial use or commercial-related storage is allowed in these structures except as otherwise allowed with the operation of a home occupation.
  - C. Agricultural buildings and structures used to shelter domestic farm animals shall also meet the animal feedlot standards contained in Chapter Eight (Feedlot and Manure Management Regulations) of this Ordinance.
4. Agricultural Business – Seasonal. Seasonal agricultural businesses shall comply with the following performance standards:
- A. The majority of product sold on the property shall be grown or raised on the property. No sale of product shall take place on any road right-of-way.
  - B. Any temporary structure used for the selling of product shall be located on the property and must be removed at the end of the selling season. The size of the temporary structure shall not exceed 150 square feet without a land use permit.
  - C. Adequate parking for employees and customers shall be provided on site.
  - D. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - E. The business shall comply with all federal, state, and County rules and regulations.

- F. The grounds and all structures shall be maintained in a clean and safe manner.
5. Aquaculture Facilities. All aquaculture operations shall comply with the following performance standards:
- A. Aquaculture facilities shall comply with standards set forth in Minnesota Statutes, Sections 17.46 to 17.4999, or successor statutes.
  - B. Aquaculture facilities shall be permitted by the state according to Minnesota Rules, Part 7053.0405, or successor rules.
  - C. In order to protect surface and groundwater resources, aquaculture operations may be required to include wastewater treatment or to be closed loop systems with no discharge.
  - D. Aquaculture facilities shall comply with all federal, state, and County rules, regulations, and ordinances.
6. Bed and Breakfast Establishments. Bed and breakfast establishments shall comply with the following performance standards:
- A. It is intended that bed and breakfast establishments be a converted or a renovated single-family residence and that this principal function be maintained. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast establishment; no existing structure shall be enlarged or expanded for the purpose of providing additional rooms for guests. The exterior appearance of the structure shall not be altered from its single-family character.
  - B. Primary entrance to the guestrooms shall be located within the principal residential structure.
  - C. Guests are limited to a length of stay of no more than 30 consecutive days.
  - D. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - E. The use shall comply with all federal, state, and County rules, regulations, and ordinances.
  - F. The site shall be owner-occupied.
  - G. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.

7. Car Wash Operation. A car wash operation shall comply with the following performance standards:
  - A. The site shall be designed to provide additional parking or car stacking space to accommodate the number of vehicles that can be washed during a 15-minute period.
  - B. The car wash operation shall be connected to a public wastewater treatment facility.
  - C. The car wash operation shall comply with all federal, state, and County rules, regulations, and ordinances.
  - D. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  
8. Cemeteries. Cemeteries shall comply with all of the following performance standards:
  - A. The minimum area of a newly created cemetery shall be five acres. Existing cemeteries may be expanded in area by the addition of tracts of land which are less than five acres as long as the newly created parcel is surveyed and legally combined with the adjacent parcel on which the existing cemetery is located.
  - B. The site proposed for a cemetery or cemetery expansion shall not interfere with the development plans for future road rights-of-way in the vicinity of the site.
  - C. Burial plots, grave markers, monuments, and buildings operating in connection with a cemetery must meet the building and height requirements of the underlying zoning district.
  - D. Graves and structures used for interment shall be set back 50 feet from wells.
  - E. Cemeteries are prohibited below the regulatory flood protection elevation as defined in Chapter Nine (Flood Plain Regulations) of the Ordinance.
  - F. Cemeteries shall comply with all federal, state, and County rules, regulations, and ordinances.
  - G. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.

9. Convenience Store/Truck Stop Use. Convenience stores and truck stop uses shall comply with the following performance standards:
- A. All buildings including canopies and pump islands shall be in compliance with all lot and setback requirements of the primary or overlay district in which the use is located.
  - B. A drainage system for collection of hazardous materials runoff must be installed if applicable. Such installation is subject to approval by the Zoning Administrator.
  - C. The entire site, other than that devoted to structures and landscaped areas, shall be maintained for control of dust, erosion, and drainage.
  - D. Wherever fuel pumps are installed, pump islands shall be installed.
  - E. Access drives onto a road must be approved by the Road Authority.
  - F. No vehicles shall be parked on the premises other than those utilized by employees and customers awaiting service.
  - G. Exterior storage shall be limited to items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise or as indicated by the Conditional Use Permit.
  - H. All areas utilized for the storage and disposal of trash, debris, salvaged vehicles, discarded parts, and similar items shall be fully screened. The storage of hazardous materials is prohibited.
  - I. The use shall be screened from all adjacent residential land uses and residential subdivisions. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.
  - J. All structures and grounds shall be maintained in an orderly, clean, and safe manner.
  - K. Convenience stores and truck stop uses shall comply with all federal, state, and County rules, regulations, and ordinances.
  - L. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - M. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.

10. Essential Services – Utility Substation. The essential services shall comply with the following performance standards:
  - A. The lot area for an essential service – utility substation can be acquired by lease provided that it complies with the required lot requirements and setbacks for the zoning district in which it is located.
  - B. If the approved lot is no longer needed or used by the utility, the applicant shall return the property to its original state. The Zoning Administrator may require a bond to ensure compliance with this standard.
  - C. Utility substations or any other essential service as defined above containing antennas and towers greater than 200 feet in height shall comply with Chapter Sixteen (Telecommunication Tower and Antenna Regulations).
  - D. The utility substation shall comply with all federal, state, and County rules, regulations, and ordinances.
  
11. Golf Courses. The golf course shall comply with the following performance standards:
  - A. Storage and use of pesticides and fertilizers shall comply with the standards of the Minnesota Department of Agriculture. A management plan shall be submitted for storage and use of pesticides and fertilizers at the facility.
  - B. Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar, cart shed, and maintenance buildings.
  - C. Golf course uses shall comply with all federal, state, and County rules, regulations, and ordinances.
  - D. Golf courses including accessory uses shall be designed with environmental resources in mind. Performance standards to this effect include:
    - i. Water recycling and conservation through on-site storage and use facilities.
    - ii. Use of landscaped buffers and other Best Management Practices (BMPs) to minimize fertilizer runoff and other chemicals from entering surface water bodies.
  - E. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - F. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.

12. Home Occupations.

- A. Purpose. The purpose of home occupations is to allow for persons to engage in certain limited economic activities in order to produce or supplement personal or family income. Home occupations shall be limited to those uses that are compatible with neighboring uses; that do not adversely affect the character, livability, and market value of properties located in the surrounding neighborhood; and which do not create safety or environmental concerns at levels that are higher than as otherwise permitted in the neighborhood.
- B. Intent. The intent of providing zoning authorization for home occupations is to allow for the growth and development of small businesses. Applicants for home occupations should be aware that when the scale and intensity of their business activity expands to such a level that the business no longer meets these regulations, they need to relocate to a Commercial/Industrial zoned site.
- C. Home occupations are subject to the following general performance standards:
  - i. The home occupation shall not constitute or create a nuisance.
  - ii. There shall be no exterior display or storage of equipment, vehicles, trailers, materials, tools, supplies, products, or by-products used or produced in conjunction with the home occupation. All storage associated with the home occupation shall be within the dwelling, accessory building, or screened area.
  - iii. The home occupation shall not use or generate hazardous waste unless a plan for off-site disposal of the waste is approved.
  - iv. A home occupation located in a dwelling or accessory structure that is served by a sewage treatment system shall only generate normal domestic household sewage unless a plan for off-site disposal and treatment of the sewage is approved.
  - v. Adequate off-street parking for vehicles used in conjunction with the home occupation shall be provided on the site.
  - vi. The home occupation shall comply with all rules and regulations of federal, state, County, and local agencies. Any required state or County license shall be obtained prior to authorization of the zoning or Interim Use Permit.
  - vii. Interim Use Permits issued for home occupations shall become void if the home occupation is discontinued or abandoned for a period of one year.



- viii. If the property is rented, written approval must be obtained from the property owner(s) to allow the home occupation within the residence or accessory structure. If any violation of the home occupation regulations occurs, the property owner as well as the renter will be held responsible.
  - ix. The hours of operation for all home occupations shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
  - x. The home occupation shall be incidental and subordinate to the primary use of the property and shall not substantially change the appearance or condition of the residence or accessory structure.
  - xi. In Agricultural, Rural Residential, and Urban Expansion Districts, a home occupation shall not use more than 25 percent of the gross floor area of the dwelling, which may include use of an attached garage, not to exceed 600 square feet.
- D. Level I Home Occupation Performance Standards. In addition to general performance standards found in Part 3, Section 2.12.C above, Level I home occupations shall comply with the following additional performance standards:
- i. The home occupation shall be conducted entirely within the dwelling, which may include use of an attached garage. The home occupation shall only be carried on by the inhabitants residing in the dwelling with no more than two outside employees.
  - ii. No signage shall be allowed on the dwelling or on the site.
- E. Level II Home Occupation Performance Standards. In addition to general performance standards found in Part 3, Section 2.12.C above, Level II home occupations shall comply with the following additional performance standards:
- i. The home occupation shall be conducted entirely within the dwelling, which may include use of an attached garage, or an accessory structure and shall be carried on by the inhabitants residing at the residence with no more than five outside employees.
  - ii. In Rural Residential and Urban Expansion Districts, no more than 600 square feet of gross floor area of an accessory structure may be used for home occupation purposes. The gross square footage of an accessory structure may be increased up to 3,000 square feet in an Agricultural District.

- iii. The home occupation shall be limited to one non-illuminated, 32-square-foot sign. Signage shall comply with standards set forth in Part 3, Section 1.11, of this chapter.

F. Prohibited Uses.

- i. Rural Residential and Urban Expansion Districts. The following uses are prohibited home occupations in the Rural Residential and Urban Expansion Districts:
  - a. Restaurant/café.
  - b. Tavern, bar, liquor establishment.
  - c. Auto or truck repair and auto body repair.
  - d. Funeral home or crematorium.
  - e. Clubs and lodges.
  - f. Veterinary/animal clinic, commercial kennels and stables.
  - g. Medical uses – hospital, dental and medical clinic, nursing home, assisted living center.
  - h. Welding and machine shop.
  - i. Farm implement, recreational and motor vehicle sales and service.
  - j. Retail sales and service uses.
  - k. Taxi service.
  - l. Small engine and appliance repair.
  - m. Warehousing and distributing uses.
  - n. Light manufacturing.
  - o. Private school.
  - p. Wholesale businesses.
  - q. Dance studio.

- r. Repair business – television, radio, bicycle.
- s. Upholstering.
- ii. All Districts. The following uses are prohibited home occupations in all zoning districts:
  - a. Junk, salvage yards, and recycling centers.
  - b. Adult uses.

G. Permitted Uses.

- i. Rural Residential and Urban Expansion Districts. The following uses may be conducted as home occupations in the Rural Residential and Urban Expansion Districts:
  - a. Art, handicraft, music, writing, photography, or similar studios.
  - b. Direct sale product distribution (Avon, Tupperware, etc.).
  - c. Dressmaker, seamstress, tailor, or millinery.
  - d. Haircutting and styling.
  - e. Home typing and computer services.
  - f. Telephone and mail-order sales.
  - g. Personal professional office – accountant, broker, contractor, religious leader, notary public, lawyer, realtor, architect, engineer, insurance agent, consultant.
  - h. Teaching or tutoring – including musical instruments and dance.
  - i. Day care.
  - j. Cake making and decorating.
  - k. Home school.
  - l. Firearms sale, lease, trade, or other transfer or sale of ammunition by a firearms dealer.
  - m. Taxidermy.

- H. Permit Revocation. A permit for a home occupation may be revoked for noncompliance of any performance standard set forth in this chapter, any violation of any condition set forth in an Interim Use Permit, or any violation of this Ordinance.
13. Horse Training Facilities. All horse training facilities shall comply with the following performance standards:
- A. Horse training facilities shall comply with the setback requirements for agricultural farm buildings.
  - B. Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.
  - C. All horse training facilities shall comply with the requirements of Chapter Eight (Feedlot and Manure Management Regulations).
  - D. All horse training facilities shall comply with all federal, state, and County rules, regulations, and ordinances.
  - E. Every commercial horse training facility, or portion thereof, where the public is served shall provide sanitary facilities in accordance with the regulations of Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.
14. Kennels – Commercial. All commercial boarding and breeding kennels shall comply with the following performance standards:
- A. Permit Application Requirements. In addition to permit requirements required elsewhere in this Ordinance, all proposed commercial kennel permit applications shall include the following information:
    - i. Type of kennel operation.
    - ii. Species and maximum number of animals that will be at the site. For commercial breeding kennels, include the number of unsterilized females that will be housed permanently at the facility.
    - iii. A dead animal disposal plan in conformance with Minnesota Rules, Sections 1721.0700, or successor rules.
    - iv. A site plan identifying the location and size of the lot and all existing and proposed physical or structural kennel improvements, such as housing facilities, confinement areas, dog runs and/or outside exercise areas, parking areas, food storage areas, watering facilities, wells, subsurface sewage treatment systems, and other improvements.

- v. A wastewater disposal plan, including how the owner will handle on-site kennel wash water, for housing facilities and confinement areas.
  - vi. The number of employees and the approximate time periods per week employees will be overseeing kennel operations.
  - vii. A noise management or mitigation plan.
- B. Density Standards.
- i. No more than 40 animals of any age may be kept on a commercial boarding kennel property.
  - ii. No more than 40 animals over six months of age may be kept on a commercial breeding kennel property including no more than 10 unsterilized female animals over six months of age.
- C. The following performance standards shall apply to all commercial kennels:
- i. The use shall comply with all applicable federal, state, and County rules and regulations.
  - ii. All animals shall be provided the opportunity for periodic exercise.
  - iii. The owner/operator of the kennel shall operate the kennel as to not unreasonably disturb the peace and quiet of neighboring residents.
  - iv. Outdoor kennel areas shall be adequately enclosed with walls or fences. Walls and fences shall be a minimum height of six feet and shall deter animals from escaping over, under, or through them. Walls and fences shall be constructed, so as to reduce noise and visual impacts of the kennel operation, and maintained in compliance with performance standards outlined in Part 3, Section 1.5, of this chapter.
  - v. Kennels must comply with the minimum lot area requirements of the land use district in which they are located.
  - vi. Housing facilities, confinement areas, and outdoor kennel areas and runs require a minimum 100-foot setback from any property line and 500 feet from any residential dwelling site (other than the applicant's), any residential subdivision, or any residential land use district.
  - vii. Subsurface sewage treatment facilities shall be designed to accommodate all waste generated from all kennel facilities including wash water.

- viii. Confinement areas must be maintained at a temperature suitable for the specific breed of animal, but in no case shall the temperature for indoor housing facilities be allowed to fall below 50 degrees Fahrenheit for animals not acclimated to lower temperatures.
- ix. Different species of animals shall not be housed together unless they are compatible.
- x. Animals with vicious dispositions shall be housed apart from other animals.
- xi. Housing facilities and indoor confinement areas must be ventilated. Drafts, odors, and moisture condensation must be minimized.
- xii. Housing facilities must have at least eight hours of illumination (natural or artificial) sufficient to permit routine inspection and cleaning.
- xiii. Housing facilities shall be constructed with adequate soundproofing materials to reduce noise.
- xiv. Enclosures must be of sufficient size to allow each animal to turn about fully and to stand, sit, and lie in a comfortable, normal position. The enclosure shall be constructed so as to prevent injury to the animal being confined.
- xv. Adequate storage and refrigeration must be provided to protect food supplies from contamination and deterioration.
- xvi. All animals must be fed at least once a day with clean, wholesome food of sufficient quantity to meet the normal daily nutritive requirements for the animal's age, size, and condition.
- xvii. All animals shall be housed within a structure between the hours of 10:00 p.m. and 6:00 a.m.
- xviii. Kennels shall comply with Minnesota Rules 7030, noise pollution control standards.
- xix. Clean, potable water must be made available to all animals at least twice daily for periods of not less than one hour.
- xx. All feeding and watering receptacles must be kept clean and sanitary.
- xxi. Animals affected with any clinical evidence of infections and/or contagious or communicable disease must be separated from other animals.

- xxii. The owner/operator of the kennel shall establish and maintain an effective program for the control of insects, external parasites, rodents, and other pests.
  - xxiii. All kennels shall be subject to periodic inspection by County staff or their designees.
  - xxiv. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, wind, rain, snow, and cold weather.
  - xxv. The premises, housing facilities, exercise areas, and confinement areas must be cleaned and disinfected as often as necessary to maintain a clean and sanitary condition.
  - xxvi. Signs shall meet the requirements of Part 3, Section 1.11, of this chapter.
  - xxvii. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - xxviii. All housing facilities must be structurally sound and maintained in good repair. Interior surfaces must be constructed and maintained so that they are substantially impervious to moisture, provide for rapid drainage, and may be readily cleaned.
  - xxix. Carcass and garbage disposal facilities must be provided and managed to minimize vermin infestation, odors, and disease hazards.
  - xxx. Animals shall not be confined by chains or by tethering.
- D. The following performance standards shall apply to all commercial breeding kennels:
- i. Females in estrus must not be housed in the same confinement area with males except for breeding purposes.
  - ii. Kennels shall establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a licensed veterinarian.
  - iii. Young animals shall not be housed with adult animals other than their mothers.
  - iv. Animals determined to be unfit for sale shall be isolated until satisfactory recovery to a normal state of health or euthanized by a doctor of veterinary medicine in a humane manner.

15. Kennels – Private. A private kennel may be allowed as an accessory use subject to the following performance standards:
  - A. Structures used for animal confinement shall comply with the setback requirements of the land use district in which they are located.
  - B. No more than 10 animals may be kept in a private kennel. A private kennel housing more than 10 animals shall be considered a commercial breeding or boarding kennel and must comply with all use and performance standard requirements of the land use district in which it is located.
  - C. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation, and lighting.
  - D. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, wind, rain, snow, and cold weather.
  - E. Kennel facilities shall be adequately drained and maintained in a healthful manner.
  
16. Licensed Group Family Day Care Facility (Nonresidential Program). A licensed group family day care facility shall comply with the following performance standards:
  - A. The building and any exterior fenced areas shall comply with the setback standards for a single-family residence in the district in which they are located.
  - B. The use shall comply with all applicable federal, state, and County rules, regulations, and ordinances.
  - C. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - D. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - E. The structure shall be connected to an approved subsurface sewage treatment system.
  - F. The facility shall be licensed by the appropriate state and/or County agencies.



17. Licensed Residential Care Facility (Residential Program). A licensed residential care facility shall comply with the following performance standards:
  - A. The building and any exterior fenced areas shall comply with the setback standards for a single-family residence in the district in which they are located.
  - B. The use shall comply with all applicable federal, state, and County rules, regulations, and ordinances.
  - C. The primary purpose of the facility cannot be to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
  - D. The facility shall not provide accommodations to treat persons whose tenancy would constitute a direct threat to the health and safety of other individuals.
  - E. The facility cannot accept court-ordered referrals for treatment in lieu of incarceration without adequate security.
  - F. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - G. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - H. The structure shall be connected to an approved subsurface sewage treatment system.
  - I. The facility shall be licensed by the appropriate state and/or County agencies.
18. Light Manufacturing. Light manufacturing facilities shall comply with the following performance standards:
  - A. The light manufacturing facility may contain a retail sales room. Retail sales are limited to those products that are produced by the manufacturing use, and the retail sales area shall not occupy more than 20 percent of the structure.
  - B. Buildings, parking areas, loading areas, and any exterior storage shall comply with the setback requirements of this chapter.
  - C. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.

- D. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all federal, state, and County rules, regulations, and ordinances.
  - E. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear of the structure, fenced, or adequately screened from adjacent land uses and public roadways in accordance with Part 3, Section 1.10, of this chapter.
  - F. The hours of operation shall not have an adverse impact on adjacent property owners.
  - G. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - H. Light manufacturing facilities shall comply with all federal, state, and County rules, regulations, and ordinances.
19. Motor Vehicle Repair. Motor vehicle repair establishments shall comply with the following performance standards:
- A. A drainage system for collection of any hazardous material run-off must be installed. Such system shall be subject to approval by the Zoning Administrator.
  - B. The entire site, other than that devoted to structures and landscaped areas, shall be maintained for control of dust, erosion, and drainage.
  - C. No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a Conditional Use Permit.
  - D. Outside storage of salvage vehicles shall be prohibited. All salvage vehicles shall be stored in a fenced or screened area.
  - E. Buildings and parking vehicle storage areas shall comply with the lot and setback requirements of this chapter.
  - F. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable federal, state, and County rules, regulations, and ordinances.
  - G. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - H. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Part 3, Section 1.10, of this chapter.

- I. The outdoor storage of hazardous materials shall be prohibited.
  - J. The grounds and all structures shall be maintained in a clean and safe manner.
  - K. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - L. The outdoor storage of motor vehicle parts and debris is prohibited unless the vehicle parts are stored in a fenced or screened area.
  - M. Motor vehicle repair establishments shall comply with all federal, state, and County rules, regulations, and ordinances.
20. Plant Nursery/Tree Farm. Plant nurseries/tree farms shall comply with the following performance standards:
- A. All structures including temporary structures shall comply with the lot and setback requirements of the district in which they are located.
  - B. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses.
  - C. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - D. No sale of product shall take place in the public right-of-way of any federal, state, County, or township roadway.
  - E. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - F. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses and federal, state, County, or township roadways.
  - G. Plant nursery/tree farm uses shall comply with all federal, state, and County rules, regulations, and ordinances.
21. Recreational Vehicle Parks. Recreational vehicle parks shall comply with all of the following performance standards:
- A. The use shall comply with all applicable local, state, and federal laws, rules, regulations, and ordinances.

- B. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
  - C. At least 25 percent of the recreational vehicle park area shall be dedicated as permanent open space which may be used for passive or active recreation. The open space shall be developed and maintained by the property owner. Roads shall not be used to calculate the required open space.
  - D. All buildings, structures, recreational vehicles, and parking areas shall comply with the setback requirement of the applicable zoning district.
  - E. One caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the recreation facility.
  - F. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
  - G. All sanitary facilities must conform to Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.
  - H. Access to the campground from a public road shall be approved by the Road Authority.
  - I. All utilities such as sewer, water, fuel, electric, telephone, and cable television lead-ins shall be buried; and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
  - J. All centralized refuse collection containers and equipment and park maintenance equipment shall be stored in a screened and fenced service yard within the park.
  - K. Outdoor cooking or burning shall be confined to fireplaces, pits, grills, or stoves so as to minimize fire hazards and smoke nuisance.
  - L. Recreational vehicle parks shall be licensed by Renville County Public Health and shall comply with all requirements of Minnesota Rules, Chapter 4630, or successor rules.
22. Religious Facilities. A religious facility shall comply with the following performance standards:
- A. Parking shall comply with the requirements of Part 3, Section 1.9, of this Ordinance.
  - B. The grounds and all structures shall be maintained in a clean and safe manner.

- C. Signs shall comply with the requirements of Part 3, Section 1.11, of this Ordinance.
  - D. All accessory residential, school, or day care uses shall be subject to the provisions of this Ordinance.
  - E. The use shall be connected to a compliant SSTS meeting the requirements of Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.
  - F. The use shall comply with all federal, state, or County rules, regulations, and ordinances.
23. Salvage/Junkyard/Recyclable Center. Both new and existing salvage/junkyard/recyclable centers shall comply with the following performance standards:
- A. All processing equipment shall be enclosed within a structure.
  - B. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
  - C. In the event the business ceases operation, the owner or operator must close the operation in a manner that prevents the escape of pollutants to groundwater or surface waters, to soils, or to the atmosphere during post-closure periods. Where such facility is regulated by closure rules of the MPCA, such closure rules must be complied with.
  - D. All junk and salvage operations shall comply with the minimum standards for operation, safety, storage, and all waste management as listed in the MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, June 2002; or successor manuals.
  - E. The use shall comply with all applicable federal, state, and County rules, regulations, and ordinances.
  - F. Buildings, parking areas, loading areas, and any exterior storage including, but not limited to, vehicles, vehicle bodies, salvaged materials, salvaged parts, waste materials, items for resale, or items for disposal shall comply with the lot and setback requirements of the district in which they are located.
  - G. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - H. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.

- I. The facility shall be fenced and fully screened from adjacent land uses and public roadways. A screening plan shall be submitted to the Zoning Administrator for review and approval at the time of application for a Conditional Use Permit.
- J. Exterior storage of vehicles, vehicle bodies, salvaged materials, salvaged parts, waste materials, items for resale, or items for disposal shall be limited to a maximum height of 12 feet above grade provided that screening to a height of 12 feet is also provided.
- K. The County shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all federal, state, and County rules, regulations, and ordinances.
- L. An environmental management plan including plans for the collection, retention, and drainage of stormwater and hazardous material runoff shall be submitted to address the impact of the facility on the environment.
- M. The grounds and all structures shall be maintained in a safe manner.
- N. The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed, and date when vehicles were removed from the facility. The record shall also include the vehicle identification number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- O. All fluids including, but not limited to, motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants, and window washing fluids shall be removed from the vehicle within three days of receipt of the vehicle at the salvage facility.
- P. All lead acid batteries, mercury containing devices, and other hazardous materials shall be removed from the vehicle within three days of receipt of the vehicle at the salvage facility.
- Q. Vehicles that are not to be used for salvage and are kept intact for resale, and recorded in the facility records for such purposes, are exempt from the requirements of Sections O and P above.
- R. On-site disposal or burning of trash, refuse, garbage, or other waste materials is prohibited. Salvage of materials by fire, burning, explosives, or chemical decomposition is prohibited.
- S. Owners of a vehicle salvage facility shall submit a written report to Renville County Environmental Services by March 1 of each year. The report shall include the number of vehicles stored on site for salvage; vehicles stored on

site for resale; and an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices, and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in Section N above shall be attached to the report.

- T. Junk yards and salvage operations shall be subject, at a minimum, to an annual inspection by the Department.
  - U. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
24. Self-Service Storage Facility (Mini-Storage). Self-service storage facility (mini-storage) shall comply with the following performance standards:
- A. Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.
  - B. No outside storage is allowed.
25. Solid Waste Disposal Facilities and Transfer Stations. Solid waste disposal facilities and transfer stations shall comply with the following performance standards:
- A. The site shall be located at least 1,000 feet from any existing residential use.
  - B. The facility operator or owner shall submit information to the Department regarding the surroundings, any potential environmental hazard, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.
  - C. The use shall comply with all applicable County, state, and federal laws, rules, regulations, and ordinances.
  - D. Buildings, parking areas, loading areas, and any exterior storage shall comply with the setback requirements of the underlying zoning district.
  - E. All loading and unloading facilities shall be located on the rear or side of the structure or be screened from view from all public roadways and adjacent residential uses.
  - F. Transfer stations may store materials capable of decaying outside of the structure provided the materials are stored in a covered container.
  - G. Outdoor storage areas shall be constructed of an impervious surface and screened from view of public roadways and adjacent residential uses.

- H. A drainage system, reviewed and approved by the County, shall be installed to collect hazardous material runoff.
  - I. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - J. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on site and the impact on the environment.
  - K. An operations plan addressing air quality, dust management, sound reduction, and vibration dampening shall be submitted for approval.
  - L. Access to the site shall be controlled to prevent unauthorized dumping.
  - M. In the event that the facility ceases operation, the owner or operator shall close the facility in a manner that prevents the escape of pollutants to groundwater or surface waters, to soils, or to the atmosphere during post-closure periods.
  - N. The owner or operator may be required to submit a financial guarantee to the County to ensure compliance with permit closure requirements. A financial guarantee may be submitted in the form of a bond, insurance policy, escrow account, letter of credit, or other accepted alternative.
  - O. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
26. Temporary Dwelling – Agricultural Use. Temporary farm dwellings shall be subject to administration requirements of Chapter One (Administration), Section 8, of this Ordinance and shall comply with the following performance standards:
- A. A building site shall be limited to one temporary farm dwelling unit.
  - B. The temporary farm dwelling shall be in compliance with all lot and setback requirements of the district in which it is located.
  - C. The temporary single-family residential dwelling unit shall be an accessory to an agricultural operation.
  - D. The temporary single-family residential dwelling unit shall be located within the existing building site.
  - E. The temporary single-family residential dwelling unit may only be occupied by an employee or family member who is engaged in the farming operations.
  - F. Any manufactured home to be used as a temporary single-family residential dwelling unit shall be no less than 16 feet in width, shall be placed on a



permanent foundation, anchored to resist overturning, and shall bear a Seal of Compliance issued by the State of Minnesota.

- G. Upon termination of the Interim Use Permit, the temporary single-family residential dwelling unit shall be removed from the site within 30 days.
  - H. A temporary single-family residential dwelling unit shall not be considered in the calculation of any residential density determination required by this Ordinance.
  - I. The temporary farm dwelling unit shall use the existing road access drive of the principal dwelling unit.
  - J. The temporary farm dwelling shall be connected to an approved subsurface sewage treatment system in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.
  - K. The Interim Use Permit will be reviewed annually by the Zoning Administrator to determine if the temporary farm dwelling is in use.
  - L. The property owner may be required to submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the land use permit. A financial guarantee may be submitted in the form of a bond, insurance policy, escrow account, letter of credit, or other accepted alternative.
  - M. The use of the property for a temporary farm dwelling is interim and so conditioned that it will expire and terminate at such time as the persons occupying the temporary farm dwelling unit are no longer engaged in the farming operations. The property owner shall sign a binding agreement that the temporary dwelling unit will be removed at which time it is no longer needed. At the time of termination of the agreement, the temporary farm dwelling unit shall be removed from the site within 30 calendar days unless otherwise approved by the Zoning Administrator.
  - N. Temporary dwellings for agricultural use shall comply with all federal, state, and County rules, regulations, and ordinances.
27. Temporary Dwelling – Care Facility. A temporary dwelling – care facility shall be subject to the administration requirements of Chapter One (Administration), Section 8, of this Ordinance and shall comply with the following performance standards:
- A. An existing building site is limited to one temporary care facility dwelling unit.
  - B. The temporary care facility dwelling unit shall be accessory to the principal dwelling and shall only be occupied by persons that are family members, as

defined in Chapter One (Administration), Section 2, of this Ordinance, of the occupants of the primary dwelling that, due to health reasons, require special care that can best be provided by family members residing in the principal dwelling.

- C. The temporary care facility dwelling unit shall use the existing road access drive of the principal dwelling unit.
- D. The use shall comply with all federal, state, and County rules, regulations, and ordinances.
- E. The temporary single-family residential dwelling unit shall be located within the existing building site.
- F. The temporary dwelling unit shall be limited to a manufactured home that shall be no less than 16 feet in width, shall be placed on a permanent foundation, anchored to resist overturning, and shall bear a Seal of Compliance issued by the State of Minnesota.
- G. Upon termination of the Interim Use Permit, the temporary single-family residential dwelling unit shall be removed from the site within 30 days unless otherwise approved by the Zoning Administrator.
- H. A temporary single-family residential dwelling unit shall not be considered in the calculation of any residential density determination required by this Ordinance.
- I. The structure shall be in compliance with all lot and setback requirements of the zoning district in which it is located.
- J. The unit shall be connected to an approved subsurface sewage treatment system in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.
- K. The property owner may be required to submit a financial guarantee to the Zoning Administrator to ensure the temporary dwelling unit will be removed upon termination of the land use permit. A financial guarantee may be submitted in the form of a bond, insurance policy, escrow account, letter of credit, or other accepted alternative.
- L. The use of the property for a temporary care facility is interim and so conditioned that it will expire and terminate at such time as the care facility is no longer the residence of the person or persons that require such health care. The property owner shall sign a binding agreement that the temporary dwelling unit will be removed at which time health care is no longer needed. At the time of termination of the agreement, the temporary dwelling unit shall

be removed from the site within 30 calendar days unless otherwise approved by the Zoning Administrator.

- M. The Interim Use Permit shall be reviewed annually by the Zoning Administrator to determine if the temporary care facility dwelling is in use.
28. Temporary Dwelling – During Construction. Temporary dwelling units during construction shall comply with the following performance requirements:
- A. A building site is limited to one temporary dwelling unit during construction.
  - B. The temporary dwelling unit shall only be occupied by persons who are the present or potential occupants of the single-family residence being constructed, reconstructed, or altered.
  - C. Temporary dwelling units during construction shall comply with all federal, state, and County rules, regulations, and ordinances.
  - D. The temporary dwelling unit may only be used for up to one year unless otherwise approved by the Zoning Administrator.
  - E. The temporary dwelling unit during construction shall use the existing or the proposed road access drive of the principal dwelling unit under construction.
  - F. The temporary dwelling unit must be connected to an approved subsurface soil treatment system in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.
  - G. The property owner may be required to submit a financial guarantee to the Zoning Administrator to ensure that the temporary dwelling unit will be properly removed upon termination of the land use permit. A financial guarantee may be submitted in the form of a bond, insurance policy, escrow account, letter of credit, or other accepted alternative. The amount of the guarantee shall be determined by the Zoning Administrator.
  - H. The use of the property for a temporary facility during construction shall expire when construction of the new single-family dwelling is completed and the new dwelling is occupied. The property owner shall sign a binding agreement that the temporary dwelling unit will be removed from the site within 30 calendar days of the occupancy of the new single-family dwelling unless otherwise approved by the Zoning Administrator. Extension of the agreement may be approved by the Zoning Administrator.

29. Warehousing, Storage, Distribution, and Wholesale Facilities. Warehousing, storage, distribution, and/or wholesaling facilities shall comply with the following performance standards:
- A. The use shall comply with all applicable local, state, and federal laws, rules, regulations, and ordinances.
  - B. Buildings shall comply with the setback requirements of the applicable zoning district.
  - C. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from residential uses.
  - D. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the structure, fenced, and adequately screened from adjacent land uses and public roadways.
  - E. A retail sales area may be allowed as an accessory use provided that sales are limited to the sale of goods warehoused or stored on-site and the retail sales area does not occupy more than 40 percent of the principal structure.
  - F. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
  - G. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.
30. Yard Waste Facilities. A yard waste facility shall comply with the following performance standards:
- A. The minimum lot area required for yard waste facilities is 10 acres.
  - B. Composting, storage, transfer, loading, and processing activities must be set back as follows:
    - i. Property lines ..... 100 feet
    - ii. Existing residential uses not on the property .... 500 feet
    - iii. DNR protected watercourse ..... 200 feet
    - iv. Wetland ..... 75 feet
  - C. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.

- D. An environmental management plan including plans for collection, retention, and drainage of stormwater and hazardous material runoff shall be submitted to address the impact of the facility on the environment.
- E. The owner/operator shall provide a site plan showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage, and hazardous waste disposal, lighting, and sanitary facilities.
- F. The materials which can be processed are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.
- G. The operator shall provide information specifying the volume of waste brought onto the property for composting.
- H. The facility shall operate only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless other hours or days of operation are specifically authorized by the County Board. The County shall be notified in writing when the owner/operator varies the hours.
- I. The yard waste facility shall comply with all federal, state, and County rules, regulations, and ordinances.
- J. Buildings, parking areas, loading areas, and any exterior storage shall comply with the setback requirements of the underlying zoning district.
- K. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from all public roadways and adjacent residential uses.
- L. Outdoor storage areas shall be constructed of an impervious surface and screened from view of public roadways and adjacent residential uses.
- M. Parking shall comply with the requirements of Part 3, Section 1.9, of this chapter.
- N. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- O. An operations plan addressing air quality, dust management, sound reduction, and vibration dampening shall be submitted for approval.
- P. In the event that the facility ceases operation, the owner or operator shall close the facility in a manner that prevents the escape of pollutants to groundwater or surface waters, to soils, or to the atmosphere during post-closure periods.

- Q. The owner or operator may be required to submit a financial guarantee to the County to ensure compliance permit closure requirements. A financial guarantee may be submitted in the form of a bond, insurance policy, escrow account, letter of credit, or other accepted alternative.
- R. Signs shall comply with the requirements of Part 3, Section 1.11, of this chapter.

### **SECTION 3. CLUSTER/PLANNED UNIT DEVELOPMENT**

- 1. Purpose.
  - A. To provide a simplified residential development technique that concentrates lots in a specific area on a site and requires, at a minimum, an equivalent land area to remain in agricultural production or open space.
  - B. To encourage creative and flexible residential site development, which is not allowed under base zoning requirements, that is sensitive to the land's natural features and adapts to the natural topography.
  - C. To protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features, scenic views, rare plant communities, endangered species, and prime agricultural lands.
  - D. To decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development.
- 2. Performance Standards.
  - A. Cluster developments shall only be permitted in the Rural Residential zoning district pursuant to this Ordinance.
  - B. All permitted and accessory uses authorized in the Rural Residential district shall be allowed in the cluster development.
  - C. The number of single-family dwelling unit sites in the development shall not exceed the maximum density permitted in the Rural Residential zoning district.
  - D. The maximum impervious lot coverage of any lot in the development shall not exceed 25 percent.
  - E. The development shall provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.

- F. All Rural Residential lots in the development shall be clustered into a group and shall be a minimum of 2.5 acres.
  - G. All structure setbacks, height, and parking requirements shall meet the minimum requirements of the Rural Residential zoning district.
  - H. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of common open space.
  - I. Not less than 50 percent of the development shall be conveyed as open space.
  - J. A development shall be a minimum of 20 acres, must be a contiguous tract, and ownership of a tract shall be under single control.
  - K. Development subdivisions shall be connected to publicly owned water supply and sewer systems, if available. Where publicly owned water supply and sewer systems are not available, subdivisions shall either establish dedicated areas for individual sewage treatment systems or establish centralized water supply and sewage treatment systems to serve the entire subdivision.
  - L. All essential services shall be placed underground.
3. Conditional Use Permit Required. A Conditional Use Permit is required for all cluster/planned unit developments. An applicant shall make an application for a Conditional Use Permit following the procedural steps as set forth in Chapter One (Administration), Section 7, of this Ordinance.
4. Coordination with Conditional Use Permit and Platting Procedure Application Processes.
- A. A cluster/planned unit development application shall be filed and processed simultaneously in accordance with the platting procedures as outlined in Chapter Three (Subdivision Regulations) and Chapter One (Administration), Section 7, of this Ordinance.
  - B. All development plans must be submitted in a form which will satisfy the requirements of Chapter Three (Subdivision Regulations) of this Ordinance with regard to preliminary and final plat approval required under these regulations.
  - C. No conveyance of property or a lot shall take place until the development is platted in conformance with Chapter Three (Subdivision Regulations) of this Ordinance.

5. Permit Application.

- A. Prior to the submission of an application for a cluster/planned unit development, the applicant shall meet with the Zoning Administrator to discuss the proposed project and to learn the procedural steps for a Conditional Use Permit and major subdivision platting. The applicant shall submit a sketch plan for informal review and discussion. The sketch plan shall include the location of the site, size of the site, utilization of land adjacent to the site, existing buildings on the site, significant topographical and physical features of the site, and proposed general street and lot layout. The applicant shall also supply proof of ownership of the proposed development site.
- B. Following the pre-application meeting, the developer shall submit preliminary plans of the proposed development for review. In addition to the submittal requirements required for a Conditional Use Permit elsewhere in this Ordinance, the preliminary plans shall include the following additional information:
  - i. A statement of proposed financing of the cluster/planned unit development.
  - ii. A general development plan indicating the expected construction schedule including sequential phasing and timetable.
  - iii. Site plan to scale indicating the following information:
    - a. The maximum number and type of dwelling units proposed.
    - b. The calculations used to determine overall maximum density of dwelling units.
    - c. Specific location and dimensions of streets, parking areas, sidewalks, trails, bike paths, and other easements.
    - d. Specific location, size, and number of acres to be conveyed as common open space.
    - e. Location of all proposed areas on which dwelling units are to be constructed, general development floor plans, accessory structures, site landscaping, utilities, and other features.
  - iv. Preliminary plat and subdivision design information required in Chapter Three (Subdivision Regulations) of this Ordinance.
  - v. Evidence that the applicant has sufficient control over the subject property to bring about the proposed development including an



up-to-date certified abstract of title or registered property report and such other evidence as may be required to show the status of title or control of the subject property.

- vi. Any restrictive covenants that are to be recorded with respect to property included in the proposed development.
  - vii. The Zoning Administrator may require additional information or excuse an applicant from submitting any specific item of information or document required.
6. Final Plan and Conditional Use Permit Review. The Conditional Use Permit application shall be accompanied by final development plans of the proposed cluster/planned unit development.
7. Development Agreement. Prior to the issuance of a final plat, the developer and the County shall enter into a development agreement that contains, as applicable, provisions for: construction schedule, landscape plan, development plan, open space plan, any public improvements required, any developer's improvements required, signs, on-site improvements, occupancy requirements, insurance, inspections, any dedication to the public, ownership of improvements, site cleanup, responsibility for costs, hold harmless provision for the benefit of the County, any screening, and any other provision required by the County Board.
8. Review and Amending a Cluster/Planned Unit Development.
- A. Minor changes in the location, placement, and heights of buildings, structures, or landscaping may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved. Approval of the Planning Commission and County Board shall be required for all other changes such as rearrangement of lots, blocks, and building tracts. These changes shall be consistent with the purpose and intent of the approved final development plan.
  - B. Any desired change involving structural alteration, enlargement, or intensification of the use not specifically allowed by the approved development plan or any request for a variance from the specific terms of the approved development plan shall require that an application to be filed for an amended permit, and all procedures shall then apply as if a new permit was applied for.
9. Development Siting Standards. Cluster/planned unit developments shall be sited to achieve the following siting standard goals:
- A. Development shall result in a contiguous tract of land.

- B. Development shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between incompatible uses.
- C. Development shall avoid encroaching on rare plant communities, high quality sites, and endangered species identified by the Department of Natural Resources.
- D. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.
- E. Development should be sited to achieve the following goals, to the extent practicable:
  - i. Minimize impacts to tillable farmland and large tracts of land in agricultural use and avoid interference with normal agricultural practices.
  - ii. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
  - iii. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
  - iv. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
  - v. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

10. Open Space Design.

- A. The minimum open space required shall be owned and maintained under one of the alternatives listed in Section 3.11. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development.
- B. Open space shall be designated as part of the development. The minimum required open space is 50 percent of the gross acreage.

- C. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
  - i. Parking areas.
  - ii. Buildings or structures provided they are accessory to the use of the open space.
  - iii. Shared septic systems and shared drinking water systems.
- D. Road rights-of-way shall not be counted towards the required minimum open space.
- E. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.

11. Ownership and Maintenance of Open Space and Common Facilities.

- A. Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:
  - i. A homeowners' association.
  - ii. A nonprofit conservation organization.
  - iii. The township in which the open space is located.
  - iv. An individual who will use the land for open space purposes as provided by a conservation easement.
- B. Homeowners' Association. A homeowners' association shall be established if the common open space is proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions, and restrictions of the homeowners' association shall be submitted for approval as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners' association shall contain the following information:

- i. The legal description of the common land.
- ii. A description of common facilities.

- iii. The restrictions placed upon the use and enjoyment of the lands or facilities.
  - iv. Persons or entities entitled to enforce the restrictions.
  - v. A mechanism to assess or enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
  - vi. A mechanism for resolving disputes among the owners or association members.
  - vii. The conditions and timing of the transfer of ownership and control of land facilities to the association.
  - viii. Any other matter the developer deems appropriate.
- C. A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the County. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
- D. Public Dedication of Open Space. The township may accept the dedication of fee title or dedication of a conservation easement to the common open space provided:
- i. The common open space is accessible to the residents of the township.
  - ii. The township agrees to and has access to maintain the common open space.
- E. Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement for the common open space.
- F. Maintenance Plan. A cluster/planned unit development must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities including any stormwater facilities. The plan shall be approved by the Renville County Board of County Commissioners prior to final plat approval.

- i. The plan shall do the following:
  - a. Designate the ownership of the open space and common facilities.
  - b. Establish necessary regular and periodic operation and maintenance responsibilities.
  - c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the maintenance on an ongoing basis.
  - d. Include a maintenance plan specifically focusing on the long-term management of common open space lands. The plan shall include a narrative describing:
    - 1. Measures proposed to preserve all natural, cultural, historic, and scenic elements in the landscape.
    - 2. The operations needed for maintaining the open space resources including mowing schedules, weed control, planting schedules, clearing, and cleanup.
- ii. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition, the County shall provide notice upon the residents and owners of the open space and common facilities setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. The notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Ordinance. The County shall have authority to enter the premises and take corrective action and assess the costs back to the owners of the open space.
- iii. Management plans can be amended by the owner of the open space and common facilities with the approval of the Department.

12. Sewage and Facilities.

- A. Water for a cluster/planned unit development shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the Minnesota Department of Health. The use of shared or community wells is encouraged. Plans for shared or community wells should include an approved wellhead protection plan including a map of the primary

and emergency wells, emergency response area, wellhead protection area, and the drinking water supply management area.

- B. All cluster/planned unit developments shall be connected to a publicly owned wastewater treatment facility or provided with adequate sewage treatment facilities meeting the standards of Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance.

**PART 4  
GENERAL PROVISIONS**

**SECTION 1. FEES**

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

**SECTION 2. SEPARABILITY**

Administration of this chapter with regard to interpretation, conflict, and separability shall be done in accordance with policies established in Chapter One (Administration), Section 3.2 (Separability), of the Renville County Land Use Ordinance.

**SECTION 3. EFFECTIVE DATE**

The regulations in this chapter shall become effective from and after its publication according to law.

# RENVILLE COUNTY LAND USE ORDINANCE

## CHAPTER THREE

### SUBDIVISION REGULATIONS

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Subdivision Regulations and may be referred to in this chapter as “this chapter.”

#### *SECTION 1. INTENT AND PURPOSE*

This chapter is adopted for the purposes of:

1. Regulating the subdivision of land in Renville County, Minnesota.
2. Protecting and providing for the public health, safety, and general welfare of the County.
3. Promoting and providing for the orderly, economic, and sound development of all land within Renville County.
4. Establishing minimum design standards and procedures for the subdivision of land to insure proper legal descriptions and monumenting of subdivided land.
5. Guiding development in order to provide adequate transportation, sewer and water, and other public services.
6. Protecting the natural beauty and topography of the County and to insure appropriate development with regard to these natural features.
7. Encouraging the wise use and management of natural resources throughout the County including preventing erosion and providing for adequate drainage and stormwater management.

Statutory Authorization. This chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 394; Minnesota Statutes, Chapter 505; Minnesota Statutes, Chapter 508; and Minnesota Statutes, Chapter 515B; or successor statutes.

Jurisdiction. This chapter shall apply to all subdivisions of land including registered land surveys and conveyances located in all areas of Renville County, Minnesota:

1. Except areas within the incorporated limits of any city, however organized, except as provided by law; and



2. Except as otherwise provided by law.

Restrictions on Land Use Permits and Subdivision Improvements. A land use permit shall not be issued for any structure on any lot proposed in a standard plat that has not received final approval pursuant to this chapter. No improvements shall be made or installed until the final plat has been approved pursuant to this chapter.

Metes and Bounds. Except as otherwise provided in this chapter, no land shall be subdivided by metes and bounds description without an accompanying certificate of survey from a licensed land surveyor.

Comprehensive Plan, Zoning Ordinance, and Official Map. No subdivision of land shall conflict with the goals and policies of the Renville County Comprehensive Plan or any provisions of the Renville County Land Use Ordinance or Official Map.

Adoption of Plat Manual by Reference. The Minnesota Society of Professional Surveyors' and the Minnesota Association of County Surveyors' "Manual of Guidelines for Platting in Minnesota" dated December 2009, or successor manual, is hereby adopted by reference as though a part of this chapter.

Recording of Deeds, Surveys, and Plats. No subdivision of land, survey, or plat shall be recorded in the County Recorder's office or have any validity unless the subdivision has been prepared, approved, and acknowledged in accordance with the provisions of this chapter.

## ***SECTION 2. COMPLIANCE***

1. The regulations contained in this chapter shall apply in the unincorporated area of Renville County and shall apply to any division of land into two or more parcels with the following exceptions:
  - A. Undevelopable tracts of land entered into permanent easement, designated wetlands, and land tracts located in the floodway.
  - B. U.S. government lots or U.S. Government Survey System tracts, whether a simple fractional part of or a simple quantity part of, 40 acres or greater in area that meet the Ordinance definition of "agricultural use" and are not intended for development.
2. These regulations shall apply for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance, sales, contract for deed, or other means by which a beneficial interest in land is transferred.
3. No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this chapter and approved by the Department as having

fulfilled the requirements of this chapter, the other chapters of the Renville County Land Use Ordinance, and Minnesota Statutes, Chapter 505.

4. Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, shall not be re-separated without approval in the manner prescribed in this chapter.
5. No registered land survey shall be recorded until it has been approved by the Department as having fulfilled the requirements of this chapter and the Renville County Land Use Ordinance.

### ***SECTION 3. ADMINISTRATION***

1. Pursuant to Chapter One (Administration) of the Renville County Land Use Ordinance, the Renville County Division of Environment and Community Development shall be the Administrator of these regulations.
2. Whenever there is a difference between the minimum standards or dimensions required in this chapter and any other standards or dimensions in other chapters of the Renville County Land Use Ordinance, the most restrictive standards or dimensions shall apply.
3. Subdivision review shall be coordinated with the requirements and procedures set forth for Environmental Review, Minnesota Rules, Chapter 4410, or as amended, together with the provisions of this chapter. Any mandatory Environmental Assessment Worksheet or Impact Statement shall be completed and submitted as part of the application for preliminary plat approval.
4. Subdivision review shall be coordinated with the affected township Board of Supervisors. The affected township shall be kept informed during the standard plat approval process.
5. In the case of a request to divide a lot that is part of a recorded plat or metes and bounds description where the division is to permit the adding of a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots and the newly created property line will not cause either lot to be in violation with this chapter or the Land Use Ordinance, the division may be approved by the Zoning Administrator after submission of a survey and legal description of each by a licensed land surveyor showing the original lots and the proposed new lot lines. The newly acquired land must be combined on the same deed on any future conveyance.
6. No structure shall be built or placed on a lot in a newly approved standard plat until all required improvements have been completed as determined by the Zoning Administrator.

7. Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this chapter and the Renville County Land Use Ordinance.
8. Variances to the dimensional standards contained in this chapter shall be heard by the Renville County Board of Adjustment and Appeals and governed by the regulations contained in Chapter One (Administration) of the Renville County Land Use Ordinance.
9. Any development agreements or financial and warranty agreements required under the provisions of this chapter shall be approved by the County Board.
10. The County Board shall not approve a plat if the subdivider is in default on a previously adopted plat.
11. Fees for plat reviews and other services rendered under this chapter shall be established by the Renville County Board of County Commissioners.

#### ***SECTION 4. TYPES OF SUBDIVISIONS***

The subdivision of any lot, tract, or parcel into two or more lots, tracts, or parcels shall be considered a subdivision and shall be subdivided in accordance with the provisions of this chapter. The following types of land subdivisions shall be allowed by this chapter:

1. Minor Administrative Subdivisions
2. Standard Plats
3. Registered Land Surveys
4. Common Interest Community Plats

#### ***SECTION 5. MINOR ADMINISTRATIVE SUBDIVISION PROCEDURES***

Minor administrative subdivisions are simple land divisions that shall be allowed for the following land conveyances provided that any residual tract does not become nonconforming as defined by the Renville County Land Use Ordinance.

1. The subdivision and conveyance of a land parcel surveyed as part of the U.S. Government Survey System that is less than 40 acres or a complete U.S. government lot used for agricultural purposes that does not require the construction or altering of roads or public infrastructure.
2. The subdivision and conveyance of a tract of land less than five acres in area for the purpose of attachment to an adjoining lot, parcel, or tract of land. A proposed

subdivision that does not comply with the minimum lot requirements of the zoning district in which it is located may be allowed without seeking a Variance if the tract of land is legally combined on the same deed to an adjoining lot, parcel, or tract of land and thereon shall be considered as one lot, parcel, or tract of land.

3. The subdivision and conveyance of an existing building site that complies with the minimum lot requirements of the zoning district in which it is located.
4. The subdivision and conveyance is, in the opinion of the Zoning Administrator, solely for the purpose of correcting a boundary line.
5. The subdivision and conveyance is part of a registered land survey or approved plat, and the conveyance is for the purpose of attachment to an adjoining lot or an exchange of property.
6. The subdivision and conveyance is a new single lot, parcel, or tract of land for the purpose of the development of a building site provided:
  - A. The site has direct access to a public road and does not require any new construction or reconstruction, expansion, or extension of any existing public infrastructure.
  - B. The subdivision complies with all density and lot requirements of the zoning district in which it is located.
  - C. The site contains a minimum of one contiguous acre of accessible buildable lot area as defined by the Land Use Ordinance.

Minor Administrative Subdivision Approval Process.

1. The property owner or applicant shall submit the following information for review:
  - A. A certificate of survey prepared and signed by a licensed land surveyor. The survey shall include the following information:
    - i. A legal description of the existing parcel and proposed legal description of the lot, parcel, or tract of land to be conveyed.
    - ii. The total area of each parcel.
    - iii. Boundary lines including location of monuments found and set.
    - iv. Site improvements including structures and their distances to boundary lines.

- v. All existing and proposed easements.
  - vi. All access drives and access easements including a legal description for providing an easement for ingress and egress, a minimum of 24 feet wide, to a public road for any lot, parcel, or tract of land that does not have a legal access to a public right-of-way.
  - vii. North arrow and scale.
  - viii. Name, address, and telephone number of the surveyor.
  - ix. Location of waters of the state and wetlands, if applicable.
- B. Name, address, email address, and telephone number of the property owner or applicant submitting the minor administrative subdivision information.
  - C. An application fee for review of the minor administrative subdivision as established by the Renville County Board of County Commissioners.
2. The Zoning Administrator shall review the proposed subdivision for compliance with this chapter.
  3. If the minor administrative subdivision is approved, the Zoning Administrator shall submit it to the County Recorder for recording.
  4. If the minor administrative subdivision is denied, the Zoning Administrator shall provide the property owner or applicant, in writing, the reasons for the denial including what requirements shall be necessary for it to be approved. A copy of the notification shall be sent to the County Recorder.

***SECTION 6. STANDARD PLAT PROCEDURES***

Standard plats allow the subdivision of land by plat pursuant to Minnesota Statutes, Chapter 505, or successor statutes, and containing all elements and requirements set forth in all official controls adopted pursuant to Minnesota Statutes, Chapters 394 and 505, or successor statutes. The standard plat approval process shall be followed if the proposed subdivision does not meet the standards necessary to qualify as a minor administrative subdivision.

1. Pre-application Standard Plat Process Meeting.
  - A. The pre-application meeting provides an opportunity for the developer and the Department to discuss the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by

other state or County regulations prior to the investment of resources into the development of a preliminary plat. The developer shall initiate a meeting with the Department to discuss the proposal.

- B. The developer shall prepare and submit a copy of a concept/sketch plan containing the following information to be discussed and/or reviewed at the pre-application meeting:
  - i. Location of existing property lines.
  - ii. Significant topographic and physical features and existing vegetation on the property to be platted.
  - iii. General location and width of existing and proposed roads and lot layout including lot sizes.
  - iv. General location of proposed public and private open space areas or parks.
  - v. Soil types and characteristics in the area to be platted.
  - vi. Location of public water bodies, wetlands, and drainageways.
  - vii. Location of any feedlot within 2,640 feet of the proposed plat boundary.
  - viii. Location of all existing buildings.
  - ix. Plan for sewage treatment, water supply, and stormwater management.
  - x. Location of floodway, flood fringe, and/or general flood plain district boundaries, if applicable.
  - xi. Location of Shoreland Overlay District boundary, if applicable.
- C. The Department shall review and provide administrative comments regarding the sketch plan with the developer. The Zoning Administrator can take no formal or informal action at this stage of review, and discussion that occurs at the meeting cannot be construed as approval or denial of the proposed plat.

## 2. Preliminary Standard Plat Process.

- A. Preliminary Plat Application Information. The following information shall be shown on the plat map and submitted for preliminary plat review:

- i. General information to be shown:
  - a. Proposed name of the plat.
  - b. Legal description of the property.
  - c. Name, address, and phone number of the property owner, any agent having control of the land, applicant, subdivider, land surveyor, engineer, and any other principals involved in the development of the plat.
  - d. Map shall indicate the north orientation and graphic scale of not less than one inch to 100 feet.
  - e. Date of preparation.
  - f. Existing land use district.
- ii. Existing information and features to be shown:
  - a. Existing property lines including property lines extending 100 feet from the exterior boundaries of the proposed plat.
  - b. Existing zoning classification for land in and abutting the plat.
  - c. Approximate total acreage of the land to be subdivided.
  - d. Existing public and private roads including right-of-way width, parks and other public lands, significant physical features/natural resources, vegetation and wood areas, buildings and structures, and public and private easements.
  - e. Location and size of existing sanitary and storm sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities and essential services within the preliminary plat area and to a distance of 100 feet beyond.
  - f. Location of all waters of the state and wetlands. All wetlands shall be field delineated by a qualified and experienced wetlands delineator. The preliminary plat must show the surveyed location of all wetland boundary markers. A copy of the wetland delineation report shall be submitted.

- g. Topographic data including contours at vertical intervals of not more than two feet unless otherwise approved by the Department.
- h. The toe and top of any bluffs for lands proposed to be platted in the Minnesota Scenic River Overlay District, the Project River Bend Overlay District, and Shoreland Overlay District.
- i. All ordinary high water elevations, 100-year flood elevations, regulatory flood protection elevations, and the lowest floor elevation of a building shall be noted for all lots unless deemed unnecessary by the Zoning Administrator. A durable benchmark shall be established and noted on the map.
- j. Surface water drainage patterns.
- k. Floodway, flood fringe, and/or general Flood Plain District boundaries, if applicable.
- l. The Shoreland, Scenic River, and Project River Bend Overlay District boundaries, if applicable.
- m. Location of any environmental hazards on the site.
- n. Any additional information deemed necessary at the pre-application meeting.
- iii. Subdivision design features to be shown:
  - a. Name, location, grade, and width of proposed streets including engineering plans and profiles and any provision for extending streets to serve adjacent neighboring areas.
  - b. Locations and widths of proposed pedestrian ways and easements for utilities and stormwater management.
  - c. Proposed lot lines and dimensions, lot and block numbers, area of each lot, and identification of the buildable area of each lot.
  - d. All minimum required setbacks and resulting building lines.



- e. Proposed location areas (other than streets, alleys, pedestrian ways, and utility easements) intended to be dedicated or reserved for public uses (parks, trails, playgrounds, or other public property) including the size of such area(s) in acres.
  - f. Proposed borrow sites within the proposed plat to be used for the construction of new roads/infrastructure.
  - g. Location of buildable lot area on each site including the lowest building floor elevations.
- iv. Other Information to be Submitted:
- a. Source of potable water supply either by an individual well, central water system, or public water system including plans and specifications.
  - b. Where the subdivider owns property adjacent to that which is being proposed for platting, the Planning Commission may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision.
  - c. Map indicating the location of all animal feedlots within 2,640 feet of the plat boundary.
  - d. Mapped soils as shown in the Soil Survey of Renville County.
  - e. Plans and specifications for installation of all proposed sanitary sewer lines. In areas where public sewer is not available, identification on the preliminary plat of two standard soil treatment and dispersal areas including a site evaluation report completed by a licensed designer for each proposed lot.
  - f. Stormwater management and drainage facility plans and designs including all calculations.
  - g. Grading and drainage plans for entire platted area.
  - h. Erosion and sediment control plan during construction for the entire platted area.

- i. Proposed lot uses and residential density.
- j. A copy of all proposed private restrictions, restrictive covenants, or other subdivision agreements.
- k. Proof of ownership or legal interest in the property.
- l. Such other information as may be requested by the Zoning Administrator, the Department, the County Engineer, or the Planning Commission.
- v. An application fee as established by the Renville County Board of County Commissioners.

B. Preliminary Plat Application Submittal.

- i. After receiving comments from the Zoning Administrator during sketch review, the applicant shall prepare and submit all application information including 11 copies of the preliminary plat to the Zoning Administrator for review. The application shall be accompanied by a fee as established by the County Board.
- ii. Preliminary Plat Application Review Process.
  - a. The Zoning Administrator shall review the preliminary plat to determine if all information as listed in Section 7 of this chapter has been submitted.
  - b. The Zoning Administrator shall notify the developer in writing of any request for additional or clarifying application information.
  - c. The preliminary plat shall be sent to the following for written comments and recommendations:
    - 1) The Minnesota Department of Natural Resources for plats located in a Shoreland Overlay District.
    - 2) The Soil and Water Conservation District and watershed district in the area of the proposed plat.
    - 3) The Minnesota Department of Transportation for plats that abut a state highway right-of-way.
    - 4) The township in which the plat is located.

- 5) The County Recorder.
  - 6) The County Attorney.
  - 7) The County Engineer.
  - 8) Any city located within one-half mile of a proposed plat.
- d. The preliminary plat application shall be considered a complete application only upon submission of all information required in Section 7 of this chapter for the adequate review of the preliminary plat, as determined by the Zoning Administrator.
- iii. **Public Hearing.** Upon receipt of complete preliminary plat application, the Planning Commission shall conduct a public hearing before final consideration of the proposed preliminary plat. Public notice and hearing procedures shall be in accordance as outlined in Chapter One (Administration), Section 7.2, of the Land Use Ordinance.
- iv. **Planning Commission Review Criteria.** The Planning Commission shall consider, but not be limited to, the following criteria when considering a preliminary plat:
- a. The preliminary plat shall conform to all applicable Renville County official controls and all state and federal laws, regulations, and rules.
  - b. The preliminary plat shall be consistent with the Renville County Comprehensive Plan.
  - c. A preliminary plat shall not be approved if it does not conform to any applicable Flood Plain, Shoreland, Scenic River, and Project River Bend Overlay District standards contained in the Renville County Land Use Ordinance.
  - d. A preliminary plat shall not be approved unless each lot can be hooked onto a public sewer system or each lot is designed to be of sufficient size and character to meet the sewage treatment system standards contained in Chapter Four (Sewage and Wastewater Treatment Regulations) of the Land Use Ordinance including the provision for two standard on-site sewage treatment systems for each lot.

- e. A preliminary plat shall not be approved where a variance or variances will subsequently be required in order to use the lots for their intended use.
  - f. A preliminary plat shall not be approved if it does not contain adequate provisions for stormwater runoff. No plat shall be approved without a stormwater management plan reviewed and approved by the Renville County Soil and Water Conservation District.
  - g. Each lot of the preliminary plat shall have sufficient buildable lot area as defined in the Land Use Ordinance.
  - h. The Planning Commission shall consider whether the preliminary plat as proposed adequately protects the health, safety, and welfare of the residents of the County by providing for a healthy drinking water supply, adequate sewage treatment capacity, safe road access, and proper setbacks and buffering from conflicting land uses.
- v. Planning Commission Review and Decision.
- a. Following the public hearing, the Planning Commission shall make findings recommending the approval or denial of the preliminary plat.
  - b. If the Planning Commission does not recommend approval of the preliminary plat, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. The applicant can appeal such non-approval to the County Board who shall conduct a public hearing and take action on the preliminary plat.
  - c. If the Planning Commission recommends approval of the preliminary plat, the approval shall not constitute final acceptance of the layout.
  - d. Following approval of the preliminary plat, the subdivider shall submit the final plat within 180 days or the approval of the preliminary plat shall be considered null and void. This 180-day time limit may be extended if requested by the applicant in writing and approved by the Planning Commission.

- vi. Preliminary Plat Amendments. Should the subdivider desire to amend the preliminary plat as approved, he/she may submit an amended plat that shall follow the same procedures as outlined in Section 7 of this chapter. A public hearing and submission of a preliminary plat review fee shall not be required for amended preliminary plats unless, in the opinion of the Zoning Administrator, the amendment is of such scope as to constitute a new plat. In such cases, the plat shall be re-filed with payment of appropriate review fees and shall require a public hearing.

3. Final Standard Plat Process.

- A. Final Plat Application Information. The following information shall be submitted for the final plat review:
  - i. The final plat incorporating all changes or modifications recommended by the Planning Commission during preliminary plat approval.
  - ii. The final plat shall be in the form and with the content prescribed in the “Manual of Guidelines for Platting in Minnesota” dated December 2009, or successor manual, when applicable, and Minnesota Statutes, Chapter 505, or successor statutes.
  - iii. One original and one copy of the final plat on reproducible Mylar in accordance with the requirements of Minnesota Statutes, Chapter 505, or successor statutes.
  - iv. A current title opinion or preliminary title commitment to the description of the property being platted shall be submitted to the Department. The document shall have originated within 30 days or less of the date of submission of the final plat.
  - v. Any restrictive covenants, development agreements, and financial and warranty guarantees.
  - vi. The final plat shall be considered a complete application when the Zoning Administrator has determined that all requirements have been met.
- B. Planning Commission Review and Recommendation.
  - i. Upon review and acceptance by the Zoning Administrator that the final plat is a complete application, the Planning Commission shall consider and shall make findings recommending the approval or denial of the final plat.

- ii. If the Planning Commission recommends approval of the final plat, the Zoning Administrator shall submit the final plat together with the findings of the Planning Commission to the County Board for final consideration.
  - iii. If the final plat is not approved by the Planning Commission, the Zoning Administrator shall provide the applicant, in writing, the reasons for the denial including what requirements shall be necessary to meet the approval of the Planning Commission. The applicant can appeal that decision to the County Board who shall conduct a public hearing and take action on the final plat.
- C. County Board Review and Decision. The final plat and Planning Commission findings shall be reviewed by the County Board. Any action to approve the plat shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways, stormwater management and drainage systems, parks or other open spaces, or other facilities dedicated to public purposes. If the plat is disapproved, the grounds for the denial of the plat shall be stated in the Minutes of the County Board. The applicant shall be notified in writing the reasons for the denial.
- D. Development Agreement. Prior to approval of the final plat, a development agreement shall be required and signed obligating the subdivider to construct, at its expense unless otherwise agreed upon, all proposed roads, utilities, stormwater management control structures, or other required improvements to County and/or township design standards. The subdivider shall provide the County and/or township with a financial guarantee to cover the total estimated costs of design, construction, and inspection and a guaranteed warranty period for all proposed improvements.
- E. Recording. If a final plat is approved, and upon obtaining the necessary signatures, the plat shall be recorded in the office of the County Recorder subject to a recording fee. The final plat must be recorded within 180 days of the date of approval otherwise the approval of the plat shall become null and void. One administrative extension of up to 180 days may be granted by the County Board upon written request of the property owner, no less than 30 days prior to the 180-day deadline, provided there is reasonable cause found for granting the extension.

***SECTION 7. REGISTERED LAND SURVEY PROCEDURES***

Registered land surveys shall be reviewed and considered for approval as outlined in the Standard Plat Procedures outlined in this chapter.

## ***SECTION 8. COMMON INTEREST COMMUNITY PLAT PROCEDURES***

Common interest community plats shall be reviewed and considered for approval as outlined in the Standard Plat Procedures outlined in this chapter.

## ***SECTION 9. STANDARD PLAT DESIGN STANDARDS***

1. General Requirements.
  - A. No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on 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 residents of the township or future residents of the subdivision.
  - B. The County shall consider, during the standard plat review process, measures for the preservation of all natural features such as large trees, water courses, scenic views, historical spots, and similar assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
  - C. Standard plats shall conform to the Renville County Comprehensive Plan and the Land Use Ordinance as adopted and amended.
  - D. Where a standard plat abuts or impacts an existing County or township road or County state aid highway, additional right-of-way may be required to be dedicated for future construction, maintenance, or public safety as determined by the Road Authority having jurisdiction over the road.
  - E. Standard plats shall be coordinated with the township in which the plat is located and any city located within one-half mile of a proposed plat.
2. Road and Street Design Standards.
  - A. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts. A turn-around approved by the Road Authority shall be provided.
  - B. Temporary cul-de-sacs may be permitted if it can be clearly shown that the road is designed to be extended at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.

- C. A service road shall be provided whenever the proposed subdivision contains or is adjacent to a state or federal highway or if requested by the Road Authority.
- D. All proposed roads and streets shall be offered for dedication in fee simple as public rights-of-way. Private roads shall not be permitted except as part of cluster/planned unit development.
- E. Permanent cul-de-sacs may be permitted where topography, woodlands, or public waters justify their use. Permanent cul-de-sac streets shall not exceed 1,320 feet in length measured from the centerline of the road of origin to the middle of the cul-de-sac with a minimum right-of-way radius of 60 feet.
- F. All proposed roads and streets shall conform to the following minimum rights-of-way widths. Additional right-of-way and roadway widths may be required by the Road Authority to promote maintenance, public safety, and convenience when special conditions require it or to provide parking space in areas of intensive use.

<b>Type of Street</b>	<b>Minimum R/W Width</b>
Major Arterial	120 ft
Minor Arterial/Collector	100 ft
Local	66 ft
Service	50 ft
Alley	20 ft

- G. Access drives onto any public roads shall require a review and approval and/or permit by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- H. All streets shall be designed and surfaced to the minimum standards required in this chapter and/or as required by the Road Authority. All design plans shall be reviewed and approved by the County Engineer prior to construction.

3. Utility Easement Standards.

- A. Utility easements of at least 10 feet wide shall be provided along property lines where utilities are reasonably anticipated. These easements shall be dedicated on the final plat.



- B. Where a subdivision is traversed by or contains a watercourse, a stormwater or drainage easement conforming substantially to the lines of the watercourse shall be provided, together with such further width as will be adequate for the stormwater drainage of the area. The County Engineer shall determine the required width of such easement.
  - C. Utility easements shall connect with easements established in adjoining properties. The easements shall be dedicated on the plat and shall not be changed without the approval of the County Board upon recommendation of the Planning Commission.
  - D. All utilities shall be placed underground unless otherwise approved by the Road Authority in consultation with the County Engineer.
4. Road, 911 Address, and Traffic Control Sign Standards. All road, 911 address, and traffic control signs, including locations, shall be approved by the County and/or Road Authority prior to installation. All costs associated with the purchase and installation of the signage shall be at the expense of the subdivider.
5. Lot Development Standards.
- A. All lots shall meet the minimum lot area and width regulations of the zoning district in which the plat is located.
  - B. Each lot shall meet the minimum required frontage with legal access on a public street or road. The minimum required frontage shall be the lot width requirement for the zoning district in which the plat is located. If there is a significant curve in the road, or the lot is located on a cul-de-sac, the public road frontage may be measured at the building setback line.
  - C. Side lot lines shall be approximately at right angles to road or street lines or radial to curved road or street lines or lake or stream shores unless topographic conditions necessitate a different arrangement.
  - D. Lots to be used for commercial or industrial purposes or any use other than a single-family dwelling shall be designed to provide adequate off-street loading areas and parking facilities as required by the Land Use Ordinance.
  - E. Corner lots shall have sufficient width to meet minimum building setback regulations from all roads or streets.
  - F. Double frontage lots shall be avoided except where such lots abut a major or minor arterial/collector street or where topography or other conditions render subdividing otherwise unreasonable. Such lots shall require

additional depth of a minimum of 20 feet in order to allow space for a screen planting along the rear lot line.

- G. All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots.
  - H. No lot shall extend over a political subdivision boundary.
  - I. All lots abutting a lake shall contain a buildable lot area a minimum of three feet above the ordinary high water level. The lowest floor elevation, including basement floor, of all structures shall be shown on the face of the final plat, as recorded, and shall be a minimum of three feet above the ordinary high water level.
  - J. All lots abutting a river or stream must be located outside of the Floodway District. All lots must contain a buildable lot area at or above the regulatory flood protection elevation. The lowest floor elevation, including basement floor, of all structures shall be shown on the face of the final plat, as recorded, and shall be at or above the regulatory flood protection elevation.
6. Sewage Treatment System Standards.
- A. Where lots cannot be connected to a public sewer system, provision must be made for the use of a subsurface sewage treatment system (SSTS) to service each lot in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of the Renville County Land Use Ordinance. A minimum of three SSTS soil observation borings shall be required for the initial and replacement soil treatment design areas for each lot. SSTS soil observation reports shall detail soil characteristics encountered including color, texture, structure, and, if applicable, depth to redoximorphic features or groundwater. The location of all borings shall be shown on the preliminary plat.
  - B. Lots must be connected to a publicly owned sewer system if available.
7. Water Supply Standards. Each lot shall be provided with a supply of potable water by an individual well, central water system, or a public water system.
8. Stormwater Management Standards.
- A. A stormwater management plan shall be required for any development or redevelopment activity that results in the disturbance of greater than one acre of land. Stormwater management plans shall, at a minimum, include the following information:

- i. A narrative describing the proposed project, including an implementation schedule.
- ii. A grading plan shall be submitted and include:
  - a. Existing and proposed property lines and lot dimensions.
  - b. Existing and proposed drainage, utility, and other easements.
  - c. Location and dimensions of existing and proposed public and private roads and structures.
  - d. All natural and artificial water features including, but not limited to, lakes, ponds, streams (including intermittent streams), and ditches. Show the ordinary high water level of all lakes, 100-year flood elevations, and any delineated wetland boundaries.
  - e. Existing vegetative cover, wooded areas, and a clear boundary of any vegetation proposed for removal.
  - f. Existing and proposed elevations shown at two-foot contours.
- iii. A drainage plan of the developed site showing the direction stormwater will be conveyed, locations where stormwater will be allowed to collect, and locations of all discharge points from the property. The drainage plan shall show all drains or tile lines on the property.
- iv. An erosion and sediment control plan during construction meeting minimum standards as set forth in Chapter Two (Zoning Regulations), Part 3, Sections 1.7.B and 1.7.C, of the Renville County Land Use Ordinance.
- v. Information shall be included which clearly identifies all elevations and grades for streets, ditches, stormwater management facilities, wetlands, lakes, pipe inverts, and pipe outlets.
- vi. A detailed plan of each phase of construction and/or land disturbing activity, including the installation of erosion and sediment control measures.
- vii. The stormwater management plan shall include calculations which clearly show the effects of this development on the peak rate of

discharge, the total volume of discharge, channel velocities, and other potential drainage impacts to water and soil resources both on and off the development site. The calculations shall also list the new impervious area created and include the assumptions and calculations used for determining impervious areas, such as house pad, driveway, and outbuildings.

- viii. Projects that ultimately disturb greater than one acre of land are required to obtain an NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency. Projects requiring an NPDES permit shall include submittal of a copy of the permit application and any other documents required by NPDES standards not covered in this section.
  
- B. Developments shall use best management practices and stormwater management facilities to treat stormwater runoff generated by new or redeveloped impervious surfaces. Designs using surface drainage, vegetation, and infiltration shall be given preference over buried pipes, manmade materials, and facilities.
  
- C. Stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and be engineered to be structurally sound.
  
- D. All stormwater management facilities shall be designed to manage increased runoff so that the two-year, 10-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.
  
- E. Stormwater Facility Maintenance Standards.
  - i. All stormwater management facilities shall be inspected and maintained in perpetuity. After implementation of the approved stormwater management plan, long-term inspection and maintenance responsibilities may be transferred to a separate entity such as, but not limited to, a township after official acceptance by the township board, a watershed district after official acceptance by the district board, a legally organized homeowner's association, or any entity approved by the Director.
  
  - ii. An operations and maintenance plan shall be submitted to the Department with the stormwater management plan and include:

- a. Name and contact information of the entity responsible for long-term maintenance.
  - b. Inspection schedule.
  - c. Inspection checklist to be used and inspection protocol.
  - d. Description of how inspections and maintenance activities will be funded.
- iii. All inspection and maintenance documents shall be kept by the responsible party for a minimum of 10 years.
  - iv. It shall be the responsibility of the applicant to obtain any necessary easements to allow for access to the stormwater management facilities for inspection and/or maintenance purposes.

***SECTION 10. SUBDIVISION IMPROVEMENTS***

1. Construction plans, estimates, and proposals for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain an engineer's certificate. All construction plans and estimates shall be reviewed by the County Engineer. Upon final review, the plans shall become a part of the required development agreement described in Section 12.3 below.
2. The subdivider shall pay for the cost of all improvements required in the subdivision in accordance with all approved plans and specifications.
3. Before a final plat is approved by the County Board, the subdivider shall execute and submit to the County Board a development agreement that shall assure that all improvements required under the provisions of this chapter shall be completed. The development agreement shall stipulate that no permit of any type shall be issued for land use development until all improvements required by this chapter have been made.
4. The County Board may require, but not be limited to, the following subdivision improvements:
  - A. Roads. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with applicable County and/or township specifications.
  - B. Road Signs. Road signs shall be placed at each intersection in compliance with applicable County specifications. To avoid duplication, all road signage shall be approved by the County Board.

- C. Traffic Control Signs. Traffic control signs shall be placed wherever the Road Authority deems necessary.
- D. Stormwater Management Facilities. Stormwater management facilities shall be constructed and maintained in accordance with the provisions of this chapter.
- E. Erosion and Sediment Control. An erosion and sediment control plan must be submitted and implemented before development activity is to begin for any new development activity that will disturb over one acre of land.
- F. Sewer and Water. Subdivision lots shall be connected to a sewage treatment system and provided with a supply of potable water.
- G. 911 Address System. 911 address signs shall be erected for each subdivision lot in compliance with applicable County specifications.

***SECTION 11. DEVELOPMENT AGREEMENT, FINANCING,  
AND WARRANTY GUARANTEES***

1. Before a final plat is approved by the County Board, the County Board shall require a signed development agreement, with financial and warranty guarantees, between the subdivider and the County and township having jurisdiction over the improvements to assure the following:
  - A. That the subdivider shall construct and pay for the cost of all improvements required in the subdivision in accordance with the approved plans and specifications.
  - B. Guaranteed completion of all required improvements within a specified time period.
  - C. Guaranteed payment by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, the Division of Public Works, and the Division of Environment and Community Development as well as other related costs.
  - D. A guaranteed warranty period for all required improvements.
2. The subdivider shall provide a financial guarantee in the form of a performance bond, cash escrow, or letter of credit in the amount of the total estimated cost of construction and the estimated cost to be incurred by the County for review and inspection of the proposed improvements. The financial guarantee shall not be

reduced nor released until all improvements have been satisfactorily completed and approved by the County Engineer.

***SECTION 12. ENFORCEMENT***

Enforcement of the Subdivision Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14, of the Renville County Land Use Ordinance.

***SECTION 13. INTERPRETATION, SEPARABILITY, AND COMPLIANCE***

Administration of the Subdivision Regulations with regard to rules of interpretation, separability, and compliance shall be done in accordance with policies established in Chapter One (Administration), Section 3, of the Renville County Land Use Ordinance.

***SECTION 14. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER FOUR**

### **SEWAGE AND WASTEWATER TREATMENT REGULATIONS**

#### **SECTION 1. INTENT AND PURPOSE**

1. Purpose. The purpose of the Sewage and Wastewater Treatment Regulations is to establish minimum requirements for regulation of Subsurface Sewage Treatment Systems (SSTS) for the treatment and disposal of sewage within the applicable jurisdiction of the County in order to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting their health, safety, general welfare, and natural resources.
2. Intent. It is intended by the County that this chapter will promote the following:
  - A. The present and future protection of Renville County's lakes, rivers and streams, wetlands, and groundwater essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
  - B. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants thereby protecting the degradation of surface water and groundwater quality.
  - C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination of natural resources; and if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
  - D. The appropriate utilization of privy vaults, holding tanks, and other non-water carried sewage collection and storage facilities.
  - E. The provision of technical assistance and education, plan review, inspections, SSTS surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater-related hazards, and public nuisance conditions.
  - F. The establishment of minimum standards of septage removal, transport, treatment, and disposal.
3. Scope. This chapter regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the unsewered areas



of Renville County. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS sited, designed, installed, operated, and maintained in accordance with the provisions of the chapter or by a system that has been permitted by the MPCA. This chapter establishes the following:

- A. Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Renville County incorporating by reference minimum standards established by Minnesota Statutes and Administrative Rules of the Minnesota Pollution Control Agency (MPCA).
- B. Requirements for issuing permits for installation, alteration, repair, or expansion of SSTS.
- C. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081, to be operated under an approved management plan.
- D. Standards for upgrade, repair, replacement, and abandonment of SSTS and proper disposal of septage.
- E. Penalties for failure to comply with these provisions.
- F. Provisions for enforcement of these requirements.
- G. Standards which promote the health, safety, and welfare of the public as reflected in Minnesota Statutes, Sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82; the Renville County Comprehensive Plan; and the Renville County Land Use Ordinance.

## **SECTION 2. JURISDICTION**

The jurisdiction of this chapter shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by ordinance within their incorporated jurisdiction, which is at least as strict as this chapter and has been approved by the MPCA. Renville County Environmental Services shall keep a current list of local jurisdictions within the County administering an SSTS program.

## **SECTION 3. AUTHORITY**

This chapter is adopted pursuant to Minnesota Statutes, Sections 115.55, 145A.01-145A.08, and 375.51; or successor statutes; and Minnesota Rules, Chapters 7080, 7081, 7082, and 7083; or successor rules.

#### **SECTION 4. EFFECTIVE DATE**

The provisions set forth in this chapter shall become effective after its passage, publication, and recording as provided by law.

#### **SECTION 5. ADMINISTRATION**

1. County Administration. Renville County Environmental Services shall administer the SSTS program and all provisions of this chapter. At appropriate times, the County shall review, revise, and update this chapter as necessary.
2. State of Minnesota. 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 the 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.

SSTS serving establishments or facilities licensed or otherwise regulated by the state shall conform to the requirements of this chapter.

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

#### **SECTION 6. VALIDITY**

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

#### **SECTION 7. LIABILITY**

Any liability or responsibility shall not be imposed upon the Department or the MPCA or any of its officials, employees, or other contract agent, its employees, agents, or servants thereof for damage resulting from the defective construction, operation, or abandonment of any SSTS regulated under this chapter by reason of standards, requirements, or inspections authorized hereunder.

#### **SECTION 8. GENERAL REQUIREMENTS**

1. Retroactive.
  - A. All SSTS. Except as set forth in Section 8.1.B below, all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.

- B. Existing SSTS Permits. Unexpired permits which were issued prior to the effective date of this chapter shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership, whichever is earlier.
  - C. SSTS on Lots Created Before January 23, 1996. All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200-7080.2230, or site conditions described in Chapter 7081.0270, Subp. 3-7.
2. Upgrade, Repair, Replacement, and Abandonment.
- A. SSTS Capacity Expansions. Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this chapter at the time of expansion.
  - B. Failure to Protect Groundwater. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.B, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within 12 months of receipt of a Notice of Noncompliance.
  - C. Imminent Threat to Public Health or Safety. An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.A, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within 10 months of receipt of a Notice of Noncompliance.
  - D. 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. SSTS in Flood Plains. SSTS shall not be located in a floodway and, wherever possible, location within any part of a flood plain shall be avoided. If no option exists to locate an SSTS outside of a flood plain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270, and all relevant local requirements are met.
4. Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the 40 Code of Federal Regulations, Part 144, are required by the federal government to submit SSTS inventory information to the Environmental Protection Agency as described in 40 Code of Federal Regulations, Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

5. SSTS Licensing Requirements.

- A. No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by the MPCA in accordance with Minnesota Rules, Chapter 7083, except as exempted in Chapter 7083.0700.
- B. Property owners exempted from SSTS licensing requirements under Minnesota Rules, Chapter 7083.0700, must comply with the following additional provisions:
  - i. A property owner must follow all applicable County, state, and federal requirements for permitting and construction of an SSTS.
  - ii. A property owner shall not construct an SSTS that requires a pump, or any SSTS to be located in a wellhead protection area or in a flood plain area, without the assistance of a licensed installation business or a certified installer at the site.
  - iii. The property owner shall provide a signed agreement to the Department which indemnifies and saves the County holding it harmless from all losses, damages, costs, and charges that may be incurred by the County due to failure of the permittee to conform to and comply with the provisions of this chapter.
  - iv. The licensed design business or certified designer of the SSTS must be present at the site during the compliance inspection conducted by the Department or its agent.

6. Prohibitions.

- A. **Occupancy or Use of a Building without a Compliant SSTS.** It is unlawful for any person to maintain, occupy, or use any building designed to discharge domestic waste and greywater that disposes of wastewater in a manner that does not comply with the provisions of this chapter.
- B. **Sewage Discharge to Ground Surface or Surface Water.** It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this chapter 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 administered by the MPCA.
- C. **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 chapter.

- D. Discharge of Hazardous or Harmful Materials. It is unlawful for any person to discharge into any treatment system regulated under this chapter any hazardous or harmful material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

### **SECTION 9. SSTS STANDARDS**

1. Standards Adopted by Reference. The County hereby adopts by reference U.S. Environmental Protection Agency Rules; 40 Code of Federal Regulations, Part 503; and Minnesota Rules, Chapters 7080 and 7081, in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statutes, Chapter 115.55.
2. Amendments to the Adopted Standards.
  - A. Determination of Hydraulic Loading Rate and SSTS Sizing. Tables IX and IXa from Minnesota Rules, Chapter 7080.2150, Subp. 3.E, entitled "Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detailed Soil Descriptions" and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this chapter.
  - B. Compliance Criteria for Existing SSTS.
    - i. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the disposal system and seasonal saturation or bedrock.
    - ii. SSTS built after March 31, 1996, or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under Minnesota Rules, Chapter 7080.1100, Subp. 84, shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. When determining vertical separation distance, a variance reduction of up to five inches will be allowed to account for settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer conditions.

- iii. The vertical separation measurement for Sections 9.2.B.i and 9.2.B.ii above shall be made outside the area of system influence but in an area of similar soil.

C. Holding Tanks.

- i. A holding tank may be allowed by the Department as a replacement for an existing failing SSTS, an SSTS that poses an imminent threat to public health or safety, or for new construction where it can be shown conclusively that an SSTS permitted under this chapter cannot be feasibly installed or is not the most suitable treatment.
- ii. A holding tank may be allowed under the following conditions:
  - a. The holding tank shall be installed, operated, maintained, and monitored in accordance with Minnesota Rules, Chapter 7080, and this chapter.
  - b. The owner shall maintain a valid contract with a licensed maintenance business to pump liquids and solids from the holding tank and transport septage to a licensed treatment facility or land apply septage as permitted under this chapter prior to overflow or any discharge.
  - c. The holding tank shall be regularly pumped on a schedule agreed upon with the Department.
  - d. Failure to meet these requirements may result in enforcement action as outlined in Section 17 of this chapter.

**SECTION 10. VARIANCES**

- 1. Variance Requests. A property owner may request a variance from the standards as specified in this chapter pursuant to County policies and procedures noted in Chapter One (Administration), Section 5 (Board of Adjustment and Appeals), of the Renville County Land Use Ordinance.
- 2. Affected State Agency. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected state agency pursuant to the requirements of the state agency. Variance requests to deviate from the design flow determination procedures in Minnesota Rules, Chapter 7081.0110, if the deviation reduces the average daily estimated flow from greater than 10,000 gallons per day to less than 10,000 gallons per day, or to provisions in Minnesota Rules, Chapter 7080.2150, Subp. 2.A-2.D, and Chapter 7081.0080, Subp. 2-5, regarding the vertical separation required beneath the treatment and disposal soil system and saturated soil or bedrock from the required three feet of unsaturated soil material (except as provided in Section 9.2.B of this chapter) must be approved by the MPCA.

Variations to wells and water supply lines must be approved by the Minnesota Department of Health.

3. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall have the authority only to consider variations to horizontal setbacks from the property lines, rights-of-way, structures, or buildings. Variations shall only be permitted when they are in harmony with the general purposes and intent of the Renville County Comprehensive Plan and where there are practical difficulties or particular hardship in meeting the strict letter of this chapter.

### **SECTION 11. SSTS PERMITTING**

1. Permit Required. It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department.
2. Construction Permit. A construction permit shall be obtained by the property owner or an agent of the property owner from the Department prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this chapter by an appropriately certified individual and/or licensed business.
  - A. Activities Requiring a Construction Permit. A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
  - B. Activities Not Requiring a Construction Permit. A construction permit is not required for minor repair or replacement 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.
  - C. Construction Permit Required to Obtain Land Use (Zoning) Permit. For any new construction or addition or alteration of an existing building for which an SSTS permit is required, approval and issuance of a valid SSTS construction permit must be obtained in conjunction with the issuance of a Land Use (Zoning) Permit by the Department.
  - D. Conformance to Prevailing Requirements. Any activity involving an existing system that requires a construction permit shall require that the entire system be brought into compliance with this chapter.

- E. Construction Permit Application Requirements. Construction permit applications shall be made on forms provided by the Department and shall include the following information:
- i. Name, mailing address, and telephone number of the property owner.
  - ii. Property identification number, address, and legal description of the property.
  - iii. Site evaluation report as described in Minnesota Rules, Chapter 7080.1730.
  - iv. Design report worksheets.
  - v. Management plan as described in Minnesota Rules, Chapter 7082.0600.
  - vi. A certified statement signed by all licensed businesses or certified individuals conducting work on the system.
  - vii. Name, mailing address, telephone number, and SSTS license number of the system designer and system installer. If work is conducted under a restricted license to gain experience, the commissioner-designated mentor must also provide their name, mailing address, telephone number, and SSTS license number.
  - viii. Any other information requested by the Department that is pertinent to the application.
- F. Construction Permit Application Review and Response. The Department shall review a construction permit application and supporting documents within 10 business days of its receipt. Upon satisfaction that the proposed plans and design information conform to the provisions of this chapter, the Department shall issue an approval letter authorizing construction of the SSTS as designed.

In the event there is any change to the approved application, the designer must submit an amended application to the Department detailing the changed conditions for review and approval or denial prior to initiating or continuing construction, modification, or operation. The Department shall complete the review of the amended application within 10 business days of its receipt.

If the permit application is incomplete or does not meet the requirements of this chapter, the Department shall deny the application. A written notice of denial shall be provided to the applicant, which must state the reason for the denial. No construction permit shall be approved until such time as all



additional information noted in the written notice of denial by the Department has been submitted and approved by the Department.

- G. Appeal. The designer may appeal the Department's decision to deny the construction permit in accordance with the County's established policies and appeal procedures set forth in Chapter One (Administration) of the Renville County Land Use Ordinance.
- H. Permit Expiration. The construction permit is valid for a period of one year from its date of issue and may be extended for one additional year with Department approval. If construction does not proceed within the valid permit period, the construction permit shall expire and all permit fees shall be forfeited. Satisfactory completion of construction shall be determined following a final inspection and receipt of all required as-builts. Upon final review, a Certificate of Compliance will be issued to the property owner by the Department or its agent that the construction or installation of the system was completed in substantial conformance with the approved design plans.
- I. Extensions and Renewals. The Department may grant an extension of the construction permit if the construction has commenced prior to the original expiration date of the permit.
- J. Transferability. A construction permit shall not be transferred to a new owner. The new owner must apply for a new construction permit in accordance with this section.
- K. Suspension or Revocation. The Department may suspend or revoke a construction permit issued under this section for any false statements, misrepresentations of facts on which the construction permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained.
- L. Posting. The construction permit shall be readily available on the property for inspection until construction is completed and certified.

## **SECTION 12. OPERATING PERMIT**

- 1. SSTS Requiring an Operating Permit. An operating permit shall be required of all owners of new MSTs, Type IV and Type V systems, or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a MSTs until the Department or its agent issues a Certificate of Compliance certifying

that the MSTS was installed in substantial conformance with the approved design plans and a valid operating permit is issued to the owner.

2. Operating Permit Application Requirements. Application for an operating permit shall be made on a form provided by the Department which shall include the following information:
  - A. Name, mailing address, and telephone number of the property owner.
  - B. Property identification number, address, and legal description of the property.
  - C. Construction permit date of issue.
  - D. Final as-built design drawings of the treatment system.
  - E. Any other information requested by the Department that is pertinent to the application.
3. Department Review and Approval. The Department shall review the design drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness within 10 business days of their receipt. If any deficiencies are identified, the operating permit shall be denied. A written notice of the denial shall be sent to the applicant stating all deficiencies that need to be corrected to the satisfaction of the Department prior to the issuance of an operating permit. If the submitted documents fulfill the requirements, the Department shall issue an operating permit within 10 business days of receipt of the permit application.
4. SSTS Operating Permit Terms and Conditions. The operating permit shall include the following information:
  - A. System operating requirements.
  - B. System monitoring requirements.
  - C. System maintenance requirements including maintenance schedule.
  - D. System compliance limits and boundaries.
  - E. Reporting schedule.
  - F. Department notification requirements for non-compliant conditions.
  - G. Valid contract between the owner and a licensed maintenance business.

- H. Disclosure of the location and condition of the additional soil treatment and dispersal system site.
  - I. Descriptions of acceptable and prohibited discharges.
5. Operating Permit Expiration. Operating permits shall be valid for the specific term stated on the permit as determined by the Department. An operating permit shall be renewed in conformance with the application requirements as outlined in this section.
  6. Amendments to Existing Operating Permits Not Allowed. The Department may not amend an existing permit to reflect changes in this chapter until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.
  7. Operating Permit Transfers. The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Section 12.2 of this chapter. The Department shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health or safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system by a licensed inspection business, a certified inspector, or a qualified employee.
  8. Operating Permit Suspension and Revocation. 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. Notice of suspension or revocation and the reasons for this action taken shall be conveyed in writing to the owner. 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 Section 13.2 of this chapter. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.
  9. Operating Permit Compliance Monitoring.
    - A. Performance monitoring of an SSTS shall be performed by a licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
    - B. A monitoring report shall be prepared and certified by the licensed service provider. The report shall be submitted to the Department on a form provided or approved by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:

- i. Owner name, mailing address, and telephone number.
- ii. Property address.
- iii. Operating permit number.
- iv. Average daily flow since last compliance monitoring report.
- v. Description of type of maintenance or repair and date performed.
- vi. Description of samples taken (if required), analytical laboratory used, and results of analyses.
- vii. Problems noted with the system and actions proposed or taken to correct them.
- viii. A certified statement signed by a licensed business or certified individual who performed the work on the system.

### **SECTION 13. ABANDONMENT REPORTING**

1. Purpose. The purpose of system abandonment reporting is to ensure that a treatment system no longer in service is abandoned, within a reasonable time following decommissioning, in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system.
2. Abandonment Requirements.
  - A. Whenever the use of an SSTS or any system component is discontinued as the result of a system repair, modification, replacement, or decommissioning following connection to a municipal or private sanitary sewer or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this chapter shall be prohibited and the SSTS and any system component thereof shall be abandoned.
  - B. Continued use of an existing sewage tank where the tank is to become an integral part of a replacement system or a sewage treatment system requires certification of the tank by an appropriately licensed business or certified individual that the tank is watertight and in compliance with all applicable SSTS tank standards.
  - C. System abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification to the Department of an owner's intent to abandon a system is necessary.

- D. A report of abandonment certified by an individual, licensed business, or certified individual shall be submitted to the Department within 30 calendar days of system abandonment. The report shall include:
  - i. Owner's name, mailing address, and telephone number.
  - ii. Property address.
  - iii. The reason(s) for abandonment.
  - iv. A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.
  - v. A certified statement from an individual, licensed business, or certified individual that the abandonment was completed in accordance with Minnesota Rules, Chapter 7080.2500.

#### **SECTION 14. MANAGEMENT PLAN REQUIREMENTS**

- 1. SSTS Requiring Management Plans. Management plans are required for all new or replacement SSTS. The management plan shall be submitted by the designer to the Department along with the construction permit application. If the SSTS is modified during construction, the management plan shall be revised and resubmitted to the Department prior to the issuance of a Certificate of Compliance.
- 2. Required Contents of a Management Plan. Management plans shall include the following:
  - A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform.
  - B. Monitoring requirements.
  - C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance.
  - D. Statement that the owner is required to notify the Department when the management plan requirements are not being met.
  - E. Disclosure of the location and condition of the additional or replacement 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.

3. Requirements for Existing Systems Not Operated Under a Management Plan. Existing SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

### **SECTION 15. COMPLIANCE MANAGEMENT**

1. Compliance Inspection Requirements.
  - A. Department Responsibility. It is the responsibility of the Department or its agent to perform various SSTS compliance inspections periodically to assure that the requirements of this chapter are met.
  - B. General Requirements.
    - i. SSTS compliance inspections must be conducted:
      - a. To ensure compliance with applicable chapter requirements.
      - b. To ensure system compliance before issuance of a Land Use (Zoning) Permit for new construction or an addition to a dwelling, commercial/industrial structure, or other building requiring an SSTS.
      - c. For all new SSTS construction or SSTS replacement, alteration or repair work, property transfers, and under certain conditions for existing systems and following the issuance of a Conditional Use Permit or Variance.
      - d. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700, using the SSTS inspection report forms provided by MPCA.
    - ii. All compliance inspections must be performed and signed by a licensed inspection business, a certified inspector (independent of the SSTS installer), or a qualified employee certified as an inspector. The Certificate of Compliance must include a certified statement by the inspector who conducted the inspection that the SSTS is or is not in compliance with the chapter 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 chapter provisions with which the SSTS

does not comply. The Certificate of Compliance or notice of noncompliance for new construction or replacement systems must be submitted to the property owner and the Department no later than 15 days after the date the compliance inspection was performed. No SSTS shall be placed into operation until a valid Certificate of Compliance has been issued.

- iii. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. The Department shall notify the owner of the Department's intent to inspect the SSTS in advance of the intended inspection.
- iv. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this chapter. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- v. An As-Built Report shall be submitted to the Department within 14 business days of completion of the work on the SSTS. These shall be submitted on forms provided or approved by the Department.
- vi. Certificates of Compliance for new SSTS construction or SSTS replacement shall remain valid for five years while Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.
- vii. Neither the issuance of permits, Certificates of Compliance, nor notices of noncompliance as requested or issued 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.

2. Department Inspection Requirements. The installer shall notify the Department prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the approved construction permit requirements and design. If any SSTS component is covered before being inspected by the Department, it shall be uncovered upon the direction of the Department. Proposals to alter the construction permit shall be reviewed by a licensed designer and the proposed changes approved by the Department prior to construction. An inspection shall be conducted at least once during the construction of the SSTS at such time as to assure that the system has been constructed per submitted and approved design.

A. Notifications for Inspections.

- i. It shall be the duty of the installer to notify the Department before or on the business day preceding the day an inspection is desired and at least 24 hours in advance of the desired inspection time. The installer shall confirm the inspection time with the Department during the morning of the business day of the scheduled inspection.
- ii. If the installer provides proper notice as described above and the Department does not appear for an inspection within two hours after the time set for an inspection, the installer may complete the installation. The installer shall then file a signed As-Built Report, including photographs of the system prior to covering, with the Department within 14 business days of completion. The As-Built Report shall include a certified statement that the work was installed in accordance with construction permit design and permit conditions and that it was free from defects.
- iii. If the Department or its agents is unable to schedule an inspection time or fails to meet the inspection timeline outlined in Section 15.2.A.ii above, the installer shall provide the Department with an As-Built Report and pictures of the following SSTS areas:
  - a. All sewage tanks showing the manufacturer, tank size, maintenance opening, and inspection pipes.
  - b. The soil treatment area with distribution pipes in place.
  - c. The finished system showing final grade and inspection pipes.
  - d. Any other pictures or information as required by the Department.

If pictures are not submitted to the Department, a Certificate of Compliance shall not be issued. The designer/installer shall then be required to submit a compliance inspection report by a licensed inspector business or a certified inspector independent of the owner, SSTS installer, and SSTS designer to the property owner and the Department within 15 days after the date the compliance inspection was performed.

B. Compliance Inspection Reports.

- i. A compliance inspection report shall be prepared by the Department following an SSTS compliance inspection or review of as-built plans submitted in accordance with Section 15.2.A.ii. A Certificate of Compliance or notice of noncompliance must include a certified



statement by a certified inspector or qualified employee identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules, Chapters 7080 or 7081.

- ii. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a written statement specifying those chapter provisions with which the SSTS does not comply.
- iii. A copy of the Certificate of Compliance or notice of noncompliance shall be provided to the property owner within 15 business days of the compliance inspection and a copy kept on file in the Department.

### 3. Mandatory Compliance Inspection Requirements.

- A. New Construction or Replacement SSTS. Compliance inspections must be performed on any new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. SSTS found not to be in compliance with Minnesota Rules, Chapter 7080.1500, Subp. 4.A, or Chapter 7081.0080, Subp. 3, must be upgraded, repaired, replaced, or abandoned within 10 months. An SSTS that is determined to have operation or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the operating permit. An SSTS found to be noncompliant with other applicable requirements must be upgraded, repaired, replaced, or abandoned according to the Department's requirements.
- B. Existing SSTS.
  - i. Compliance inspections shall be required when any of the following conditions occur:
    - a. When a construction permit is required to repair, modify, or upgrade an existing system.
    - b. Any time there is a Land Use (Zoning) Permit issued for the expansion, enlargement, or intensification of a dwelling, commercial/industrial structure, or other building that requires or is being served by an SSTS.
    - c. Any time there is a change in use of a building or property being served by an existing SSTS which may impact the performance of the system.
    - d. At any time the Department receives an SSTS complaint or other notice of a system malfunction or failure.
    - e. At the time of property sale or transfer.

- f. During systematic shoreland or area-wide SSTS surveys by the Department.
  - g. Any time a Conditional Use Permit is granted by the Board of County Commissioners or a Variance is granted by the Board of Adjustment and Appeals and there are buildings or structures that require on-site sewage disposal systems associated with the approved applications.
  - h. Any time an operating permit is renewed.
- ii. A compliance inspection of an existing SSTS shall be reported on the inspection report forms provided by MPCA. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department no later than 15 days after the date the inspection was performed. The following conditions must be assessed or verified:
- a. A water tightness assessment of all sewage tanks including a leakage report.
  - b. The vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation verification report. A vertical separation report shall include verifications by two independent parties which may be a licensed inspection business, a certified inspector, and/or a qualified employee. If there is a dispute between the two verifying inspectors, the disputing parties must follow the dispute resolution procedure described in Minnesota Rules, Chapter 7082.0700, Subp. 5.
  - c. The presence of sewage backup, surface seepage, or surface discharge. A hydraulic function report must be completed that includes the methods used to make the assessment.
- iii. All compliance inspections of existing SSTS occurring during the period between November 1 and April 30 when SSTS compliance cannot be determined due to frozen soil conditions shall require an agreement between the buyer and the seller stipulating which party is responsible to contract with a licensed inspection business or a certified inspector to complete a compliance inspection by the following June 1. A copy of the agreement shall be submitted to the Department. If upon inspection the system is found to be noncompliant, the SSTS must be upgraded and a Certificate of Compliance issued within 10-12 months of the date of noncompliance.

C. Sale or Transfer of Property.

- i. No owner or other person acting with legal authority on behalf of an owner of a tract of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS is located, shall convey to another party the tract of land unless the following requirements are met:
  - a. A compliance inspection has been performed and a Certificate of Compliance has been issued within the past three years for an existing SSTS or within the past five years if the system is a new SSTS or replacement SSTS prior to the intended sale or transfer of the property. The compliance inspection must have been performed by a licensed inspection business or a certified inspector following procedures described in Section 15.1 of this chapter.
  - b. The seller of the property must disclose in writing information about the location and status of all known SSTS on the property to the buyer on a Property Transfer Disclosure Form provided by the Department. The form must be signed by both parties to the transaction.
  - c. If the seller fails to provide a Certificate of Compliance, or if a compliance inspection indicates a notice of noncompliance, or if the seller is unable to complete a compliance inspection due to frozen soil conditions as outlined in Section 15.3.C.iv, the seller or the buyer shall provide sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney at law, or federal or state-chartered financial institution. The amount escrowed shall be equal to 100% of a written estimate to install a complying SSTS provided by a licensed installation business or certified installer; or if a written estimate cannot be completed due to frozen soil conditions, the amount escrowed shall be equal to 100% of the annual average cost of a mound system as determined by the Department. The escrow agreement shall list Renville County as having the “release authority” of the escrow monies, which shall not be released until a Certificate of Compliance is issued by the Department or its agent. After a complying SSTS has been installed and a Certificate of Compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance, which shall cause the escrow to be released. A copy of the escrow agreement and written estimate must be submitted to the Department.

- ii. The property transfer compliance requirements of Sections 15.3.C.i.a and 15.3.C.i.c above need not be met if the sale or transfer involves the following circumstances:
  - a. The affected tract of land is without buildings or contains no dwelling or other buildings that require an SSTS.
  - b. The transfer does not require the filing of a Certificate of Real Estate Value as described in Minnesota Statutes, Chapter 272.115, Subd. 1.
  - c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to January 1, 1999. This subsection applies only to the original vendor and vendee on such a contract.
  - d. The dwelling and/or all other buildings on the site are connected to a municipal wastewater treatment system or to an approved wastewater treatment facility other than an individual sewage treatment system.
- iii. If the compliance inspection indicates a notice of noncompliance, the buyer and seller shall provide the Department with a signed agreement indicating which party is financially responsible along with a timeline for the upgrade, repair, replacement, or abandonment of the SSTS. The noncompliant SSTS must be upgraded, repaired, replaced, or abandoned within 10 months of the date of closing if the system is determined to be an imminent threat to public health or safety or within 12 months of the date of closing if the system is determined not to be protective of groundwater. A copy of the agreement must be submitted to the Department.
- iv. All property conveyances of existing SSTS occurring during the period between November 1 and April 30 when SSTS compliance cannot be determined due to frozen soil conditions shall require a written agreement between the buyer and the seller stipulating the party responsible to complete a compliance inspection by a licensed inspection business or a certified inspector by the following June 1 and which party is financially responsible for the upgrade, repair, replacement, or abandonment of the SSTS if a notice of noncompliance is issued. If upon inspection the system is found to be noncompliant, the SSTS must be repaired or replaced in a timeframe as outlined in Section 15.3.C.iii. If upon inspection the system is found to be compliant, the Department shall provide the escrow agent a copy of the Certificate of Compliance, which shall cause the escrow to be released. A copy of the agreement shall be submitted to the Department.

- v. The Department Property Transfer Disclosure Form, the MPCA compliance inspection form for existing SSTS, any written estimates, and any agreements required between the buyer and the seller shall be filed with the County Auditor/Treasurer along with the Certificate of Real Estate Value.
- vi. No real property shall be transferred unless the parties to the transaction have complied with the requirements of this chapter.

### **SECTION 16. SEPTAGE DISPOSAL**

1. Disposal Requirements. Land application of domestic septage shall comply with U.S. Environmental Protection Agency rules as found in 40 Code of Federal Regulations, Part 503, entitled “Standards for the Use or Disposal of Sewage Sludge” to ensure the sewage sludge is used or disposed of in a way that protects human health and the environment. Licensed maintainer businesses who remove liquid or solid material waste from a sewage tank, cesspool, portable toilet, Type III marine sanitation device, or similar devices within Renville County must be able to provide maintenance business pumping recordkeeping information to the Department upon request.
2. Use of Municipal Sewage Treatment Facilities. If septage is disposed of into a municipal sewage treatment facility, a written agreement must be initiated and maintained between the accepting facility and the septage disposal firm. The written agreement must be provided to the Department upon request.

### **SECTION 17. ENFORCEMENT**

1. Violations.
  - A. Cause to Issue a Notice of Violation. Any person, firm, agent, or corporation who violates any of the provisions of this chapter or who fails, neglects, or refuses to comply with the provisions of this chapter, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as defined by Minnesota Statutes. Each day that a violation exists shall constitute a separate offense.
  - B. Notice of Violation. The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this chapter. The notice of violation shall contain:

- i. A statement documenting the findings of fact determined through observations, inspections, or investigations.
    - ii. A list of specific violation(s) of this chapter.
    - iii. A list of the specific requirements for correction or removal of the specified violation(s).
    - iv. A mandatory time schedule for correction, removal, and compliance with this chapter.
    - v. A statement noting the specific enforcement actions that will be taken if corrective action is not completed.
  - C. State Notification of Violation. In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed business or certified individual or any septage removal by a licensed maintenance business or a certified maintainer that is performed in violation of the provisions of this chapter.
  - D. Costs and Reimbursements. If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action including legal fees. At the discretion of the Board of County Commissioners, the cost of an enforcement action under this chapter may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor/Treasurer shall extend the cost as assessed and charged on the tax roll against said real property.
- 2. Enforcement.
  - A. Enforcement of the Sewage and Wastewater Treatment Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14 (Enforcement), of the Renville County Land Use Ordinance.
  - B. Cease and Desist Orders. Cease and desist orders may be issued when the Department has probable cause that an SSTS activity regulated by this chapter, any other chapter of the Land Use Ordinance, or any other County Ordinance is being or has been conducted without a permit or in violation of a permit or an Ordinance. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

### **SECTION 18. RECORDKEEPING**

1. Current Record. The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, and other actions taken relevant to each system.
2. Annual Report. The Department shall provide an annual report of SSTS permitting activities to MPCA by a date determined by the MPCA for the previous calendar year.

### **SECTION 19. FEES**

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

### **SECTION 20. SEPARABILITY**

Administration of the Sewage and Wastewater Treatment Regulations with regard to interpretation, conflict, and separability shall be done in accordance with policies established in Chapter One (Administration), Section 3.2 (Separability), of the Renville County Land Use Ordinance.

### **SECTION 21. EFFECTIVE DATE**

The regulations in this chapter shall become effective from and after its publication according to law.

**RENVILLE COUNTY LAND USE ORDINANCE**

**CHAPTER FIVE**

**MINNESOTA SCENIC RIVER REGULATIONS**

***SECTION 1. POLICY AND AUTHORIZATION***

An ordinance for the controlling of bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scientific values of the Minnesota River in Renville County, Minnesota, in a manner consistent with Minnesota Statutes Sections 103F.301 – 103F.345 and Minnesota Rules Parts 6105.0010 – .0250 and Parts 6105.1200 – 6105.1370 for the Minnesota River, hereafter referred to as the Minnesota River rule.

***SECTION 2. TITLE***

This Ordinance shall be known, cited, and referred to as the Minnesota Scenic River Ordinance except as referred to herein where it shall be known as “this Ordinance.”

***SECTION 3. PURPOSE***

1. Conserve and protect the natural scenic values and resources of the Minnesota River and to maintain a high standard of environmental quality.
2. Regulate the area of a lot and the length of bluffland and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
3. Regulate the setback of structures and sewage treatment systems from blufflines and shorelines.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Preserve natural beauty and quietude.
7. Prevent pollution.
8. Designate land use districts along the bluffland and shoreline of the Minnesota River.
9. Comply with Minnesota Rules Parts 6105.1200 – 6105.1370.



#### **SECTION 4. GENERAL PROVISIONS**

1. The jurisdiction of this Ordinance shall include all lands designated within the Minnesota River land use district boundaries within Renville County as defined in Minnesota Rules Part 6105.1290.
2. The use of any land within the Minnesota Scenic River Land Use District; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations. Permits from the zoning administrator are required by this Ordinance and/or the Renville County Ordinance for the construction of structures, public or private water supply and sewage treatment systems, the grading and filling of the natural topography, and erection of signs within the Minnesota Scenic River Land Use District.
3. Rules.
  - A. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or land use controls. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. In case of conflict between a provision of the Minnesota Wild, Scenic, or Recreational Rivers Statewide Standards and Criteria and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
  - B. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.
  - C. The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Ordinance or the application of this Ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this Ordinance or any other property, building, or structure not specifically included in said judgment.
  - D. The word “shall” is mandatory not permissive. All distances unless otherwise specified shall be measured horizontally.

## ***SECTION 5. DEFINITIONS***

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

**Agricultural Use** - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

1. Field crops including: barley, soybeans, corn, hay, oats, sugar beets, rye, sorghum, and sunflowers.
2. Livestock including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink.
3. Horticulture or nursery stock, fruit, vegetables, and timber trees.
4. Livestock products, all dairy, poultry, and apiary products including milk, butter, cheese, eggs, meat, fur, and honey.
5. Wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land.

**Bluff Line** - A line along the top of a slope connecting the points at which the slope becomes less than 13 percent. This applies to those slopes within the land use district that are beyond the setback provisions from the ordinary high water level.

**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.

**Campground** - An area of property used on a daily, nightly, or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer made for camping may be placed and where proper sanitation facilities and spacing of camp units are provided and maintained.

**Clear-Cutting** - The removal of an entire stand of vegetation.

**Commissioner** - The Commissioner of the Department of Natural Resources.

**Conditional Use** - A use that may be appropriate in a given zoning district but which requires special planning considerations in each instance and which will only be allowed in a specific location under conditions specified by this Ordinance and by the County Commissioners.

**Dwelling Unit** - A residential building or portion thereof intended for occupancy by a single family but not including hotels or motels. There are three principal types:

1. **Single Family Detached** - A dwelling structure designed for or occupied exclusively by one family, not attached to another dwelling, meeting all of the following standards:
  - A. A permanent foundation extending below frost level or professionally engineered design.
  - B. A minimum of 760 square feet of floor area on the ground floor.
  - C. Minimum width of 16 feet as measured across the narrowest width. The dimension of a building addition to a dwelling shall not be used to establish the 16 feet minimum dimension.
  - D. Open space on the same lot to surround dwelling.
2. **Single Family Attached** - A residential building containing two or more separate dwelling units with a common wall:
  - A. Twin Home: A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each.
  - B. Townhouse: A one-family dwelling attached to two or more one-family dwellings by a common vertical wall.
  - C. Quadplex: A residential building containing four dwelling units with one common wall, each unit so oriented as to have all exits open to the outside.
3. **Multiple Family** - A type of residential structure where building entrances, stairways, halls, and other common elements are shared among several units with separate housekeeping and cooking facilities for each.

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

1. **Minor Essential Service Facilities.** Any essential service line or structure located within any County easement or County right-of-way and providing single service distribution lines, i.e., single service electrical distribution lines (less than 35 KV) and other single service distribution lines (telephone and gas), shall not require a

Conditional Use Permit; however, such service facilities shall be governed by the procedures described herein.

2. **Major Essential Service Facilities.** Any essential service line or structure providing transmission services, i.e., utility service such as high voltage (greater than 35 KV) electrical power or bulk gas or fuel being transferred from station to station and not intended for end route consumption, shall require a Conditional Use Permit as regulated in this Ordinance in addition to being governed by the procedures described herein.

**Forestry** - The use and management including logging of a forest, woodland, or plantation and related research and educational activities including the construction, alteration, or maintenance of woodroads, skidways, landings, and fences.

**Hardship** - The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. Economic conditions alone will not constitute a hardship if reasonable use for the property exists under the terms of this Ordinance.

**Land Use District** - Those lands designated by the commissioner as the protected land corridor along the Minnesota River which the commissioner has designated as components of the Minnesota wild and scenic rivers system.

**Lot** - A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

**Mining** - The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Ordinance, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

1. Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage.
2. On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
3. Landscaping purposes on a lot used or to be used as a building site.
4. Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development providing activities will be completed in one year.

5. The removal of excess materials in accordance with approved plats or highway construction.

**Nonconforming Use** - Any legal structure or legal use existing upon the effective date of the adoption of this chapter and which does not conform to the provisions of this chapter.

**Open Space Recreational Uses** - Recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

**Ordinary High Water Level or Ordinary High Water Mark** - The boundary of “public waters” and “wetlands” as defined by Minnesota Statutes Chapter 103G, 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.

**Planned Unit Development** - A form of development characterized by unified site design that includes the clustering of units, mixing of housing types and the development of common elements and open space.

**Primitive Campsites** - An area that consists of individual remote campsites accessible only by foot or water.

**Selective Cutting** - The removal of single scattered trees.

**Setback** - The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level, bluff line, road or highway, or property line.

**Sewage Treatment System** - Any system for the collection, treatment, and dispersion of sewage including, but not limited to, septic tanks, soil absorption systems, and drain fields.

**Structure** - Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

**Subdivision** - The division or re-division of a lot, tract, or parcel of land into two or more lots for the purpose of transfer of ownership, building development, or tax assessment purposes either by plat, replat, registered land survey, conveyance, sale contract for deed or other means, or by metes and bounds description.

1. Minor Subdivision. Any subdivision three or less lots fronting on an existing street, not involving any new streets or road, or the extension of municipal

facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Land Use Ordinance, or these regulations.

2. Major Subdivision. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of an existing street.

**Substandard Use** - Any use within the land use district existing prior to the date of enactment of this Ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.

**Variance** - A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship.

**Wetland** - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

#### ***SECTION 6. LAND USE DISTRICT PROVISIONS***

1. Districts.
  - A. In order to preserve and protect the Minnesota River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, the Minnesota River in Renville County has been given the Scenic River classification and the uses and classification of this river and its adjacent lands are hereby designated by this district, the boundaries of which are based on the Minnesota River rule, Part 6105.1290.
  - B. The boundaries of the Minnesota Scenic River Land Use District are shown on the map designated as the Renville County official zoning map, which is made a part of this Ordinance and is on file with the zoning administrator. In case of conflict between the map and the property descriptions in the Minnesota River rule, the latter shall prevail.
  - C. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the

transfer. This provision does not apply to work for which lawful permits were previously issued.

2. The purpose of establishing standards and criteria for the management of the Minnesota River Land Use District shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values; to reduce the effects of overcrowding and poorly planned development of adjacent lands; to prevent pollution; to preserve natural beauty and quietude; to maintain property relationships between various land use types; and to prohibit new uses that are inconsistent with the statewide standards and criteria for Wild and Scenic River, Minnesota Rules Parts 6105.0010 – 6105.0250.
3. Permitted Uses.
  - A. Governmental campgrounds, subject to management plan specifications and rules.
  - B. Public accesses, road access type with boat launching facilities, subject to management plan specifications.
  - C. Public accesses, trail access type, subject to management plan specifications.
  - D. Other governmental open space recreational uses, subject to management plan specifications.
  - E. Agricultural uses.
  - F. Single family residential uses.
  - G. Forestry uses.
  - H. Essential services.
  - I. Sewage treatment systems.
  - J. Private roads and minor public streets.
  - K. Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.
  - L. Signs not visible from the river that are not specified in “K.”
  - M. Governmental resource management for improving fish and wildlife habitat, wildlife management areas, nature areas, accessory roads.

4. Conditional Uses.
  - A. Private campgrounds, subject to management plan specifications and rules.
  - B. Temporary docks.
  - C. Other private open space recreational uses, subject to management plan specifications.
  - D. Underground mining that does not involve surface excavation in the land use district.
  - E. Utility transmission power lines and pipelines, subject to the provisions of Section 9.
  - F. Public roads, subject to the provisions of Section 9.
  - G. Sand and gravel extraction.
  - H. Livestock facilities greater than 300 animal units.

All uses not listed as permitted or conditional uses shall not be allowed.

5. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this Ordinance.
6. Certain uses are subject to the zoning dimension provisions and sanitary provisions of Section 7 and Section 8. All of the uses are subject to the vegetative cutting and grading and filling provisions of Section 9.

### ***SECTION 7. ZONING DIMENSIONS***

1. Minimum District Dimensional Requirements.
  - A. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of the Scenic River District:
 

i.	Minimum lot size above ordinary high water level	5 acres
ii.	Lot width at building line	300 feet



iii.	Lot width at ordinary high water level	300 feet
iv.	Structure setback from ordinary high water level	150 feet
v.	Structure setback from bluffline	30 feet
vi.	On-site sewage treatment system setback from ordinary high water level	100 feet
vii.	Maximum structure height	35 feet
viii.	Controlled vegetative cutting area:	
	- from ordinary high water level	150 feet
	- from bluffline	30 feet

- B. The density of dwelling units shall not exceed one dwelling unit per lot.
  - C. No structure shall be placed on any slope greater than 13 percent unless such structures can be screened and sewage treatment system facilities can be installed so as to comply with the sanitary provisions of Section 8.
  - D. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with the Renville County Flood Plain Ordinance and/or statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules Parts 6120.5100 – 6120.6200).
2. Substandard Lots.
- A. Lots of record in the office of the Renville County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites provided: the proposed use is permitted in the land use district, the lot was in separate ownership on the date of enactment of this Ordinance, all sanitary provisions are complied with, and zoning dimensions are complied with to the greatest extent practicable.
  - B. If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the minimum lot width requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Ordinance or to the greatest extent practicable.

3. Substandard Uses. All uses in existence prior to the effective date of enactment or amendment of this Ordinance that are permitted uses within the Minnesota River Land Use District but do not meet the minimum lot area, setbacks, or other dimensional requirements of this Ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:
  - A. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
  - B. Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment or amendment of this Ordinance.

### ***SECTION 8. SANITARY PROVISIONS***

1. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency and administrative procedures of the Renville County Ordinance. Private wells must be located, constructed, maintained, and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
2. Sewage Treatment.
  - A. Any premises intended for human occupancy must be provided with an adequate method of sewage treatment. Publicly-owned sewer systems must be used where available. Where public systems are not available, all private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency (specifically Chapter 7080 for individual sewage treatment systems), Chapter Four of this Ordinance, and any other applicable local government standards.
  - B. A nonconforming sewage treatment system not meeting the requirements of this Ordinance must be upgraded, at a minimum, whenever a permit or variance of any type is required for any improvement on or use of the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

All nonconforming sewage treatment systems shall be brought into conformity or discontinued within five years of the date of enactment of this Ordinance.

**SECTION 9. LANDSCAPE ALTERATIONS**

1. Vegetative Cutting.
  - A. The vegetative cutting provisions in this section shall comply with required setbacks specified in Section 7 of this Ordinance.
  - B. General provisions, within designated setback areas:
    - i. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
    - ii. Selective cutting of trees in excess of four inches in diameter at breast height is permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained uninterrupted by large openings.
    - iii. The cutting provisions of i. and ii. shall not be deemed to prevent:
      - a. The removal of diseased or insect-infested trees or of rotten or damaged trees that present safety hazards.
      - b. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.
  - C. Clear cutting anywhere in the designated land use district on the Minnesota River is subject to the following standards and criteria:
    - i. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning administrator to be fragile and subject to severe erosion and/or sedimentation.
    - ii. Clear cutting shall be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
    - iii. The size of clear-cut blocks, patches, or strips shall be kept at the minimum necessary.
    - iv. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the

aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring or the following spring.

2. Grading, Filling, Alterations of the Beds of Public Waters.
  - A. Grading and filling of the natural topography that is not accessory to a permitted or conditional use shall not be permitted in the Scenic River District.
  - B. Grading and filling of the natural topography that is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning administrator. A grading and filling permit may be issued only if the following conditions are properly satisfied:
    - i. Grading and filling shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
    - ii. The smallest amount of bare ground is exposed for as short a time as feasible.
    - iii. Temporary ground cover such as mulch is used, and permanent ground cover such as sod is planted.
    - iv. Methods to prevent erosion and trap sediment are employed.
    - v. Fill is stabilized to accepted engineering standards.
  - C. Excavation of material from or filling in a Wild, Scenic, or Recreational River or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner pursuant to Minnesota Statutes Section 103G.245. Section 103G.245 requires a permit from the commissioner before any change is made in the course, current, or cross-section of public waters.
  - D. Drainage or filling in of wetlands is not allowed within the Scenic River District designated by this Ordinance.
3. Utility Transmission Crossings.
  - A. All utility crossings of the Minnesota River or state lands within the Minnesota River Land Use District require a license from the commissioner pursuant to Minnesota Statutes Section 84.415.
  - B. All utility transmission crossings constructed within the Minnesota River Land Use District shall require a conditional use permit. The construction

of such transmission services shall be subject to Minnesota Rules Parts 6105.0170 and 6105.0180. No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes Section 116C.61.

4. Public Roads.
  - A. In addition to such permits as may be required by Minnesota Statutes Section 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Minnesota River Land Use District. Such construction or reconstruction shall be subject to Minnesota Rules Parts 6105.0190 and 6105.0200.
  - B. Public roads include township, county, and municipal roads, streets, and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas and public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A conditional use permit is not required for minor public streets that are streets intended to serve primarily as an access to abutting properties.

#### ***SECTION 10. SUBDIVISIONS***

1. No land shall be subdivided which is determined by the local government or the commissioner to be unsuitable because of flooding, inadequate drainage, soil, and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.
2. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Smaller lot sizes may be allowed as exceptions to this Ordinance for planned unit developments provided:
  - A. Preliminary plans are approved by the commissioner prior to their enactment by Renville County.
  - B. Central sewage facilities are installed which meet the standards, criteria, rules, or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

- C. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other equally effective and permanent methods.
- D. There is not more than one centralized boat launching facility for each unit.

### ***SECTION 11. ADMINISTRATION***

- 1. Certification.
  - A. Certain land use decisions which directly affect the use of land within the Scenic River District and involve any of the following actions must be certified by the commissioner as described in Section 11.1.C:
    - i. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
    - ii. Granting a variance from a provision of this Ordinance that relates to the zoning dimension provisions.
    - iii. Approving a plat that is inconsistent with this Ordinance.
  - B. No such action shall be effective until the commissioner has certified that the action complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan.
  - C. Certification Procedure.
    - i. A copy of all notices of any public hearings or, where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this Ordinance shall be sent so as to be received by the commissioner at least 10 calendar days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
    - ii. The County shall notify the commissioner of its final decision on the proposed action within 30 days of the decision.
    - iii. The commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of nonapproval.

- iv. The action becomes effective when and only when either:
  - a. The final decision taken by Renville County has previously received certification of approval from the commissioner.
  - b. The County receives certification of approval after its final decision.
  - c. Thirty days have elapsed from the day the commissioner received notice of the final decision, and the County has received from the commissioner neither certification of approval nor notice of nonapproval.
  - d. The commissioner certifies his approval after conducting a public hearing.
- v. In case the commissioner gives notice of nonapproval of an ordinance, amendment, variance, or inconsistent plat, either the applicant or the County may within 30 days of said notice file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of nonapproval becomes final.
  - a. The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks' published notice.
  - b. The hearing will be conducted in accordance with Minnesota Statutes Section 103G.311, subd. 2, 6, and 7.
  - c. The commissioner shall either certify his approval or deny the proposed action within 30 days of the hearing.

2. Variances.

- A. The granting of a variance requires the presence of the following:
  - i. The strict enforcement of the land use controls will result in unnecessary hardship.
  - ii. Granting of the variance is not contrary to the purpose and intent of this Ordinance and is consistent with Minnesota Rules, Parts 6105.0010 – 6105.0250 and 6105.1200 – 6105.1370.

- iii. There are exceptional circumstances unique to the subject property that were not created by the landowner.
    - iv. Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.
    - v. Granting of the variance will not alter the essential character of the locality.
    - vi. Exception for lots which do not meet the minimum lot width requirements of this Ordinance: Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern.
  - B. All granted variances to the requirements of this Ordinance must be certified in accordance with Section 11.1 of this Ordinance before they become effective.
- 3. Plats.
  - A. Copies of all plats within the Minnesota River Land Use District shall be forwarded to the commissioner within 10 days of approval by the County.
  - B. Approval of a plat that is inconsistent with this Ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
  - C. All inconsistent plats approved by the County must be certified in accordance with Section 11.1 of this Ordinance.
- 4. A copy of all notices of any public hearing or, where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least 10 calendar days prior to such a hearing or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within 10 days of such action.
- 5. Enforcement.
  - A. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.



- B. In the event of a violation or a threatened violation of this Ordinance, the County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
  - C. Any taxpayer of Renville 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.
6. Effectuation.
- A. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER SIX**

### **SHORELAND MANAGEMENT REGULATIONS**

#### ***SECTION 1. STATUTORY AUTHORIZATION AND POLICY***

1. **Statutory Authorization.** This Shoreland Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, Parts 6120.2500 – 6120.3900; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.
2. **Policy.** The uncontrolled use of shorelands and scenic river areas of Renville County, Minnesota, affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Renville County.

#### ***SECTION 2. GENERAL PROVISIONS***

1. **Jurisdiction.** The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 4 of this Ordinance. Pursuant to Minnesota Rules, Parts 6120.2500 – 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Ordinance.
2. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.
3. **Enforcement.** The Renville County Zoning Administrator and Renville County Attorney are responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply

with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this Ordinance.

4. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Renville County and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
5. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
6. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistency only.

### ***SECTION 3. ADMINISTRATION***

1. Permits Required.
  - A. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.2.E of this Ordinance. Application for a permit shall be made to the Renville County Zoning Administrator on the form provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
  - B. All permits authorizing an addition or modification to an existing or newly built structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 7.3, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.
2. Certificate of Zoning Compliance. The Renville County Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.1 of this Ordinance. This certificate will specify that the use of land conforms to the requirements of this Ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be

deemed a violation of this Ordinance and shall be punishable as provided in Section 2.3 of this Ordinance.

3. Variance.

- A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment and Appeals must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 3.4.B below shall also include the Board of Adjustment and Appeal's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- C. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. A certificate of compliance, consistent with Minnesota Rules, Part 7082.0700, Subp. 3, is required for variance approval. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.
- D. Variances issued within the shoreland zone shall apply solely to project proposal or permit application under consideration. All future proposals shall be considered separately.

4. Notification to the Department of Natural Resources.

- A. All alterations of landscape below the ordinary high water level must first receive approval from the Minnesota DNR area office. Landowners wishing to do shoreline alterations below the ordinary high water level

must receive approval from the area hydrologist at the area office before beginning construction.

- B. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearing to consider proposed subdivisions/plats must include copies of the subdivision/plat.
  - C. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within 10 days of final action.
  - D. All amendments to this Shoreland Ordinance must be submitted to the Minnesota DNR for review and approval for compliance with the statewide shoreland management rules.
  - E. Any request to change the shoreland management classification of public waters within Renville County must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data as required by Minnesota Rules, Part 6120.3000, Subp. 4.
  - F. Any request to reduce the boundaries of shorelands of public waters within Renville County must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.
5. Mitigation. In evaluating all variances, conditional uses, zoning, and building permit applications, the Zoning Administrator shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this Ordinance, to protect adjacent properties, and the public interest:
- A. Advanced stormwater runoff management treatment;
  - B. Reducing impervious surfaces;
  - C. Increasing setbacks from the ordinary high water level;

- D. Restoration of wetlands;
- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- G. Other conditions the Zoning Administrator deems necessary.

**SECTION 4. SHORELAND CLASSIFICATION SYSTEM  
AND LAND USE DISTRICTS**

- 1. Shoreland Classification System. The public waters of Renville County have been classified below consistent with the criteria found in Minnesota Rules, Part 6120.3300, and the Protected Waters Inventory Map for Renville County, Minnesota.
  - A. The shoreland area for the water bodies listed in Sections 4.1.B and 4.1.C shall be as defined in Chapter One and as shown on the Official Zoning Map.
  - B. Lakes.
    - i. Natural Environment:

Name of Lake	DNR Public Waters I.D. #
Round Grove (McLeod)	43-116
No Name (McLeod)	43-117
No Name (Meeker)	47-104
No Name (Nicollet)	52-51
Hodgson	65-10
Phare	65-12
Boon	65-13
Mud	65-17
Round	65-28
No Name	65-82
Long	65-100
Beckendorf	65-108
Dybsand Marsh	65-124
Lorette	65-129
Lac Mac	65-145
Anderson	65-149
Swan (Sibley)	72-93

ii. Recreational Development:

<b>Name of Lake</b>	<b>DNR Public Waters I.D. #</b>
Preston	65-2
Allie	65-6

iii. General Development:

None in Renville County.

C. Rivers and Streams.

i. Remote Rivers:

None in Renville County.

ii. Forested Rivers:

None in Renville County.

iii. Transition Rivers:

None in Renville County.

iv. Agricultural Rivers:

<b>Name of River</b>	<b>Legal Description</b>
Minnesota River**	From Section 19, Twp 115N, Range 38W, to Section 35, Twp 112N, Range 33W
Hawk Creek	From Section 7, Twp 116N, Range 38W, to Section 28, Twp 115N, Range 38W

v. Urban Rivers:

None in Renville County.

vi. Tributary Streams:

<b>Name of Tributary Stream*</b>	<b>Legal Description</b>
Sacred Heart Creek	From Section 1, Twp 114N, Range 37W, to Section 24, Twp 114N, Range 37W
Beaver Creek	From Section 29, Twp 115N, Range 35W, to Section 27, Twp 113N, Range 35W
Birch Cooley Creek	From Section 8, Twp 113N, Range 34W, to Section 5, Twp 112N, Range 34W
Fort Ridgley Creek	From Section 24, Twp 112N, Range 33W, to Section 31, Twp 112N, Range 32W
Buffalo Creek	From Section 35, Twp 116N, Range 32W, to Section 25, Twp 115N, Range 31W

\* All protected watercourses in Renville County shown on the Protected Waters Inventory Map for Renville County, a copy of which is hereby adopted by reference, not given a classification in items i – v above shall be considered "Tributary."

\*\* The Minnesota River is also subject to the provisions of the Renville County Minnesota Scenic River Ordinance; Minnesota Rules, Parts 6105.0010 – 6105.0250 and 6105.1200 – 6105.1370; and the Renville County Project River Bend Ordinance.

2. Land Use District Descriptions. The land use districts in Section 4.2.C, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

A. General Considerations and Criteria For All Land Uses:

- i. Preservation of natural areas.
- ii. Present ownership and development of shoreland areas.
- iii. Shoreland soil types and their engineering capabilities.
- iv. Topographic characteristics.
- v. Vegetative cover.
- vi. In-water physical characteristics, values, and constraints.



- vii. Recreational use of the surface water.
- viii. Road and service center accessibility.
- ix. Socio-economic development needs and plans as they involve water and related land resources.
- x. The land requirements of industry which, by its nature, require location in shoreland areas.
- xi. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria For Planned Unit Developments:

- i. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments.
- ii. Physical and aesthetic impacts of increased density.
- iii. Suitability of lands for the planned unit development approach.
- iv. Level of current development in the area.
- v. Amounts and types of ownership of undeveloped lands.

C. Land Use Districts for Lakes. The land use districts provided as follows, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for the shorelands of Renville County.

Definitions: P = A permitted use within the land classification.  
 C = A conditional use permit is required for this land use function within this land classification.  
 N = None permitted within this classification.

<b>Land Use</b>	<b>Recreational Development</b>	<b>Natural Environment</b>
Single-Family Dwelling	P	P
Parks and Historic Sites	C	C
Agricultural – Cropland and Pasture	P	P
Forest Management	P	P
Sensitive Resource Management	P	P
Extraction and Processing of Minerals	C	C
Duplex, Triplex, Quad Residential	P	C

Residential PUD	C	C
Commercial PUD	C	C
Public and Semi-Public	P	C
Agricultural Feedlots – New	N	N
Agricultural Feedlots – Expansion or Resumption of Existing	C	C
Golf Course	C	C
Essential Service (Minor)	P	P
Essential Service (Major)	C	C
Home Occupation (Level I)	P	P
Accessory Structures to Permitted and Permitted Conditional Uses	P	P
Agricultural Buildings and Accessory Structures	P	P

D. Land Use Districts for Rivers and Streams.

Land Use	Agricultural	Tributary
Single-Family Dwelling	P	P
Parks and Historic Sites	C	C
Agricultural – Cropland and Pasture	P	P
Forest Management	P	P
Sensitive Resource Management	C	C
Extraction and Processing of Minerals	C	C
Duplex, Triplex, Quad Residential	P	P
Residential PUD	C	C
Commercial PUD	C	C
Public and Semi-Public	C	P
Agricultural Feedlots – New	N	N
Agricultural Feedlots – Expansion or Resumption of Existing	C	C
Golf Course	C	C
Essential Service (Minor)	P	P
Essential Service (Major)	C	C
Home Occupation (Level I)	P	P
Accessory Structures to Permitted and Permitted Conditional Uses	P	P
Agricultural Buildings and Accessory Structures	P	P

E. Use and Upgrading of Inconsistent Land Use Districts.

- i. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:

- a. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this Ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 4.2 and 4.2.C of this Ordinance.
  - b. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this Ordinance must be revised to make them substantially compatible with the framework in Sections 4.2 and 4.2.D of this Ordinance. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.
- ii. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Board of Adjustment and Appeals. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the Renville County Board of County Commissioners.
  - iii. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The Renville County Board of County Commissioners will direct the Renville County Zoning Administrator to provide such additional information for this water body as is necessary to satisfy item i.
  - iv. The Renville County Zoning Administrator must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said water body, are consistent with the enumerated criteria and use provisions of Section 4.2.

**SECTION 5. ZONING AND WATER SUPPLY/SANITARY PROVISIONS**

1. Lot Area and Width Standards. After the effective date of this Ordinance, all new lots must meet the minimum lot area and lot width requirements, subject to the following standards:

- Only lands above the ordinary high water level can be used to meet lot area and width standards.
- Lot width standards must be met at both the ordinary high water level and at the building line.
- The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property.
- The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex, and quad residential lots for the lake and river/stream classifications are the following (see Section 7.1 for existing lots of record):

A. Unsewered Lakes.

i. Natural Environment:

	Riparian Area		Nonriparian Area	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
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

ii. Recreational Development:

	Riparian Area		Nonriparian Area	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
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

iii. General Development:

None in Renville County.

B. Sewered Lakes.

i. Natural Environment:

	Riparian Area		Nonriparian Area	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

ii. Recreational Development:

	Riparian Area		Nonriparian Area	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	20,000	100	15,000	100
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

iii. General Development:

None in Renville County.

C. River/Stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards are:

	Agricultural	Urban and Tributary	
		No Sewer	Sewer
Single	150	100	75
Duplex	225	150	115
Triplex	300	200	150
Quad	375	250	190

D. Additional Special Provisions.

- i. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 5.1.B and 5.1.C can only be allowed if designed and approved as residential planned unit developments under Section 9 of this Ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area

dimensions in Section 5.1.B can only be used if publicly owned sewer system service is available to the property.

- ii. Subdivisions of duplexes, triplexes, and quads on natural environment lakes 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 in one location and 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.
- iii. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 5.1.A – 5.1.C, provided the following standards are met:
  - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
  - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.
  - c. 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.
- iv. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
  - a. They must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots;

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

<b>Controlled Access Lot Frontage Requirements</b>	
<b>Ratio of Lake Size to Shore Length (Acres/Mile)</b>	<b>Required Percent Increase in Frontage</b>
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%
Greater than 400	5%

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

2. Placement, Design, and Height of Structures.

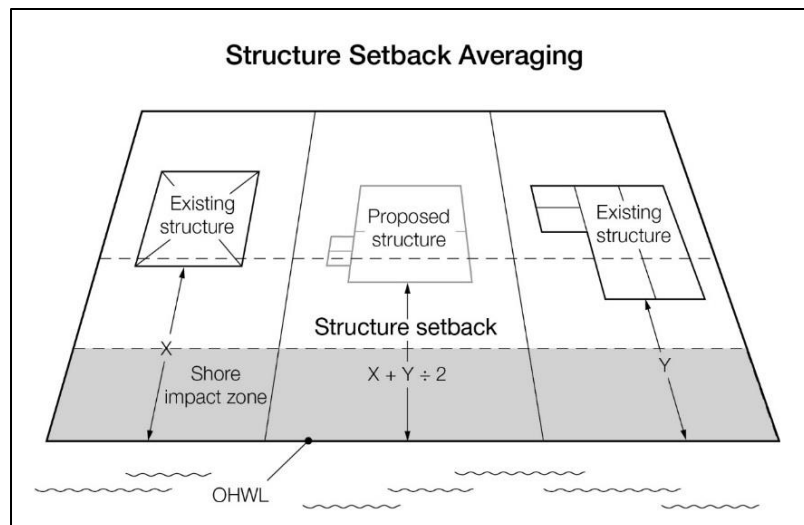
A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. The setback for sewer structures can only be used if a publicly owned sewer system service is available to the property. Structures shall be located as follows:

i. Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level.\*

Classification	Structures		Sewage Treatment System
	No Sewer	Sewer	
<b>Lakes</b>			
Natural Environment	150	150	150
Recreational Development	100	75	75
<b>Rivers and Streams</b>			
Agricultural, Urban, and Tributary	100	50	75

\* One water-oriented accessory structure designed in accordance with Section 5.2.B of this Ordinance may be set back a minimum distance of 10 feet from the ordinary high water level.

ii. 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 ordinary high water level, provided the proposed structure is not located in a shore impact zone or in a bluff zone.





- iii. **Additional Structure Setbacks.** The following additional structure setbacks apply, regardless of the classification of the water body:

<b>Setback From</b>	<b>Setback (in feet)</b>
Top of Bluff	30
Unplatted Cemetery	50
Federal or State, County, or Township Road*	67 feet from right-of-way
Side Lot Setback (Adj. Property Owner)	10

\* Those lots located within Sheppards Oak Knoll and Oakdale Bay Subdivisions shall be required to maintain a 50-foot front yard setback from the centerline of CSAH 38. All other structures located along CSAH 38 shall maintain a 75-foot front yard setback from the centerline.

Structure fronting CSAH 38 at the point where the road turns east along the township section line within Section 34 of Boon Lake Township within the 1,000-foot shoreland zone area shall maintain a 67-foot minimum setback from the road right-of-way.

- iv. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- v. **Uses Without Water-Oriented Needs.** Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

**B. Design Criteria for Structures.**

- i. **High Water Elevations.** Structures must be placed in accordance with any flood plain 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:

- a. 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.
  - b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, Parts 6120.5000 – 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.
  - c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation; electrical and mechanical equipment is placed above the elevation; and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
  - d. Existing homes within the Lake Allie Shoreland District in place at the time of adoption of this Ordinance shall be allowed to remain until such use is removed or discontinued. Replacement dwelling units on these properties and all other properties within the Shoreland District shall maintain a minimum width requirement of 18 feet.
- ii. Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 5.2.A of this Ordinance if this water-oriented accessory structure complies with the following provisions:
- a. The structure or facility must not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

- b. The setback of the structure or facility from the ordinary high water level must be at least 10 feet.
  - c. 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.
  - d. The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.
  - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
  - f. As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.
- iii. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a. Stairways and lifts must not exceed six feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
  - b. Landings for stairways and lifts on residential lots must not exceed 100 square feet in area. Landings larger than 100 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
  - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
  - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control 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 access to shore areas, provided that the dimensional and performance standards of items a – e are complied with in addition to the requirements of Minnesota Rules, Chapter 1341.
- iv. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
  - v. Steep Slopes. The Renville County Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.
- C. Height of Structures. All structures within the Shoreland District, except churches and non-residential agricultural structures, must not exceed 35 feet in height.
- D. Shoreland Alterations.
- i. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.2.F of this Ordinance are exempt from the vegetation alteration standards that follow.
  - ii. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 6.4, 6.5, and 6.6, respectfully, is allowed subject to the following standards:
    - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forestland conversion to another use

outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District in which the property is located.

- b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
  - 1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
  - 2. Along rivers, existing shading of water surfaces is preserved.
  - 3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

E. Topographic Alterations/Grading and Filling.

- i. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- ii. Public roads and parking areas are regulated by Section 5.2.F of this Ordinance.
- iii. Notwithstanding items i and ii above, a grading and filling permit will be required for:
  - a. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones.

- b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- iv. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:
  - a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: \*
    1. Sediment and pollutant trapping and retention.
    2. Storage of surface runoff to prevent or reduce flood damage.
    3. Fish and wildlife habitat.
    4. Recreational use.
    5. Shoreline or bank stabilization.
    6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
  - b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
  - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guide of the local Soil and Water Conservation Districts and the United States Soil Conservation Service.
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope.
- g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
- h. Fill or excavated material must not be placed in bluff impact zones.
- i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.
- j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- k. Placement of natural rock riprap (12 – 24 inch diameter), including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- v. Excavations where the intended purpose is connection to a public water, such as boat skips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

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

- i. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve

maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the Field Office Technical Guide of the local Soil and Water Conservation District, or other applicable technical materials.

- ii. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- iii. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.2.E of this Ordinance must be met.

## ***SECTION 6. STORMWATER MANAGEMENT***

- 1. General Standards.
  - A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
  - B. 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.
  - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- 2. Specific Standards.
  - A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.



- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the Field Office Technical Guide of the local Soil and Water Conservation Districts.
  - C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
3. Standards for Commercial, Industrial, Public, and Semi-Public Uses.
- A. Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
    - i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
    - ii. 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.
    - iii. 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 10 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.

- c. Other outside lighting may be located within the shore impact zone or over public water 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.

- B. 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.

#### 4. Agricultural Use Standards.

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service Field Office Technical Guide (FOTG), practices approved by the Board of Water and Soil Resources, or practices based on local conditions approved by the local Soil and Water Conservation District that are consistent with the FOTG. 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. Incorporation of approved alternative practices may reduce the overall buffer width; however, the minimum width cannot be less than 30 feet.

- B. Animal feedlots must meet the following standards:

- i. No new feedlots shall be located within the shoreland area of watercourses or in bluff impact zones as of the effective date of this Ordinance.
- ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

- iii. All current feedlots within the shoreland area must meet all current MPCA rules and regulations.
5. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers, and Resource Managers.
6. Extractive Use Standards.
  - A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
  - B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
7. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 – 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 – 93.51, are satisfied.
8. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established Countywide. The following additional evaluation criteria and conditions apply within shoreland areas:
  - A. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    - i. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
    - ii. The visibility of structures and other facilities as viewed from public waters is limited;
    - iii. The site is adequate for water supply and on-site sewage treatment; and

- iv. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
  - B. Conditions Attached to Conditional Use Permits. The Renville County Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
    - i. Increased setbacks from the ordinary high water level.
    - ii. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
    - iii. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- 9. Water Supply and Sewage Treatment.
  - A. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
  - B. Sewage Treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system where available or comply with Minnesota Rules, Chapters 7080 – 7083.

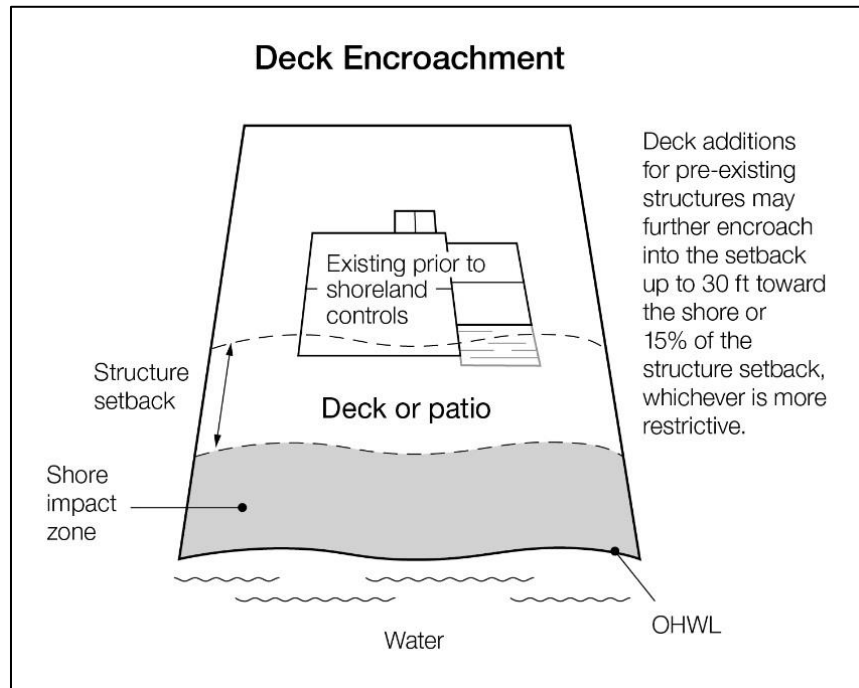
### ***SECTION 7. NONCONFORMITIES***

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

- 1. Construction and Sale of Nonconforming Lots of Record.
  - A. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 5.1 of this Ordinance may be allowed as building sites without variances from lot size requirements provided

the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment and Appeals shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
  - C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 5.1 of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 5.1 of this Ordinance as much as possible.
2. Additions/Expansions to Nonconforming Structures.
- A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 5 of this Ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 3.3.
  - B. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
    - i. The structure existed on the date the structure setbacks were established;
    - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback for the structure;
    - iii. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
    - iv. The deck is constructed primarily of wood and is not roofed or screened.



3. **Nonconforming Sewage Treatment Systems.** A sewage treatment system not meeting the requirements of Minnesota Rules, Chapters 7080 – 7083, must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property or in the event of property sale or transfer. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

### ***SECTION 8. SUBDIVISION/PLATTING PROVISIONS***

1. Each lot created through subdivision, including planned unit developments authorized under Section 9 of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the County.
2. Subdivisions must conform to all official controls of this County. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment

system consistent with Sections 5.2 and 6.9 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.1, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks may be approved. Lots must maintain the minimum allowable specifications for development as set forth by these official controls. Variance shall not be granted to these requirements in the area of sewage treatment. Easement for sewage disposal system establishment may be allowed.

3. Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include at least the following:
  - A. Topographic contours at 10-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
  - B. The surface water features required in Minnesota Statutes, Section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
  - C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  - D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - E. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
4. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

5. All subdivisions that create five or more lots or parcels that are 2.5 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
6. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 5.1 of this Ordinance.

### ***SECTION 9. PLANNED UNIT DEVELOPMENTS (PUDs)***

1. **Types of PUDs Permissible.** Planned Unit Developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 4.2 of this Ordinance and the Official Zoning Map.
2. **Processing of PUDs.** Planned Unit Developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date this Ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 9.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
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 10-foot intervals or less. When PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
  - B. A property owner's association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 9.9 of this Ordinance.
  - C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and 2) ensure



the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 9.9 of 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 Renville County zoning office that are necessary to explain how the PUD will be designed and will function.
4. Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 9.5.
- A. 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 Shoreland Tier Dimensions:

<b>Classification</b>	<b>Unsewered (feet)</b>	<b>Sewered (feet)</b>
General Development Lakes – First Tier	200	200
General Development Lakes – Second and Additional Tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
5. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier farther from the water body, but must not be transferred to any other tier closer.
6. Residential PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential

planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Section 9.9.

7. Commercial PUD "Base" Density Evaluation.

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

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

<b>Commercial Planned Unit Development Floor Area Ratios* Public Water Classes</b>			
<b>Average Unit Floor Area (sq. ft.)</b>	<b>Sewered General Development Lakes; First Tier on Unsewered General Development Lakes; Urban, Agricultural, Tributary River Segments</b>	<b>Second and Additional Tiers on Unsewered General Development Lakes; Recreational Development Lakes; Transition and Forested River Segments</b>	<b>Natural Environment Lakes; Remote River Segments</b>
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use

the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- C. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- D. Divide the total floor area by tier computed in item C above by the average inside living area size determined in item A above. This yields a base number of dwelling units and sites for each tier.
- E. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analysis herein, and the design criteria in Section 9.9.

8. Density Increase Multipliers:

- A. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 5 are met or exceeded and the design criteria in Section 9.12 are satisfied. The allowable density increases in item B 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 water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
- B. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

<b>Density Evaluation Tiers</b>	<b>Maximum Density Increase Within Each Tier (percent)</b>
First	50
Second	50
Third	50
Fourth	50
Fifth	100

9. 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

spaces and for the continued existence and functioning of the development.

- B. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - i. Commercial uses prohibited (for residential PUDs);
    - ii. Vegetation and topographic alterations other than routine maintenance prohibited;
    - iii. Construction of additional buildings or storage of vehicles and other materials prohibited; and
    - iv. Uncontrolled beaching of watercraft prohibited.
  - C. Development organization and functioning. Unless an equally effective alternative County framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
    - i. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
    - ii. Each member must pay a prorata share of the association's expenses, and unpaid assessments can become liens on units or sites;
    - iii. Assessments must be adjustable to accommodate changing conditions; and
    - iv. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
10. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:
- A. At least 50 percent of the total project area must be preserved as open space;
  - B. Dwelling units or sites, road rights-of-way, or land covered by road surface, parking areas, or structures, except water-oriented accessory

structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

- C. Open space must include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
  - D. 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;
  - E. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
  - F. Open space must not include commercial facilities or uses but may contain water-oriented accessory structures or facilities;
  - G. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
  - H. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, 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.
11. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
- A. 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.
  - B. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an

approved stormwater management plan and consistency with Section 5.2.D.

12. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
  - A. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 5.2 and 6.9 of this Ordinance.
  - B. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 9.8 of this Ordinance for developments with density increases.
  - C. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, 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 (not withstanding 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.
  - D. 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.
  - E. Accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.2 of this Ordinance and are centralized.

- F. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.2 of this Ordinance and are centralized.
13. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:
- A. 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.
  - B. 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:
    - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
    - ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
    - iii. 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.
  - C. Existing dwelling unit or dwelling site densities that exceed standards in Section 9.5 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

#### ***SECTION 10. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after its publication according to law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER SEVEN**

### **MINING REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Mining Regulations except as to herein where it shall be known as “this chapter.”

#### ***SECTION 1. INTENT AND PURPOSE***

These mining regulations are adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapter 103A-I and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394. This chapter is adopted for the purposes of:

1. Providing for the economic availability and removal of sand, gravel, rock, soil, and other materials vital to the continued growth of Renville County.
2. Establishing regulations, safeguards, and controls in the unincorporated areas of the County regarding noise, dust, traffic, drainage, groundwater quality, and other factors which will minimize the environmental and aesthetic impacts on mined or adjacent property.
3. Reducing the potential for pollution caused by wind, soil erosion, and sedimentation.
4. Establishing locations, orderly approval process, and operating conditions under which mining operations will be allowed in the unincorporated areas of the County and to establish conditions which ensure the restoration of mined areas consistent with the existing and planned land use patterns.
5. Ensuring compliance with the regulations established in this chapter on those mining operations presently operating in Renville County.
6. Bringing operations without a permit into compliance with the performance standards of this chapter.

#### ***SECTION 2. PERMIT REQUIREMENTS***

1. No person, firm, or corporation shall hereafter engage in the mining and extraction on any land within the unincorporated areas of Renville County without first obtaining an Interim Use Permit.
2. Mining and extraction operations, operating with a valid Conditional Use Permit issued by Renville County prior to the adoption of this chapter, which remain in



compliance with the terms and conditions of the Conditional Use Permit shall be permitted to continue until the permit has expired.

3. All legal, nonconforming mining and extraction operations currently operating within the unincorporated areas of Renville County without an Interim Use Permit as of the effective date of this chapter may continue provided the mining and extraction use does not expand beyond the boundaries of the legally described parcel in which the mining operation was established prior to the time it became nonconforming as recorded in the office of the County Recorder. The legal, nonconforming mining and extraction operation shall comply with all setback, performance, and land reclamation standards set forth in Sections 4, 5, and 6 of this chapter. All mining and extraction operations currently operating in Renville County and legally commenced prior to the adoption of this chapter shall submit a reclamation plan completed in conformance with Section 6 of this chapter to the Zoning Administrator for review and approval upon demand.
4. Any existing legal, nonconforming mining and extraction operation determined by the Department to pose a potential or real environmental hazard; a potential or real negative impact on the health, safety, or welfare of the residents of the County; or that fails to comply with the setback, performance, and land reclamation standards set forth in Sections 4, 5, and 6 of this chapter shall be subject to the provisions of this chapter and the owner shall apply for an Interim Use Permit.
5. Any permitted or existing legal, nonconforming mining and extraction operation currently operating within the unincorporated areas of Renville County that wishes to process aggregate, concrete, asphalt, or other materials on the site must first obtain an Interim Use Permit.
6. Any permitted or existing legal, nonconforming mining and extraction operation currently operating within the unincorporated areas of Renville County that wishes to add a temporary asphalt plant or concrete batch plant on the site must first obtain an Interim Use Permit.
7. An Interim Use Permit for a new mining operation or the expansion or change in use of an existing mining operation, whether under permit or not, must meet the following criteria:
  - A. The mining and extraction operation must be located in an agricultural or commercial/industrial land use district.
  - B. The property must be at least 20 acres in size.
  - C. The mining and extraction operation must comply with all standards for approval of an Interim Use Permit as contained in this Ordinance.

- D. The mining and extraction operation is consistent with the Renville County Comprehensive Plan (Resource Extraction – Goals and Policies) and is in compliance with all provisions of this Ordinance.

### ***SECTION 3. PERMIT APPLICATION***

In addition to the submittal requirements required for an Interim Use Permit elsewhere in this Ordinance, all proposed mining/extraction uses shall submit the following additional information. The Interim Use Permit application must be made in the name(s) of the operator of the mine and owner of the land to be mined when applicable.

- 1. General Information.
  - A. The name and address of the applicant.
  - B. The name and address of the owner of the land.
  - C. The address and legal description of the land involved in the application.
  - D. The total area (in acres) of the land to be affected by the project. Include mining areas and future expansion areas, stockpiling and processing areas, haul roads, settling basins, berms, topsoil storage areas, and parking areas.
  - E. A copy of all other permits necessary for this project indicating their status.
- 2. Pre-Mining Conditions.
  - A. Describe current land uses within one-half mile of the project area.
  - B. Indicate if the project is located within 1,000 feet of the shoreline of a lake or within 300 feet from the bank of a watercourse or the landward extent of a flood plain designated by local ordinance.
  - C. Indicate the observed or estimated groundwater elevation in the project area and reference that depth to a permanent benchmark. An elevation benchmark shall be established in an area not to be disturbed by the mining operation.
  - D. The following maps of features within 100 feet of the site drawn to scale:
    - i. Map A – Existing Conditions. Indicate the following noted features:
      - a. Property lines and limits of proposed mining and extraction areas.

- b. Contours at 10-foot vertical intervals.
  - c. Existing vegetation and wooded areas.
  - d. Existing surface water drainage patterns.
  - e. Existing buildings and structures.
  - f. Existing wells.
  - g. Existing rock outcrops.
  - h. Existing flood plain.
  - i. Existing wetlands, lakes, or watercourses.
  - j. Existing trails and road and railroad rights-of-way.
  - k. Existing utility easements.
- ii. Map B – Proposed Operation. Indicate the following noted features:
- a. Property lines and limits of proposed mining/extraction areas.
  - b. Future buildings and structures.
  - c. Location of areas to be mined including depth of proposed excavation.
  - d. Location of machinery to be used in the mining operation.
  - e. Location of screening berms and storage areas of recycled and mined materials showing maximum height of storage deposits.
  - f. Location of vehicle parking and road access to the mining area.
  - g. Location of storage areas for explosives.
  - h. Location of erosion and sediment control structures.
  - i. Location of processing areas.

- j. Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.
    - k. Location of settling basins and process water ponds.
    - l. Location of fences, gates, and portable scales.
  - iii. Map C – End Use Plan. Indicate the following noted features:
    - a. Final grade of proposed site showing elevations and contour lines at 10-foot intervals.
    - b. Location of water features, agricultural and open areas, and species of vegetation or seed mixture to be replanted.
    - c. Reclamation staging plan and intended use of the reclaimed site.
- E. A plan describing the methods to be used for soil erosion and sediment control.
- F. A plan describing the methods to be used for dust and noise control.
- G. A complete description of all phases of the proposed mining operation to include an estimate of duration of each phase, location and approximate acreage of each stage, and time schedule for reclamation.
- H. A map indicating the haul route between the mining area and nearest arterial road in the County upon and along which any material is to be hauled or carried.
- I. A general location map indicating any city within two miles of the mining operation.
- J. A plan indicating methods to be used to ensure groundwater quality protection. The plan shall include a minimum of three borings showing depth to groundwater. If groundwater is not encountered at a depth of 15 feet below the bottom of the proposed pit floor, the applicant need not extend borings any farther.
- K. A written right-of-entry given by the owner and operator to the Department to enter the land at any time for the purpose of determining compliance with all applicable conditions imposed on the operation.

- L. A minimum of three cross-section sketches showing the extent of overburden, extent of material deposits, the water table, and any evidence of the water table in the past. The Department reserves the right to require additional borings if necessary.
  - M. An approved reclamation plan in conformance with Section 6 of this chapter.
  - N. A plan for blasting at the mining site, if required.
  - O. A safety plan addressing safety issues with regard to parking, traffic control, and access of the mining driveway and the township road.
  - P. Any other information or reports the Zoning Administrator or Planning Commission deems necessary for purposes of evaluating environmental or aesthetic impacts.
3. Mitigating Impacts.
- A. List the air, land, and water resources that may be impacted by this project, identify impacts, and describe measures that will be taken to mitigate those impacts including, but not limited to, noise, volatile organic compounds (VOC), dust, and particulate matter.
  - B. Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed.
  - C. Describe erosion control practices that will be used during mining. If no measures will be used, explain why none are needed.
4. Proposed Mining Methods.
- A. Describe the material that will be mined from the project area.
  - B. Describe how the material will be mined and what equipment will be used.
  - C. Describe how the material will be transported from the site and the proposed route of transport to the nearest arterial road.
  - D. Describe the methods that will be used to retain topsoil.
  - E. Estimate the volume of material in cubic yards to be mined in the period covered by this permit.

- F. List the months, days, and hours in which mining activities are expected to occur.
  - G. Describe the methods used to control dust on haul roads.
  - H. Identify the number of employees expected to work at the site and the facilities that will be provided.
  - I. Describe dewatering activities and estimate the volume of water to be discharged from the site.
5. Proposed Processing Methods.
- A. Describe the processing methods, including equipment, which will be used at the site.
  - B. List the proposed hours of operation for the processing facilities.
  - C. Describe the volume of water needed for gravel washing activities, the source of the water, the disposal of water, and methods to re-use water.
  - D. Describe how chemical substances will be stored on the site.
6. Staging of Operations.
- A. Describe the projected life of the operation including beginning and ending of operations and any phases or stages.
  - B. Describe the progressive reclamation activities that will occur over the life of the operation.
  - C. Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion.
  - D. Describe the interim reclamation methods that will be used if the site will become inactive at the close of current operations for unspecified periods of time.
7. Proposed Reclamation Plan.
- A. Describe the proposed reclamation process including planned end use.
  - B. Describe anticipated topography, water impoundments, artificial lakes, and future land use of the site.

- C. Describe plans for the disposal of surface structures, roads, and related facilities after completion of mining.
  - D. Describe the methods proposed for the disposal or reclamation of oversize and undersize materials.
  - E. Describe or attach a copy of a seeding plan that includes methods of seedbed preparation, seed mixtures, seeding rates, mulching, and other techniques needed to accomplish site stabilization.
  - F. Describe long-term maintenance needed to support reclamation.
  - G. Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.
8. An application fee as established by the Renville County Board of County Commissioners.

#### ***SECTION 4. SETBACKS***

The following minimum setbacks are required for all mining and extraction operations:

- 1. No mining or extraction operations shall take place within:
  - A. 30 feet of adjoining property lines unless there is an agreement between the owner(s) of the adjoining property and the mining operator. A copy of the written agreement and a restoration plan of the common boundaries must be submitted to the Zoning Administrator for review and approval.
  - B. 500 feet of any non-dilapidated dwelling. The setback shall not apply to a dwelling owned by the property owner.
  - C. 100 feet to the boundary of any district where such operations are not permitted.
  - D. 500 feet to the boundary of an adjoining property residentially zoned or contiguous property subdivided into residential lots.
  - E. 30 feet to the right-of-way line of any existing or platted street, road, or highway. Excavating may be allowed within the required setback area upon a written agreement between the property owner(s) and/or the mining operator and the Road Authority. A copy of the written agreement and an engineered road reconstruction design plan indicating final roadbed grades must be submitted to the Zoning Administrator for review and approval.

- F. 50 feet from the berm of any public or private ditch system.
- G. 100 feet from any wetland or the ordinary high water level of any public water.
- H. 50 feet from agricultural lands used for crop production. The setback area shall be planted with a grass buffer, preferably native vegetation, designed to infiltrate water and remove sediment and pollutants. The use of fertilizer, pesticides, and animal manure near the mining area shall be applied using best management practices to minimize the impact on surface and groundwater.

### ***SECTION 5. PERFORMANCE STANDARDS***

The following performance standards shall apply to all mining and extraction operations:

1. **Hours of Operation.** Those portions of the mining operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of sunrise to sunset, Monday through Saturday, unless other hours or days of operation are specifically authorized by the County Board. Blasting shall only take place between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday.
2. **Dust Control.** The property owner(s) and/or mining operator must construct, maintain, and operate all equipment in such a manner as to minimize on-site and off-site dust conditions. All operations shall meet the standards of the Minnesota Pollution Control Agency. The driveway access must be set back at least 25 feet from neighboring property lines unless the property owners agree in writing to a lesser distance. A copy of the written agreement must be submitted to the Zoning Administrator for review and approval.

The property owner(s) and/or mining operator shall maintain all roads within the site in a dust-free condition provided that the treatment causes no potential pollution hazards to the ground and surface waters of the area. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized.

3. **Noise.** All equipment and other sources of noise must operate so as to be in accordance with federal, state, and County noise standards.
4. **Site Clearance.** All stumps and other debris resulting from the excavation or related activities should be disposed of by approved methods.
5. **Protection of Groundwater.** Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit. The maximum depth of excavation



shall be established so that groundwater quality is protected. This depth of excavation shall be established by the County Board and will be based, in part, on a groundwater protection study provided by the owner and/or mining operator that takes into account the soil characteristics, depth to water table, nature of mining proposed, and local use of the aquifer.

No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties or any other water body.

6. **Appearance/Condition.** The property owner(s) and/or mining operator must maintain buildings and structures in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the landscaped area. Existing trees and topsoil along existing public right-of-way shall be preserved, maintained, and supplemented for the depth of the setback or as stipulated in the Interim Use Permit or excavation permit.
7. **Waste Disposal.** Any waste generated from the mining operation, including sewage, hazardous waste, or waste from vehicle or equipment maintenance, shall be disposed of in accordance with federal, state, and County requirements.
8. **Water Quality Monitoring.** Water from monitoring wells and water collected or discharged from the mining area shall be analyzed until one year after reclamation is completed. At a minimum, samples from monitoring wells shall be taken and testing results submitted prior to the permit renewal. Sampling and testing shall be done by an independent testing laboratory or an agency chosen by the County Board. Monitoring wells shall be sealed one year after reclamation efforts are complete if the site is determined to be uncontaminated. Water samples shall be analyzed to determine the level of nitrates, pesticides, herbicides, and volatile organic compounds specified by the County Board.
9. **Mining Access Roads.** The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the Public Works Director. Access roads connecting to public roads shall be sufficiently wide to accommodate two-way hauling traffic. Ingress and egress points from or onto any public road or highway shall be clearly signed "TRUCKS HAULING" advising traffic in both directions of this activity. Intersections of public roads with access roads shall be maintained by the mining operator and shall be kept clean and free from excessive mud or debris tracked out from the mining site. Intersections of public roads with access roads shall be repaired by the mining operator if the public road surfaces or shoulders in the mining area have broken down due to repeated traffic by mining trucks or equipment. Turn lanes shall be constructed on public roads at the entrance to the mining site if determined necessary by the Road Authority.

10. Fuel Storage. All on-site storage of fuel must meet federal, state, and local standards.
11. Road Maintenance. The property owner(s) and/or mining operator shall be responsible for providing a baseline condition of all haul routes, including analysis of all bridges by the County engineer, to determine their capacity to support oversized vehicles prior to use of the roads by the mining operation. The property owner(s)/mining operator of the mining operation shall be responsible for extraordinary maintenance and restoration of all County/township roads and bridges leading to the mining site that may be damaged due to activities involving the mining operation. A financial guarantee in the form of a performance bond, letter of credit, cash deposit, or other security shall be submitted to ensure all haul routes and bridges have been repaired/restored to the Road Authority's approval and satisfaction.
12. Other Regulations. All mining operations shall be in compliance with applicable federal, state, and County regulatory permits, rules, regulations, and ordinances.
13. Insurance. The mining operator shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,000,000 for any occurrence.
14. Recycled Material Storage. The temporary storage of recycled material (including used aggregate, concrete, and asphalt) in a permitted mining site or a currently operating legal, nonconforming mining site is permitted. An Interim Use Permit is required for any new or existing mining operation that wishes to process recycled materials.
15. Site Reclamation. Restoration of the site shall be completed in accordance with the approved reclamation plan and is subject to review and approval by Renville County Division of Environment and Community Development staff at the end of the permit period. All reclamation shall be completed within one year after the Interim Use Permit expires unless the permit is renewed. If the mining operation is abandoned prior to expiration of the Interim Use Permit, all reclamation shall be completed within 365 days.
16. Safety. The operator shall erect and maintain traffic control devices leading to and from the site to ensure the safety of area residents and must comply with all Minnesota Department of Transportation requirements for signage and safety issues. Access to and hauling of materials from the operation site shall be limited to a project-specific haul route. All vehicles hauling materials to and from the mining operation site shall not exceed legal gross weight limitations.
17. Water Resources. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation. Surface water originating outside and passing through the mining district shall, at its point

of departure from the mining site, be of equal quality of the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision such as culverts, berms, etc. The mining operation shall also not adversely affect the quality of subsurface water resources.

18. Dewatering. If dewatering becomes necessary, a DNR Appropriation Permit must be obtained, and a copy of the permit must be submitted to the Department. All conditions of the permit must be followed. The permit must remain in effect for the duration of the Interim Use Permit.
19. Tile Lines and Intakes. No tile lines or intakes shall be located within, or allow discharge of water into, the mining area.

### ***SECTION 6. LAND RECLAMATION***

All mining sites shall begin reclamation immediately after mining operations cease. All reclamation shall be completed within one year. The following performance standards shall apply:

1. Staging. Restoration should proceed in a continuous manner and must be subject to review and approval at each inspection and at the end of the permit period.
2. Excavations resulting in the accumulation of substantial water areas after rehabilitation must meet the following requirements:
  - A. The water depth must not be less than three feet measured from the low water mark, unless a plan for creation of a wetland or marsh has been reviewed and approved by the local government unit administering the Minnesota Wetland Conservation Act.
  - B. All banks shall be sloped to the water line at a slope that shall not be steeper than four feet horizontal to one foot vertical. Reclaimed areas shall be surfaced with soil of equal quality as the topsoil of land areas immediately surrounding the mining operation. The minimum depth of the topsoil shall be at least four inches.
  - C. The topsoil as required by subsection B above shall be planted with trees, shrubs, legumes, or grasses native to the area.
  - D. Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical. Exceptions may be made in cases where non-erodible conditions are present.
  - E. In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body a

maximum slope of three feet horizontal to one foot vertical for at least 30 feet from the proposed shoreline toward the center of the water body.

- F. All protected waters shall be subject to Chapter Five (Minnesota Scenic River Regulations), Chapter Six (Shoreland Management Regulations), Chapter Nine (Flood Plain Regulations), and Chapter Fourteen (Project River Bend Management Regulations) of the Land Use Ordinance.
3. Excavations not resulting in water areas after rehabilitation but which must be graded or backfilled shall meet the following requirements:
- A. Fill shall be inspected and certified as being clean (free of volatile organic compounds and heavy metals) before being used for reclamation. Organic soil shall be used only for topsoil.
  - B. Such grading or backfilling shall be made with non-noxious, nonflammable, noncombustible solids.
  - C. The graded or backfilled area shall not collect or permit stagnant water to remain therein.
  - D. The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
  - E. Such graded or backfilled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth at least four inches. The topsoil shall be planted with trees, shrubs, legumes, or grasses native to the area.
  - F. Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical. Exceptions may be made in cases where non-erodible conditions are present.
  - G. All reclaimed areas that are planned for building purposes shall have a final elevation at least 10 feet above the normal ordinary groundwater level. If public sewer is not available, plans for on-site septic systems must be considered. If the area is backfilled for purposes of future development, the soil must be compacted and subsequently tested by a registered soils engineer and approved.
4. Finished Grade. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

5. Drainage. Reclamation shall proceed in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the least degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
6. Cover and Planting. The reclamation area shall be planted with grass, trees, shrubs, or other vegetation native to the area to prevent erosion and provide for screening and natural beauty. Technical assistance and soils data should be obtained from appropriate state and federal officials, conservation districts, and the nearest soil conservation service office.
7. Topsoil. When topsoil is stripped or removed, an adequate amount must be retained and set aside on the site for re-spreading over the excavated area according to the reclamation plan. These overburden stockpiles must be used to minimize the effects of erosion of wind or water upon public roads, streams, or adjacent land uses and shall not be sold or removed from the property.
8. Final Restoration/Removal of Structures. Within a period of 12 months following the termination of a mining operation, or the abandonment of a mining operation, or the expiration of an existing Conditional Use Permit or Interim Use Permit, all buildings and other structures, equipment, and access roads not otherwise allowed under this Ordinance must be removed from the property and the property restored in conformance with the approved reclamation plan.
9. Plan Review and Approval. All reclamation plans shall be submitted for review and approval to the Renville County Soil and Water Conservation District prior to submittal to the Zoning Administrator.

#### ***SECTION 7. ENVIRONMENTAL REVIEWS***

The provisions of the rules for the Environmental Review Program, Minnesota Rules Chapter 4410, or as amended are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Renville County will follow in implementing the provisions of Minnesota Statutes, Chapter 116D, relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board.

The applicant of a mining or extraction use for which an environmental review is required, either by state law or by the Board, shall pay all costs of preparation and review and shall supply all information reasonably requested by the Renville County Division of Environment and Community Development to complete the document.

No mining or extraction use for which an environmental review is required shall be issued any County permits until all costs for preparation and review are paid by the applicant, all information required is supplied, and until the environmental review

process has been completed as provided in this Ordinance and Minnesota Rules Chapter 4410.

***SECTION 8. ENFORCEMENT***

Enforcement of the Mining Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14, of the Renville County Land Use Ordinance.

***SECTION 9. INTERPRETATION, SEPARABILITY, AND COMPLIANCE***

Administration of the Mining Regulations with regard to rules of interpretation, separability, and compliance shall be done in accordance with policies established in Chapter One (Administration), Section 3, of the Renville County Land Use Ordinance.

***SECTION 10. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER EIGHT**

### **FEEDLOT AND MANURE MANAGEMENT REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Feedlot and Manure Management Regulations and may be referred to in this chapter as the Feedlot Ordinance.

The Renville County Feedlot and Manure Management Regulations are adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 115 and 116 and Minnesota Rules Chapter 7020 and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394.

#### ***SECTION 1. INTENT AND PURPOSE***

The production of farm animals and other agricultural products is an important part of the history, environment, and economy of Renville County. Livestock, poultry, dairy products, and other agricultural commodities are produced within the County for consumption in Minnesota, the United States, and foreign countries. The continued health of the agricultural community and the production of these products are essential to the economic well-being of the County and its residents.

The County also contains a wealth of natural resources including an abundance of surface and groundwater. These resources must be protected from pollution to ensure the health of the public and to maintain safe, high quality water for recreational, residential, agricultural, and commercial use. The following regulations have been established to protect natural resources and the quality of life in Renville County while recognizing the importance of animal agriculture and the beneficial uses of animal manure in the production of agricultural crops.

It is the intent and purpose of this Ordinance to allow for the continued production of agricultural commodities and to maintain a healthy agricultural community within the County while ensuring that animal feedlots and animal wastes are properly managed to protect the health of the public and the County's natural resources.

This chapter is adopted for the following purposes:

1. To protect the health and safety of the residents of Renville County.
2. To regulate the development, location, operation, and maintenance of feedlots and manure storage structures so as to prevent contamination of air and surface and groundwaters within the County.

3. To protect the water quality in Renville County against the improper handling of manure which can contribute pathogens, nutrients, and biological oxygen demanding materials into surface water.
4. To allow for the continued production of agricultural commodities and to maintain a healthy agricultural community within the County while ensuring that animal feedlots and animal manure are properly managed to protect the health of the public and the County's natural resources.

## ***SECTION 2. DEFINITIONS***

Following is a list of definitions most pertinent to this chapter of the Renville County Land Use Ordinance. For a complete list of definitions, refer to Chapter One.

**Abandon** - To cease a specific use of a property for a period of 12 consecutive months or more.

**Administrator** - The Renville County Zoning Administrator.

**Agency** - The Minnesota Pollution Control Agency.

**Agricultural Use** - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

1. Field crops including: barley, soybeans, corn, forage, oats, sugar beets, rye, sorghum, and sunflowers.
2. Livestock including: dairy and beef cattle, sheep, swine, horses intended for slaughter, mules, farmed cervidae, llamas, ostriches, emus, rheas, bison, and goats.
3. Poultry and game birds.
4. Horticulture or nursery stock, fruit, vegetables, timber, trees, bees, and fur-bearing animals.
5. Lands enrolled in a government conservation program.
6. Incidental and accessory activities and uses including, but not limited to:
  - A. Pasture, woodland or wetlands, or wildlife land held and/or operated in conjunction with other agriculture uses described in this definition.
  - B. Preparing, packing, treating, storing, or disposing of the products or by-products raised on the premises described in this definition.



- C. Retail selling by the producer of products raised on premises described in this definition.

**Alteration** - To change or make different; to remodel or modify.

**Animal Manure** - Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.

**Animal Mortality Plan** - The handling of dead animals in accordance with state requirements including: Minnesota Statutes 35.82 and Minnesota Rules Chapters 1719 and 7011.

**Animal Unit** - A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound slaughter steer or heifer.

The following figures shall be used in determining animal unit numbers for Renville County:

1.	Dairy:	1 calf (under 500 lbs.)	= 0.2 animal units
		1 heifer	= 0.7 animal units
		1 cow (under 1,000 lbs.)	= 1.0 animal units
		1 cow (over 1,000 lbs.)	= 1.4 animal units
2.	Beef:	1 calf (under 500 lbs.)	= 0.2 animal units
		1 slaughter steer/heifer, stock cow, or bull	= 1.0 animal units
		1 cow/calf unit	= 1.2 animal units
		1 feeder steer/heifer	= 0.7 animal units
3.	Swine:	Sow w/piglets under 14 days old	= 0.4 animal units
		Other swine under 55 lbs.	= 0.05 animal units
		Swine 55 - 300 lbs.	= 0.3 animal units
4.	Turkeys:	1 turkey under 5 lbs.	= 0.005 animal units
		1 turkey over 5 lbs.	= 0.018 animal units
5.	Chickens:	Pullets	= 0.002 animal units
		1 chicken under 5 lbs.	= 0.003 animal units
		1 chicken over 5 lbs.	= 0.005 animal units
6.	Horse:	1 horse	= 1.0 animal units
7.	Sheep:	1 sheep or lamb	= 0.1 animal units

For animal categories not listed in 1 through 7, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

**Applicant** - A person, corporation, or other legal entity recognized by law who applies for a Variance, Zoning Permit, Conditional Use Permit, or other land use permit.

**Attorney** - The Renville County Attorney or designated legal representative.

**Basin** - An area specifically designed and engineered to be associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer.

**Board of Adjustment and Appeals** - An officially constituted body appointed by the County Board whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the Land Use Ordinance.

**Board of County Commissioners** - The Renville County Board of County Commissioners.

**Buffer** - A strip of land intended to create physical separation between potentially incompatible uses of land.

**Building** - Any structure either temporary or permanent having a roof which may provide shelter or enclosure of person, animals, chattel, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separate shall be deemed a separate building.

**Building Setback** - The minimum horizontal distance between the building and right-of-way line, property line, ordinary high water level or bluff line.

**Building Setback Line** - A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water level or line behind which buildings or structures must be placed.

**Change In Operation** - An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

**City** - The cities of Renville County.

**Commercial Manure Pumper or Applicator** - Any person or company that pumps or land applies manure from feedlot facilities not owned or operated by the person or company.

**Commissioner** - The Commissioner of the Minnesota Pollution Control Agency.

**Conditional Use** - A use or development that conforms to the comprehensive land use plan of the County and is classified as conditional generally because it is appropriate or desirable in a specified zone but requires special approval because if not carefully located or designed, it may create special problems.

**Construction Short-Form Permit** - A permit issued for an animal feedlot or manure storage area according to Minnesota Rules Chapter 7020.

**Contour Interval** - The vertical height between contour lines.

**Contour Map** - A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

**Corrective Action** - Any action required by the department to ensure compliance or conformance with this Ordinance and state regulations.

**Corrective or Protective Measure** - A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.

**County** - Renville County, Minnesota.

**Covered Basin** - An earthen constructed manure holding structure either totally covered with a minimum of a six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire earthen basin area, concrete, or glass-lined steel structure totally enclosing and covering the entire manure holding area.

**Department** - The Renville County Division of Environment and Community Development.

**Dilapidated Dwelling/Structure** - All dwellings or structures which, by inadequate maintenance, abandonment, unsanitary conditions, are vermin-infested, and/or are lacking facilities or essential equipment, are unsafe and dangerous to human life and are unfit for human habitation, occupation, or use. A dilapidated dwelling/structure shall include:

1. Any dwelling/structure which because of physical condition constitutes a public nuisance.
2. Any dwelling/structure which has been officially declared a fire hazard or is otherwise dangerous to the safety of persons or property.

3. Any dwelling/structure from which utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that it is unfit for its intended use.
4. Any dwelling/structure which, by reasons of environmental contamination, poses a threat to public health or safety in its present condition.
5. Any nonconforming dwelling/structure that is damaged to an extent of more than 50 percent of its market value as determined by the County Assessor.

**DNR** - The Minnesota Department of Natural Resources.

**Domestic Fertilizer** - For the purposes of this Ordinance, domestic fertilizer means:

1. Animal manure that is put on or into the soil to improve the quality or quantity of plant growth.
2. Animal manure that is used as compost, soil conditioners, or specialized plant beds.

**Drainage Course** - A watercourse or indenture for the drainage of surface water.

**Drainageway** - A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

**Easement** - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**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.

**Environmental Impact Statement (EIS)** - A detached written statement as required under Minnesota Statutes Chapter 116C and D.

**Existing Feedlot** - An animal feedlot that has been utilized for livestock production within the past five years.

**Expansion of an Existing Feedlot** - Construction or any activity which may result in the increase in the number of animal units that a feedlot is capable of holding or an increase in manure storage capacity.

**Farm** - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, poultry, or fish farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

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

**Farmland** - Any land used in conjunction with a farming operation.

**Farmstead** - Property on which structures and a farm dwelling are located for management, storage, livestock, etc. for a farm operation.

**Feedlot and Manure Storage Area Registration** - An official record required for all feedlot facilities as defined in Minnesota Rules Chapter 7020. The document must include information completed by the feedlot producer including the location of the feedlot; type of facility including pastures, barns, and open lots; distances from wells; number and types of animals; number of animal units; and type of manure storage area.

**Feedlot, Livestock** - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these rules, 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 rules.

**Feedlot Operator/Owners** - An individual, a corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.

**Feedlot Permit** - A document issued by the MPCA or delegated County that contains requirements, conditions, and compliance schedules relating to the discharge and management of animal manure pollutants. Feedlots and manure storage areas subject to permit requirements as stated in Part 7020.0405 shall be issued a NPDES/SDS, construction short form, or interim Minnesota Feedlot or Manure Storage Area permit.

**Flood Plain** - The low land areas adjoining a wetland, lake, or watercourse that are subject to inundation by a 100-year flood (regional flood). Flood plain areas within Renville County shall encompass all areas designated as zone A on the Flood Insurance Rate Map.

**Grade** - The average of the finished level at the center of the exterior walls of the building or the slope of a road, street, or other public way specified in percentage terms.

**Groundwater** - Water contained below the surface of the earth in the saturated zone including, without limitations, all waters whether under confined, unconfined, or perched

conditions, in near-surface unconsolidated sediment or regolith, or in rock formations deeper underground.

**Incorporation (Animal Manure)** - The mixing of manure with the topsoil by means such as discing, plowing, rototilling, injection, or other mechanical means concurrent with the application or within 24 hours, providing the mixing occurs before a rainfall event.

**Interim Permit** - A permit issued by the agency that expires no longer than two years from the date of issue.

**Lagoon** - An impoundment made by the excavation of earthen fill for biological treatment of animal manure.

**Livestock** - Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production purposes.

**Livestock Operations** - A lot or structure or combination of lots and structures intended for the breeding, raising, or holding of 10 or more animal units in the Shoreland District or 50 or more animal units in the non-Shoreland District.

**Manure** - Any solid or liquid containing animal excreta.

**Manure Stockpile Standards** - Requirements as outlined in Minnesota Rules Chapter 7020 for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpile sites.

**Manure Storage Area or Structure** - An area or structure associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

**Modification of an Existing Feedlot** - Conversion or remodeling of an existing structure used for livestock production. The conversion or remodeling will not result in increased production capacity.

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

**Municipality** - A city or township, however organized.

**National Pollutant Discharge Elimination System (NPDES)** - A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

**Natural Drainageway/Waterway** - A natural passageway or depression in the earth's surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands before reaching a final ponding area.

**Natural Resources** - The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

**Neighborhood** - An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

**New Animal Feedlot** - An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a pre-existing animal feedlot has been abandoned or unused for livestock production for five years or more.

**Open Basin, Open Concrete Tank, or Any Open Manure Storage Vessel** - Any structure or designed and approved manure storage vessel which is not covered by a minimum of a six-inch thick layer of straw, a synthetic or floating cover, or a wooden, concrete, or glass-lined structure. All manure storage vessels not totally encompassed by one of the above-described methods shall be considered an open manure storage vessel.

**Ordinance** - The Renville County Land Use Ordinance.

**Ordinary High Water Level** - The boundary of "public waters" and "wetlands" as defined by Minnesota Statutes Chapter 103G 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 floodways, the ordinary high water level is the operating elevation of the normal summer pool.

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

**Pasture** - 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 water devices.

**Performance Standards** - The minimum development standards as adopted by this Ordinance.

**Permittee** - Any person who obtains a permit from the County pursuant to this Ordinance. A person is a permittee only for the term of the permit.

**Pitted Barn** - A building with self-contained concrete manure storage capabilities. The concrete manure storage vessel shall be covered by the building if directly below the building or may be located outside the building and covered with an impervious material.

**Planning Commission** - The Renville County Planning Commission.

**Pollution Abatement Structure** - Any of the defined animal manure storage systems listed within the Ordinance which are designed and constructed to collect runoff from existing open concrete feeding floors or open dirt lots which currently pose a pollution hazard to surface or groundwater of Renville County.

**Potential Pollution Hazard (Feedlot)** - A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or flood plain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of a water well.
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards including, but not limited to, Minnesota Rules Chapters 7050 and 7055 during a rainstorm event of less magnitude than the 25-year (4.9 inches), 24-hour event, or will violate any applicable state rules.

**Public Nuisances** - A public nuisance is a thing, act, occupation, or use of property which:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or peace of any considerable numbers of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way or waters used by the public.
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided (reference Minnesota Statutes Chapter 609.74).

**Public Waters** - Any waters as defined in Minnesota Statutes Chapter 103G.005.



**Quarter-Quarter Section** - A division of a section of land according to the survey and rules of the original United States Government Land Survey containing approximately 40 acres.

**Religious Facility** - A building, together with its accessory building and uses, where persons regularly assemble for religious worship and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Right-of-Way** - The publicly owned land along a road or highway corridor a portion of which is covered by the road or highway pavement.

**Road** - A public or private right-of-way affording primary access by pedestrians and vehicles abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. Ingress and egress easements shall not be considered roads.

**Setback** - The minimum horizontal distance between a structure or sewage treatment system or other facility and the ordinary high water level, top of bluff, natural resource feature, sewage treatment system, road or highway, or property line or other facility.

**Shoreland** - The 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; (b) 300 feet from a river or stream or the landward extent of a flood plain designated by Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**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 Chapter 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.

**Slope** - The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

**State Disposal System Permit (SDS)** - A state permit that may be processed in accordance with Minnesota Rules Chapter 7020.

**Transfer of Property** - The act of a party by which the title to 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 or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

**Variance** - A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship.

**Vicinity Map** - A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

**Waters of the State** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof.

**Wetland** - Any lands as defined in Minnesota Statutes Chapter 103G. 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 groundwater 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.

**Zoning Administrator** - The duly appointed person charged with enforcement of this Ordinance.

**Zoning/Land Use Permit** - A document issued by the office of the zoning administrator to permit construction or the establishment of, but not limited to, all buildings, building additions, structures, towers, temporary grading, shoreland repairs, and vegetation alterations, manufactured homes, all farm buildings, grain bins, silos, etc.

### ***SECTION 3. ADOPTION BY REFERENCE OF STATE REGULATIONS***

Pursuant Minnesota Statutes, the Renville County Board of County Commissioners hereby adopts by reference Minnesota Rules Chapter 7020 for the control of pollution from animal feedlots, as amended.

### ***SECTION 4. SCOPE***

The provisions of parts of Minnesota Rules Chapter 7020 govern the storage, transportation, disposal, and utilization of animal manure and the application for issuance

of permits for construction and operation of animal manure management and disposal or utilization systems for the protection of the environment.

From and after the date of adoption this Ordinance and subsequent amendments, all existing or proposed new feedlots or expansion of existing feedlots shall be in conformity with the provisions of this Ordinance and Minnesota Rules Chapter 7020.

No person shall permit or allow their land or property under their control to be used for any new animal feedlot or expansion of an existing feedlot within Renville County unless in compliance with the provisions of this Ordinance and all pertinent sections of this Ordinance.

All feedlots within Renville County shall manage animal manure in compliance with this Ordinance.

Nothing in this Ordinance shall exempt any owner or operator of any feedlot from conforming to applicable state or federal regulations governing confined feeding operations or any other provisions of this Ordinance.

#### ***SECTION 5. ADMINISTRATION***

1. The Renville County Feedlot and Manure Management Regulations shall be administered by the Renville County Division of Environment and Community Development.
2. Duties and Powers.
  - A. The Renville County Feedlot Officer shall have the following duties and powers:
    - i. Administer and enforce the Renville County Feedlot and Manure Management Regulations.
    - ii. Supervise the keeping of all necessary records including those related to feedlot and manure management and construction of manure storage and runoff control structures and/or practices.
    - iii. Consult with SWCD, NRCS, MPCA, and private consultants as necessary to ensure construction standards are followed on manure handling and runoff control structures.
    - iv. Provide and maintain a public information bureau relative to this Ordinance.
    - v. Educate the public and feedlot operators to issues of this Ordinance such as potential feedlot pollution problems.

- vi. Oversee the inspection of feedlot operations to insure compliance with the standards of this Ordinance.
- vii. Review Conditional Use Permits of feedlots greater than 300 animal units once within the first two years of operation to ensure compliance with this Ordinance. Further review will occur at the discretion of the Division.
- viii. Consult with other County departments, state and federal agencies, and private consultants as needed to discharge these duties.
- ix. Investigate possible violations and complaints.
- x. Administer animal feedlot and manure storage area registration programs.
- xi. Distribute permit application and registration forms to owners required to make application for a permit.
- xii. Review permit applications and issue construction short-form and interim permits.
- xiii. Inspect all animal feedlots and manure storage areas in accordance with the approved delegation agreement.
- xiv. Provide assistance to owners in completing permit applications.
- xv. Maintain a record of all correspondence and material relating to permit applications, inspections, and complaints.
- xvi. Maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption including the days the exemption was claimed and the cumulative days used.
- xvii. Submit an annual report to the commissioner of the Minnesota Pollution Control Agency in a format requested by the commissioner that includes the following:
  - a. All newly acquired and updated registration information required.
  - b. Inspection summary information from the previous year.

- c. Permitting summary information from the previous year including information regarding permits for facilities with fewer than 1,000 animal units that are Concentrated Animal Feeding Operations (CAFOs) under Code of Federal Regulations, Title 40, Part 122, Appendix B(b).
  - d. Complaint and complaint response summary information from the previous year.
  - e. Outreach and education summary information from the previous year.
  - f. Summary of the progress toward achieving the goals identified in the approved delegation agreement and, if applicable, proposed adjustments to the goals or plans to meet the goals in the approved delegation agreement.
- xviii. Complete the required County Feedlot Officer training necessary to perform the duties described under this part assigned to the County Feedlot Officer.
  - xix. Forward to the commissioner of the Minnesota Pollution Control Agency permit applications, inspection reports, and all other applicable documents for the facilities identified in Minnesota Rules part 7020.1600, Subpart 4, Item B.
- 3. Variances. A variance from the setbacks or any other requirements of this Ordinance may be granted if all procedures and regulations of the Renville County Land Use Ordinance are followed.
  - 4. Fees. Application fees, permit fees, inspection fees, and such other fees required by this Ordinance shall be set by resolution of the County Board.

***SECTION 6. GENERAL REQUIREMENTS***

- 1. No animal feedlot or manure storage area shall be constructed, located, or operated so as to knowingly create or maintain a potential pollution hazard.
- 2. A new feedlot, or the expansion of an existing feedlot, shall not exceed a density of 2,000 animal units as defined by this Ordinance.
- 3. All vehicles used to transport animal manure on township, County, and state highways or through municipalities shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof. This shall

not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways.

4. Manure Storage and Utilization.
  - A. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than 15 months.
  - B. A Manure Management Plan as required by this Ordinance shall provide for 12 months of storage and utilization capacity for new or expanding feedlots.
  - C. All new manure storage structures or expansion of existing manure storage structures shall comply with this Ordinance.
  - D. Any plans for manure storage structures except plans and specifications for concrete-lined manure storage areas having a capacity of 20,000 gallons or less shall have been prepared or approved by a registered professional engineer or a U.S. Department of Agriculture Natural Resource Conservation Service employee and meet all of Minnesota Rules Chapter 7020 liquid manure storage areas specifications.
  - E. Any variation from the Manure Management Plan for utilization of manure must be approved by the County Feedlot Officer.
  - F. The owner and operator of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with applicable Minnesota Rules and as required by this Ordinance
  - G. All new feedlots of 100 animal units or more or expansion of existing feedlots to 100 animal units or more, as defined by this Ordinance, shall submit to the County Feedlot Officer a Nutrient Management Plan which will include the location and area of all manure application sites, crop types, application method, and the resulting application rate of nitrogen (N) and phosphorous (P). Manure application shall not exceed agronomic rates of nitrogen.
5. The owner(s) and operator(s) of any animal feedlot are responsible to provide measures to assure that water runoff from the feedlot site will be of a quality equal or better, and a rate and volume equal to or less, than prior to development of the feedlot.
6. All methods of disposal of dead, dying, or diseased animals shall comply with Minnesota Board of Animal Health regulations.

7. The feedlot owner or operator shall allow the County Feedlot Officer or assigned representee to inspect the site upon reasonable notification.
8. A feedlot owner or operator shall be required to maintain sufficient acreage for land application of manure as regulated by MPCA. If for any reason a land application agreement is terminated, another parcel of land equal size is to be obtained. If for any reason there is not sufficient acreage, the affected operation shall seek an alternative method of handling its manure and shall obtain approval by the MPCA and Renville County prior to implementing the alternative method.
9. The feedlot owner is responsible to properly seal any abandoned wells within the feedlot site.
10. All new feedlots shall comply with applicable setback and separation requirements. The feedlot owner's or operator's dwelling is exempt from this requirement.
11. An odor management plan for all new feedlots of 300 animal units or more or expansion of existing feedlots to 300 animal units or more, as defined by this Ordinance, shall be submitted to the County Feedlot Officer for review and approval. The odor management plan shall contain as a minimum the following:
  - A. The method(s) of managing odor leaving the feedlot.
  - B. The provision(s) to manage odors emanating from liquid manure storage facility.
  - C. Plans for notification of neighbors at times of manure application.
12. The owner/operator of a feedlot shall be responsible for extraordinary maintenance and restoration of all County/township roads leading to the feedlot that may be damaged due to activities involving the feedlot unless the owner/operator can prove that the feedlot operation was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of the Road Authority and to the Road Authority's satisfaction.
13. The County Board may, by resolution, require all unpermitted feedlots within environmentally sensitive areas to apply for, obtain, and operate according to the requirements of a Conditional Use Permit. 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. A public meeting for the purpose of receiving comment on the proposed resolution shall take place prior to the adoption of the resolution. Owners of all known feedlots and local governments within the areas

shall receive written notice of the intention of the County Board to take such action at least 10 calendar days prior to the public comment meetings.

### ***SECTION 7. PERMITS***

1. Conditional Use Permit Required.
  - A. Feedlots meeting one or more of the following criteria must apply for and receive a Conditional Use Permit from the Renville County Board of County Commissioners:
    - i. Any new feedlot greater than 300 animal units as defined by this Ordinance.
    - ii. Any expansion of an existing feedlot that will exceed 300 animal units, as defined by this Ordinance, when completed.
    - iii. Any expansion of a legal, nonconforming feedlot greater than 300 animal units, as defined in this Ordinance, operating without a valid Conditional Use Permit issued by Renville County.
    - iv. Any change in ownership, following adoption of this Ordinance, of an existing feedlot greater than 300 animal units, as defined by this Ordinance, which is not currently permitted by a Conditional Use Permit.
    - v. Any expansion of an existing feedlot in the Shoreland District.
    - vi. Any expansion of any existing feedlot within one mile of a city boundary.
    - vii. Any feedlot that requires a NPDES Permit.
    - viii. Any feedlot requiring an Environmental Assessment Worksheet (EAW). The permitting authority shall be the regulatory unit of government responsible for all required EAWs.
    - ix. Whenever any existing or proposed feedlot operation proposes the construction of an above ground manure storage structure.
    - x. Whenever there is proposed to be a change in animal type at an existing feedlot greater than 300 animal units, as defined by this Ordinance.
  - B. If, in connection with an application for any permit or Variance under this Ordinance, a separate permit is required by a state or federal agency or



township, the Planning Commission or zoning administrator may delay action on the application pending receipt of the approved permit(s). Any time periods for rendering a decision shall be suspended during the permit preparation time up to its receipt by the office of the zoning administrator.

2. Land Use Permit Required. No Land Use Permits directly related to the confined feeding, breeding, raising, or holding of animals or the handling or storage of manure shall be issued until the required feedlot permit has been issued by the permitting authority.
3. Shoreland Review Required. Any animal feedlot of 10 animal units or more which is located within the Shoreland District shall be reviewed by the Renville County Feedlot Officer to determine if a potential pollution hazard exists. The Feedlot Officer may place conditions upon the operations of such feedlots to limit their impact on surface water quality.
4. Conditional Use Permit Application.
  - A. Persons requesting a Conditional Use Permit for an animal feedlot shall submit the following information as part of the application:
    - i. Owner's and operator's name and address.
    - ii. A copy of the property deed.
    - iii. A site plan at sufficient scale indicating the proposed location of the feedlot including all buildings, manure storage structures, open lots, and pastures. The site plan must also show all lakes, watercourses, ditches, residences, roads, and buildings within 5,280 feet and all tile intakes located within 300 feet of the proposed feedlot or waste storage structure.
    - iv. Animal types and maximum number of animals of each type that will be confined at the feedlot.
    - v. Descriptions of the geological conditions, soil types, groundwater elevations, and topography of the site and surrounding area.
    - vi. Manure Management Plan meeting the standards of Minnesota Rules Chapter 7020.
    - vii. A written statement that applicant has not had a feedlot permit revoked by MPCA within the past five years.

- viii. Information addressing neighborhood relation issues including:
- a. A landscape plan showing how the visibility of the production site will be minimized.
  - b. An operation and maintenance plan for the facility.
  - c. A copy of a notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed facility. The notice must be completed by written, verbal, or newspaper notification. The notice shall contain the following information:
    - 1. The names of the owners and the legal name of the facility.
    - 2. The location of the facility by County, township, section, and quarter section.
    - 3. Species of livestock and total animal units.
    - 4. Types of confinement buildings, lots, and areas at the animal feedlot.
    - 5. The types of manure storage areas.
    - 6. 911 site address.
  - d. Site inspection report by the Renville County Feedlot Officer to determine if there is the potential for a pollution hazard.
  - e. A complaint response protocol for the facility.
  - f. Such additional information as contained in the application or as requested by the Planning Commission, the County Board, or Environment and Community Development staff.
  - g. Approved permits required by the township or other state and federal agencies.
  - h. Any Environmental Impact Statement (EIS) or Environmental Assessment Worksheet (EAW) that may be required by the County or other federal and state agencies.



8. State Feedlot Permit Required.
  - A. A new or expanded feedlot capable of holding 300 animal units or more and meeting the requirements in Minnesota Rules Chapter 7020 shall apply for a state feedlot permit.
  - B. An application for a permit must contain the following:
    - i. The names and addresses of the owners and the signature of at least one of the owners.
    - ii. The legal name and business address of the facility, if different than the owner.
    - iii. The location of the facility by County, township, section, and quarter section.
    - iv. A list of all animal types and the maximum number of animals of each animal type that can be confined within each lot, building, or area at the animal feedlot.
    - v. A list of all existing and proposed manure storage areas including plans and specifications as required in Minnesota Rules Chapter 7020 for proposed liquid manure storage areas and permanent stockpile sites.
    - vi. The total number of animal units the facilities will be capable of holding after completing construction or expansion.
    - vii. The soil type or texture and depth to saturated soils at the facility as identified in the USDA Soil Survey Manual or a site-specific soils investigation.
    - viii. An aerial photograph showing the location of all wells, buildings, surface tile intakes, lakes, rivers, and watercourses within 1,000 feet of the proposed facility.
    - ix. The number of acres available for land application of manure.
    - x. A Manure Management Plan if applying for an SDS, NPDES, construction short form, or interim permit.
    - xi. An operation and maintenance plan.
    - xii. An animal mortality plan.

- xiii. If applicable, a description of all conditions that make the facility a pollution hazard and a description of the corrective and protective measures proposed to correct the pollution hazard.
- C. In addition to the requirements of item B, a permit application for an animal feedlot capable of holding 300 animal units or more or a manure storage area capable of holding the manure produced by 300 animal units or more as defined by this Ordinance must contain:
- i. An air emission plan that includes:
    - a. Methods and practices that will be used to minimize air emissions resulting from animal feedlot or manure storage area operations including manure storage area start-up practices, loading, and manure removal.
    - b. Measures to be used to mitigate air emissions in the event of an exceedance of the state ambient hydrogen sulfide standard.
  - ii. A complaint response protocol describing the procedures the owner will use to respond to complaints directed at the facility including:
    - a. A list of each potential odor source at the facility.
    - b. A determination of the odor sources most likely to generate significant amounts of odors.
    - c. A list of anticipated odor control strategies for addressing each of the significant odor sources.
  - iii. An emergency response plan that includes a description of the procedures that will:
    - a. Contain, minimize, and manage an unauthorized discharge.
    - b. Provide notification to the proper authorities.
    - c. Mitigate any adverse effects of an unauthorized discharge.
- D. In addition to the requirements of items B and C, an owner proposing to construct or expand an animal feedlot or a manure storage area shall also submit, on a form provided by the Division, certification and documentation that the owner has notified the local zoning authority of the

proposed new or expanded animal feedlot or manure storage area or that no such local zoning controls exist.

- E. In addition to the requirements of items B through D, an owner proposing to construct or expand an animal feedlot with the capacity of 500 animal units or more or a manure storage area with the capacity to hold the manure produced by 500 animal units or more, as defined by this Ordinance, shall also certify and document, on forms provided by the Division, that the notification requirements in Minnesota Rules Chapter 7020 have been met.
- F. The owner of an animal feedlot or a manure storage area shall submit additional information relating to the facility design, construction, or operation as requested by the commissioner or County Feedlot Officer to evaluate compliance with applicable federal and state rules.

**SECTION 8. SETBACK REQUIREMENTS**

- 1. Feedlot setbacks do not apply to dilapidated dwelling/structures, the applicant’s own residence, or a residence on the farm where the feedlot facility is located.
- 2. New construction shall comply with the standards set forth in the underlying zoning district.
- 3. The minimum required setbacks for feedlots imposed by this Ordinance apply without regard to County boundaries.
- 4. The minimum required setbacks are reciprocated and shall apply to new and expanded feedlots as well as new construction and expansion of this use listed. New residences built to replace an existing residence on the same site are exempted.

**Livestock Feedlot and Manure Storage Structure Setbacks**

<b>USE</b>	<b>300 - 600 Animal Units</b>	<b>601 - 1,000 Animal Units</b>	<b>1,001 - 2,000 Animal Units</b>
Dwellings or residential structures	1,320 feet	1,320 feet	2,640 feet
Religious facility	2,640 feet	2,640 feet	2,640 feet
Cemetery	2,640 feet	2,640 feet	2,640 feet
Wetland (type 3-8) Drainage ditch	300 feet	300 feet	300 feet
Ordinary high water			
Lake	1,000 feet	1,000 feet	1,000 feet
River/creek	300 feet	300 feet	300 feet

Golf course	2,640 feet	2,640 feet	2,640 feet
Public park	2,640 feet	2,640 feet	2,640 feet
Steep slope	300 feet	300 feet	300 feet
Private well	*	*	*
Municipal well	*	*	*
Significant historic site	2,640 feet	2,640 feet	2,640 feet
Municipality	5,280 feet	5,280 feet	5,280 feet
FAA approved airport	2,640 feet	2,640 feet	2,640 feet
Public buildings	1,320 feet	1,320 feet	2,640 feet
Feedlot 300 – 600 animal units	1,320 feet	1,320 feet	2,640 feet
Feedlot 601 - 1,000 animal units	1,320 feet	1,320 feet	2,640 feet
Feedlot 1,001 - 2,000 animal units	2,640 feet	2,640 feet	2,640 feet
Flood plain	Prohibited	Prohibited	Prohibited
Rural residential subdivision	2,640 feet	2,640 feet	2,640 feet

\* Regulated by Minnesota Rules Chapter 4725

5. Calculation of Separation Distance. Separation distances shall be measured and rounded to the nearest foot as follows:
  - A. Cemetery, golf course, public park, airport, dwelling, religious facility, and public building – a straight line measured from the closest point of the site to the closest point of an existing or proposed feedlot or manure storage area or structure.
  - B. Feedlots – a straight line measured from the closest point of an existing or proposed feedlot to the closest point of another feedlot or manure storage area or structure.
  - C. Municipalities – a straight line measured from the closest corporate boundary to the closest point of an existing or proposed feedlot or manure storage area or structure.
  - D. Ditch, lake, river, creek – a straight line measured from the ordinary high water level to the closest point of an existing or proposed feedlot or manure storage area or structure.

**SECTION 9. MANURE LAND APPLICATION AND STOCKPILE  
STANDARDS AND SETBACKS**

Manure is a valuable fertilizer resource in the production of crops; but when handled improperly, manure can contribute pathogens, nutrients, and biological oxygen demanding materials to surface water and negatively impact water quality.

1. Manure Management and Application Standards.
  - A. Manure application rates shall be based upon soil type, crop requirements, and crop yield goals. Application of manure may not be applied at any rate greater than the maximum recommended agronomic rate for the crop to be planted.
  - B. Testing of manure from all manure storage areas capable of holding manure produced by 300 animal units or more must initially be tested once per year for at least three years. Ongoing testing must continue once every four years. The nutrient analysis must be conducted using a laboratory certified by the Minnesota Department of Agriculture.
  - C. All manure shall be incorporated within 24 hours of application unless otherwise specified.
  - D. All manure applied within 300 feet of tile intakes must be injected or incorporated within 24 hours as required by Minnesota Rules Chapter 7020.
  - E. Application of manure to frozen or snow-covered soils shall be applied to slopes less than six percent. If sufficient land area with slopes less than six percent is unavailable, then manure shall be applied to lands that are managed to control runoff and erosion with soil and water conservation practices.
  - F. Manure shall not be applied directly into gullies or grass waterways.
2. Manure Stockpile Standards.
  - A. Stockpiling of manure shall comply with Minnesota Rules Chapter 7020.
  - B. Stockpiled manure shall not be permitted to escape the stockpile by runoff or any other means except deliberate, intentional, and lawful removal.
  - C. Manure may not be stockpiled in rock quarries, gravel or sand pits, bedrock, or any mining excavation sites.



D. The following minimum setbacks are required for all new and existing stockpiles and all manure application:

Use	Stockpile	Surface Spread	Incorporated/Injected within 24 hours
School, park, religious facility, significant historic site	1,320 feet	500 feet	500 feet
Open ditch (public or private)	300 feet	300 feet	5 feet from the berm
Surface tile inlet/intake	300 feet	300 feet	0 feet
Lake	1,000 feet	300 feet	300 feet
Public road *	300 feet	0 feet	0 feet
Residence **	1,320 feet	300 feet	300 feet
River or stream	300 feet	300 feet	300 feet
Ten-year flood plain	Prohibited	Prohibited	Prohibited
Well (municipal)	1,000 feet	1,000 feet	1,000 feet
Well (private)	200 feet	200 feet	200 feet
Municipality/rural residential subdivision	1,320 feet	500 feet	100 feet

\* as measured from outer right-of-way boundary

\*\* other than landowner's or operator's

E. Runoff from manure stockpile sites must not be allowed to enter the waters of the state. Runoff controls such as grass filter strips or earthen berms must be installed if a runoff condition exists.

### 3. Other Feedlot and Manure Management Provisions.

A. Upon request by the County Feedlot Officer, a feedlot owner or operator may be required to provide a manure management report. At a minimum, the report shall include the following:

- i. Aerial photos of fields used for spreading.
- ii. Rate of manure application rate based on: cropping plans, manure nutrient analysis, and soil sampling.
- iii. Total manure produced and total amount of manure that was land applied.
- iv. Any changes in easement or other agreement to utilize land for spreading manure.

***SECTION 10. STANDARDS FOR MANURE STORAGE STRUCTURES***

1. All manure storage structures shall conform to MPCA design requirements. All plans for manure storage structures, except concrete-lined manure storage areas having a capacity of 20,000 gallons or less, shall be designed and the plans signed by an agricultural or civil engineer registered in the State of Minnesota or by the United States Department of Agriculture Natural Resource Conservation Service. A copy of the manure storage structure design, signed by a registered engineer, shall be submitted to the County.
2. Construction reports and final as-built report shall be signed by an engineer registered in the State of Minnesota or staff of the United States Department of Agriculture Natural Conservation Service and submitted to the County Feedlot Officer. Signed reports are to certify that the manure storage structure was constructed in accordance to MPCA approved plans and specifications. A copy of such signed reports shall be submitted to the Division of Environment and Community Development.
3. A perimeter fence a minimum of five feet high and impenetrable by children shall be installed around any newly constructed manure storage basin(s) not covered by a synthetic or man made floating cover.
4. All manure storage basins shall be posted with signs every 100 feet stating "danger keep out."
5. Ladders or other forms of access to above grade liquid manure storage structures shall be controlled to prevent unauthorized access.
6. All outside manure stockpiling sites shall be located away from water runoff from surrounding areas. Manure stockpiling sites must meet Minnesota Rules Chapter 7020 technical standards.

***SECTION 11. STANDARD FOR COMMERCIAL MANURE PUMPING AND LAND APPLICATION***

1. Commercial animal manure pumping and land applicators are person(s) who pump and land apply animal manure for hire. All commercial manure pumpers and applicators conducting business in Renville County must be registered with the Renville County Division of Environment and Community Development. The following conditions apply:
  - A. Incorporation of manure on non-frozen soils must occur within 24 hours of application.
  - B. All conditions of this Ordinance and the feedlot owners' feedlot permit(s) are followed.

- C. Failure to follow all conditions of this Ordinance shall result in suspension of registration and the right to commercially apply manure in Renville County and/or punishment under Section 14 of this Ordinance.
  - D. Registration shall be renewed annually.
2. The Renville County Division of Environment and Community Development may register an individual or company as a commercial pumper or applicator of manure if the following information is submitted as part of the commercial pumping registration requirements:
    - A. Written request for registration that includes company name, owner's name, contact person's name and address, and a description of commercial land application procedures used.
    - B. Any other information as requested by Environment and Community Development staff.
  3. Upon receipt of required registration material, the Renville County Division of Environment and Community Development shall issue notification of registration and notification of Renville County regulations that govern application of manure within the County.
  4. Unless otherwise provided by the County Board, the registration year for commercial manure pumpers' registration shall be from January 1 through December 31. Registration renewal shall consist of a written request for renewal.

The commercial manure pumper will indemnify, defend, and hold harmless the County Board, their agents, elected officials, and employees from all claims, damages, losses, liabilities, costs, expenses, and lawsuits whatsoever arising out of any act or omission on the part of the pumper or its contractors, agents, servants, or employees in the performance of, or in relations to, any of the work or services to be performed or furnished by the pumper under the terms of this Ordinance.

The commercial manure pumper and the vehicles used in collecting and transporting manure within Renville County must comply with all state and local laws and vehicle safety regulations.

***SECTION 12. PROHIBITED FEEDLOT ISSUES***

1. There will be no new feedlots of 10 or more animal units permitted within 1,000 feet of a recreational, general development, or a natural environment lake; within 300 feet of a river, ditch or stream; or 300 feet from wetlands of types 3, 4, 5, 6, 7, and 8.

2. There will be no new or expanded lagoons or open basins. No manure from the expansion of an existing feedlot may be discharged into an existing lagoon or open basin. Open basins shall only be allowed where needed to correct existing pollution problems at livestock facilities, with the exception of swine facilities, containing 300 animal units or less as defined by this Ordinance.
3. Irrigation of manure wastewater is prohibited.

### ***SECTION 13. MANURE STORAGE AND TRANSPORTATION***

1. All animal manure shall be stored and transported in conformance with Minnesota Rules 7020 and the Renville County Feedlot and Manure Management Regulations.
2. No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.
3. All vehicles used to transport animal manure on public roads shall be leak proof. Manure spreaders with working end gates shall be in compliance with this provision.
4. Animal manure, where utilized as domestic fertilizer, shall not be stored for longer than 15 months.
5. All manure storage areas shall have runoff control structures to contain the liquid if the storage area is located where a potential pollution hazard exists.
6. A Manure Management Plan specifying storage capacity adequate for the type and quantity of manure generated by the animal feedlot shall be developed as part of the Conditional Use Permit process.
7. There will be no new or expanded lagoons or open basins. No manure from the expansion of an existing feedlot may be discharged into an existing lagoon or open basin. Open basins shall only be allowed where needed to correct existing pollution problems at existing livestock facilities with the exception of swine facilities containing 300 total animal units or less as defined by this Ordinance.
8. All proposed cement manure storage structures of 20,000 gallons capacity or larger shall have been prepared or approved by an engineer licensed by the State of Minnesota or a qualified NRCS employee. A report from an engineer licensed by the State of Minnesota or a qualified NRCS employee must be submitted to and approved by the MPCA prior to the construction of the basin.

9. The following additional standards apply to liquid manure pumping for the protection of environmental quality and public health and safety:
- A. All manure pumping hoses shall be setback a minimum of 100 feet from public and private wells, excluding wells on the property where manure is pumped from that need to be passed for removal of manure.
  - B. All manure pumping hoses shall be setback a minimum of 100 feet from residences, businesses, churches, or public buildings, excluding the residence of the owner/operator.
  - C. An owner/operator shall provide written notification to all residential sites abutting a right-of-way where a manure pumping hose is to be located within five to 45 calendar days prior to placing the hose. The notification shall include the proposed timetable for the manure pumping and the name and phone number of a contact person. Exception will be made if written waiver of notification is granted by the residential property owner. A copy of the written notification also needs to be sent to the Division of Environment and Community Development.
  - D. All tile intakes within 100 feet of manure pumping hoses and any additional tile intakes that could receive spilled manure must be sealed during times of manure pumping by capping, plugging, sand bagging, or other approved method. The Division of Environment and Community Development may make exceptions for tile intakes within 100 feet that are physically up gradient from the hose, if consulted in advance.
  - E. An owner/operator of a manure pumping hose shall make reasonable accommodations to allow access to property.
  - F. Manure pumping hoses that are proposed to cross over any public or private drainage ditch, creek, river, stream, or other waterway must meet the following standards:
    - i. All hoses shall be completely impermeable and shall be doubly contained with a sheath, sleeve, or similar object that covers the entire width of the waterway, and goes over the berm of the waterway (if present) on both sides.
    - ii. No hose couplings shall be allowed on any section of hose within 50 feet of a waterway crossing if berms are present or 100 feet of a waterway crossing if berms are not present.
    - iii. Any waterway proposed to be crossed must be crossed by using a bridge or the shortest route possible.

- iv. An owner/operator must receive approval from the Division of Environment and Community Development before crossing a waterway.

***SECTION 14. VIOLATIONS AND ENFORCEMENT***

1. Any person who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine and/or imprisonment. Each day that a violation continues shall constitute a separate offense.
2. Whenever any work is being done contrary to the provisions of this Ordinance, the Renville County Feedlot Officer, zoning administrator, or designated Renville County Division of Environment and Community Development staff person may order the work stopped by written notice personally serviced upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the Renville County Feedlot Officer or designated Renville County Division of Environment and Community Development staff person.
3. Any person who fails to comply with the conditions set forth on the Conditional Use Permit may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot.
4. No person shall hinder or otherwise interfere with the Renville County Feedlot Officer or other designated staff in the performance of duties and responsibilities required pursuant to this Ordinance.
5. Upon request of the Renville County Feedlot Officer or designated Renville County Division of Environmental and Community Development staff person, the applicant, permittee, or any other person shall allow access at any reasonable time to the affected premises for the purposes of regulating enforcing this Ordinance.

# RENVILLE COUNTY LAND USE ORDINANCE

## CHAPTER NINE

### FLOOD PLAIN REGULATIONS

#### ***SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND STATEMENT OF PURPOSE***

1. Statutory Authorization. The legislature of the State of Minnesota has in Minnesota Statutes, Chapters 103F and 394, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Renville County Board of County Commissioners of Renville County, Minnesota, does ordain as follows:
2. Findings of Fact.
  - A. The flood hazard areas of Renville County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - B. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
  - C. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations, Parts 59-78, as amended, so as to maintain the County's eligibility in the National Flood Insurance Program.
3. Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Chapter Nine (Flood Plain Regulations), Section 1.2.A, by provisions contained herein.

#### ***SECTION 2. GENERAL PROVISIONS***

1. Lands to Which Ordinance Applies. This Ordinance shall apply to all lands within the jurisdiction of Renville County shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2. Establishment of Official Zoning Map. The Official Zoning Map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for Renville County prepared by the Federal Emergency Management Agency (FEMA) dated 09/22/09 and the Flood Insurance Rate Map dated 09/25/09 therein. The Official Zoning Map shall be on file in the office of the Renville County Division of Environment and Community Development.
3. Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
4. Interpretation.
  - A. In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
  - B. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map (for example, where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator), the Board of Adjustment and Appeals shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the County adopted its initial Flood Plain Ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year flood plain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and Appeals and to submit technical evidence.
5. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
6. Warning and Disclaimer of Liability. This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Renville County or any officer or employee thereof for any flood



damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

7. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
8. Definitions. Unless specifically defined in Chapter One (Administration) of the Renville County Land Use Ordinance, words or phrases used in this chapter of the Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.
9. Annexations. The Flood Insurance Rate Map panels for the unincorporated areas of Renville County adopted by the reference into Chapter Nine (Flood Plain Regulations), Section 2.2, above may include flood plain areas that lie outside of the corporate boundaries of a city at the time of adoption of this Ordinance. If any of these flood plain land areas are annexed into a city after the date of adoption of this Ordinance, the newly annexed flood plain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation into a city. The city shall be responsible for administration of its Flood Plain Regulations.

### ***SECTION 3. ESTABLISHMENT OF ZONING DISTRICTS***

1. Districts.
  - A. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Chapter Nine (Flood Plain Regulations), Section 2.2.
  - B. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Chapter Nine (Flood Plain Regulations), Section 2.2, as being within Zones AE, A0, or AH but being located outside of the floodway.
  - C. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A or Zones AE, A0, or AH without a floodway on the Flood Insurance Rate Map adopted in Chapter Nine (Flood Plain Regulations), Section 2.2.
2. Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe, and General Flood Plain Districts, all uses not listed as

permitted uses or conditional uses in Chapter Nine (Flood Plain Regulations), Sections 4, 5, and 6, that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Chapter Nine (Flood Plain Regulations), Section 9.
- B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of Section 11 of this chapter and Chapter One (Administration), Section 11.
- C. As-built elevations for elevated or floodproofed structures must be certified by ground surveys, and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.2.F of this chapter.

#### ***SECTION 4. FLOODWAY DISTRICT (FW)***

- 1. Permitted Uses.
  - A. Agricultural uses, nursery/tree farm, horticulture, forestry, seasonal agricultural business, and wild crop harvesting.
  - B. Industrial/commercial accessory uses including loading areas, parking areas, and airport or heliport landing strips.
  - C. Residential lawns, gardens, parking areas, and play areas.
  - D. Farm drainage tile and irrigation systems.
- 2. Standards for Floodway Permitted Uses.
  - A. The use shall have low flood damage potential.
  - B. The use shall be permissible in the underlying zoning district if one exists.
  - C. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

3. Conditional Uses.
  - A. Structures accessory to the uses listed in Section 4.1 of this chapter.
  - B. Mining extraction, storage, processing of minerals, and land alteration and grading.
  - C. Docks and piers.
  - D. Railroads, streets, bridges, Essential Services – Major and Minor.
  - E. Accessory storage yards for equipment, machinery, or materials.
  - F. Placement of fill or construction of fences that obstruct flood flow excluding farm fences.
  - G. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this chapter.
  - H. Water management/flood control structures and erosion control/wildlife developments. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures, and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
  - I. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife management areas, nature preserves, game preserves, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, single or multiple purpose recreational trails, open space recreational uses, forest preserves, and conservancies.
  
4. Standards for Floodway Conditional Uses.
  - A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
  - B. All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this chapter.
  - C. The conditional use shall be permissible in the underlying zoning district.

D. Fill.

- i. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
- ii. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
- iii. As an alternative, and consistent with Chapter Nine (Flood Plain Regulations), Section 4.4.D.ii, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Renville County Division of Environment and Community Development has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be recorded in the Office of the County Recorder.

E. Accessory Structures.

- i. Accessory structures shall not be designed for human habitation.
- ii. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
  - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.
  - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- iii. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be solely for parking of

vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards:

- a. The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.
- b. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
- c. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure, and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

F. Storage of Materials and Equipment.

- i. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Renville County Division of Environment and Community Development.

G. Structural works for flood control that will change the course, current, or cross-section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103G. County-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

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

## ***SECTION 5. FLOOD FRINGE DISTRICT (FF)***

1. Permitted Uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). All permitted uses shall comply with the standards for Flood Fringe District “Permitted Uses” listed in Section 5.2 of this chapter and the “Standards for All Flood Fringe Uses” listed in Section 5.5 of this chapter.
2. Standards for Flood Fringe Permitted Uses.
  - A. All structures including accessory structures must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation, and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
  - B. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at their largest projection may be internally floodproofed in accordance with Section 4.4.E.iii of this chapter.
  - C. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.2.A of this chapter.
  - D. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
  - E. The provisions of Section 5.5 of this chapter shall apply.
3. Conditional Uses. Any structure that is not elevated on fill or floodproofed in accordance with Chapter Nine (Flood Plain Regulations), Sections 5.2.A-5.2.B, and or any use of land that does not comply with the standards in Chapter Nine (Flood Plain Regulations), Sections 5.2.C-5.2.D, shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this chapter.
4. Standards for Flood Fringe Conditional Uses.
  - A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure’s lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, parallel walls, etc. or above-grade, enclosed areas such as crawl spaces or

tuck-under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood-resistant materials; and 3) it is used solely for parking of vehicles, building access, or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- i. **Design and Certification.** The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
  - ii. **Specific Standards for Above-Grade, Enclosed Areas.** Above-grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:
    - a. A minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure, and the bottom of all openings shall be no higher than one foot above-grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention.
    - b. That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles, or storage.
- B. Basements, as defined by Chapter One (Administration), Section 2, shall be subject to the following:

- i. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
  - ii. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.4.C of this chapter.
- C. All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
- D. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal, or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the County is enforcing a state-approved shoreland management ordinance. In the absence of a state-approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Renville County Division of Environment and Community Development. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- E. Storage of Materials and Equipment.
  - i. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Renville County Division of Environment and Community Development.
- F. The provisions of Section 5.5 of this chapter shall also apply.



5. Standards for All Flood Fringe Uses.
  - A. Commercial Uses. Accessory land uses such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood.
  - B. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.5.A of this chapter. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
  - C. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover, or other acceptable method. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
  - D. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
  - E. Standards for recreational vehicles are contained in Section 9.3 of this chapter.
  - F. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

## ***SECTION 6. GENERAL FLOOD PLAIN DISTRICT***

1. Permitted Uses.
  - A. The uses listed in Section 4.1 of this chapter shall be permitted uses.
  - B. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 6.2 of this chapter. Land uses listed in Chapter Nine (Flood Plain Regulations), Section 4, shall apply if the proposed use is in the Floodway District. Land uses listed in Chapter Nine (Flood Plain Regulations), Section 5, shall apply if the proposed use is in the Flood Fringe District.
  
2. Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.
  - A. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
    - i. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
    - ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; the size; location and spatial arrangement of all proposed and existing structures on the site; and the location and elevations of streets.
    - iii. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
    - iv. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
  - B. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000-6120.6200, and 44 Code of Federal

Regulations, Part 65, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- i. Estimate the peak discharge of the regional flood.
- ii. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- iii. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than .5 feet. A lesser stage increase than .5 feet shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

- C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Renville County Planning Commission. The Planning Commission shall make a recommendation to the Renville County Board of County Commissioners as to the Floodway and/or Flood Fringe District boundary based on the engineer's technical evaluation and findings. Prior to review by the Planning Commission, the application and all supporting data and analyses may be submitted to FEMA and/or the Department of Natural Resources for review and comment. The Renville County Board of County Commissioners shall formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or the permit application must be denied. Once the Floodway and Flood Fringe District boundaries have been determined, the Renville County Board of County Commissioners shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Sections 4 and 5 of this chapter.

## ***SECTION 7. SUBDIVISIONS***

1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and

Flood Fringe District boundaries, the regulatory flood protection elevation, and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

2. Floodway/Flood Fringe Determinations in the General Flood Plain District. In the General Flood Plain District, applicants shall provide the information required in Section 6.2 of this chapter to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries, and the regulatory flood protection elevation for the subdivision site.
3. Removal of Special Flood Hazard Area Designation. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

#### ***SECTION 8. PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES***

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 4 and 5 of this chapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety and where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
3. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: 1) on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

***SECTION 9. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES***

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7 of this chapter.
2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5 of this chapter.
  - A. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
3. Recreational vehicles that do not meet the exemption criteria specified in Chapter Nine (Flood Plain Regulations), Section 9.3.A, below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.3.C and 9.3.D of this chapter.
  - A. Exemption. Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Chapter Nine (Flood Plain Regulations), Section 9.3.B, below and further they meet the following criteria:
    - i. Have current licenses required for highway use.
    - ii. Are highway ready meaning on wheels or the internal jacking system is attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks, and the recreational vehicle has no permanent structural type additions attached to it.
    - iii. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
  - B. Areas Exempted For Placement of Recreational Vehicles.
    - i. Individual lots or parcels of record.
    - ii. Existing commercial recreational vehicle parks or campgrounds.

- iii. Existing condominium type associations.
- C. Recreational vehicles exempted in Section 9.3.A of this chapter lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in Sections 4 and 5 of this chapter. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood-free location should flooding occur.
- D. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:
- i. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5 of this chapter. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.
  - ii. All new or replacement recreational vehicles not meeting the criteria of Section 9.3.D.i of this chapter may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Section 10.4 of this chapter. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Sections 9.3.A.i and 9.3.A.ii of this chapter will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this chapter.

#### ***SECTION 10. ADMINISTRATION***

1. Zoning Administrator. A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance, the Zoning

Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12 of this chapter.

2. Permit Requirements.

- A. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain. No permit is required for a farm fence.
- B. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
- C. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- D. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- E. Construction and Use to be as Provided on Applications, Plans, Permits, Variances, and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 12 of this chapter.

- F. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
  - G. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.
  - H. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the County authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statutes, Chapter 103G, this shall suffice as adequate notice to the Commissioner of the Department of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of FEMA.
  - I. Notification to FEMA When Physical Changes Increase or Decrease the 100-Year Flood Elevation. As soon as is practicable, but no later than six months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.
3. Board of Adjustment and Appeals.
- A. Rules. The Board of Adjustment and Appeals shall conduct business and may exercise all of the powers granted in Chapter One (Administration), Section 5.1, of the Renville County Land Use Ordinance.
  - B. Administrative Review. The Board of Adjustment and Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
  - C. Variances. The Board of Adjustment and Appeals may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties, or circumstances



unique to the property under consideration as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment and Appeals shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in Renville County, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. In addition to criteria set forth in Chapter One (Administration), Section 5.4, of the Renville County Land Use Ordinance, the following additional variance criteria of FEMA must be satisfied:

- i. Variances shall not be issued by a County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- ii. Variances shall only be issued by a County upon: 1) a showing of good and sufficient cause, 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Hearings. Upon filing with the Board of Adjustment and Appeals of an appeal from a decision of the Zoning Administrator or an application for a variance, the Board of Adjustment and Appeals shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment and Appeals shall submit by mail to the Commissioner of the Department of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least 10 days' notice of the hearing.

E. Decisions. The Board of Adjustment and Appeals shall arrive at a decision on such appeal or variance as outlined in Chapter One (Administration), Section 5.3, of the Renville County Land Use Ordinance. In passing upon an appeal, the Board of Adjustment and Appeals may, so long as such action is in conformity with the provisions

of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the Board of Adjustment and Appeals may prescribe appropriate conditions and safeguards such as those specified in Section 10.4.F, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12 of this chapter. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of the Department of Natural Resources within 10 days of such action.

- F. Appeals. Appeals from any decision of the Board of Adjustment and Appeals may be made and as specified in this County's official controls and also by Minnesota Statutes.
  - G. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and 2) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The County shall maintain a record of all variance actions including justification for their issuance and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
4. Conditional Uses. The Renville County Planning Commission shall hear and make recommendations on all applications for conditional uses permissible under this Ordinance as outlined in Chapter One (Administration), Section 7. The recommendations along with all supporting documents and information shall be forwarded by the Zoning Administrator to the Renville County Board of County Commissioners for final consideration.
- A. Hearings. Upon filing an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of the Department of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least 10 days' notice of the hearing.
  - B. Decisions. The Renville County Planning Commission shall arrive at a recommendation on a conditional use as outlined in Chapter One (Administration), Section 7.3, of the Renville County Land Use Ordinance. In granting a conditional use permit, the Renville County Board of County Commissioners shall prescribe appropriate conditions

and safeguards, in addition to those specified in Section 10.4.F, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of the Department of Natural Resources within 10 days of such action.

- C. In addition to information and procedures required in Chapter One (Administration), Section 7.1, the following additional information and procedures are required for applications within all flood plain districts:
- i. Require the applicant to furnish such of the following information and additional information as deemed necessary for determining the suitability of the particular site for the proposed use:
    - a. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel.
    - b. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
  - ii. Transmit one copy of the information described in Chapter Nine (Flood Plain Regulations), Section 10.4.C.i, to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
  - iii. Based upon the technical evaluation of the designated engineer or expert, the Zoning Administrator shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- D. Factors Upon Which the Decision Shall Be Based. In addition to criteria set forth for the review of conditional uses found in Chapter One (Administration), Section 7.3, the Renville County Board of County Commissioners shall consider the following relevant factors:

- i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - ii. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.
  - iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - v. The importance of the services provided by the proposed facility to the County.
  - vi. The requirements of the facility for a waterfront location.
  - vii. The availability of alternative locations not subject to flooding for the proposed use.
  - viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - ix. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.
  - x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - xi. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - xii. Such other factors which are relevant to the purposes of this Ordinance.
- E. Time for Acting on Application. The Renville County Board of County Commissioners shall act on an application in the manner as described in Minnesota Statutes, Chapter 15.99.
- F. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Renville County Board of County Commissioners shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the

purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- i. Modification of waste treatment and water supply facilities.
- ii. Limitations on period of use, occupancy, and operation.
- iii. Imposition of operational controls, sureties, and deed restrictions.
- iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- v. Floodproofing measures in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

#### ***SECTION 11. NONCONFORMING USES***

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions. Historic structures, as defined in Chapter One (Administration), Section 2 (“Substantial Improvement”), of this Ordinance, shall be subject to the provisions of Sections 11.1-11.5 of this chapter.

1. No such use shall be expanded, enlarged, or intensified in a way that increases its nonconformity.
2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Sections 11.3 and 11.6 below.
3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Sections 4 or

5 of this chapter for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

4. A nonconforming use or use of a structure that has been discontinued for a period of 12 consecutive months shall not be re-established, and any further use or occupancy of the structure shall be in conformity with the regulations of this Ordinance. Time will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter.
5. If any nonconforming use or structure is substantially damaged, as defined in Chapter One (Administration), Section 2, of the Land Use Ordinance, it shall not be replaced, reconstructed, or restored except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4, 5, or 6 of this chapter will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.
6. If a substantial improvement occurs, as defined in Chapter One (Administration), Section 2, of the Land Use Ordinance from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Sections 4 or 5 of this chapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

#### ***SECTION 12. PENALTIES FOR VIOLATION***

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
2. Nothing herein contained shall prevent the Renville County Board of County Commissioners from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
  - A. In responding to a suspected Ordinance violation, the Zoning Administrator and Renville County Board of County Commissioners may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures, or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The County must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

- B. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and FEMA Regional Office along with the County's plan of action to correct the violation to the degree possible.
- C. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use are under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either: 1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or 2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
- D. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

### ***SECTION 13. AMENDMENTS***

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

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of the Department of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet FEMA's Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of the Department of Natural Resources must be given 10 days' written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

**RENVILLE COUNTY LAND USE ORDINANCE**

**CHAPTER TEN**

**ESSENTIAL SERVICE FACILITY REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Essential Service Facility Regulations except as referred to herein where it shall be known as “this chapter.”

***SECTION 1. INTENT AND PURPOSE***

These regulations are established to regulate the installation of essential service facilities within Renville County not otherwise subject to oversight by the state or federal government. This chapter shall be construed to provide the County with the maximum regulatory authority consistent with such other laws. These regulations encourage the creative and efficient development of essential service facilities so as to assure they will not have an undue or adverse impact on the preservation of agricultural land, natural environmental areas, lakes, streams, rivers, park and recreation areas, and so as not to impair existing and future transportation routes and drainage systems.

***SECTION 2. EXEMPT FROM REGULATION***

Required maintenance of any major or minor essential service facility that does not change or expand the capacity, change the capability, or change the location of the existing facility shall be exempt from the regulation of this section.

***SECTION 3. ADOPTION BY REFERENCE OF STATE STATUTES GOVERNING THE PLACEMENT OF PIPELINES***

Pursuant to Minnesota Statutes, Chapter 394.25, Subd. 8, the Renville County Board of County Commissioners hereby adopts by reference Minnesota Statutes, Chapter 216G (Pipelines). Whenever the provisions of this Ordinance and the state law are inconsistent or different, the more restrictive controls shall prevail.

***SECTION 4. PERMIT APPLICATION – MAJOR ESSENTIAL SERVICE FACILITIES***

Essential services are conditional uses in all zoning districts and shall follow the following requirements:

1. General Requirements. An applicant shall make an application for a conditional use permit following the procedural steps as set forth in Chapter One (Administration), Section 7, of the Renville County Land Use Ordinance. The applicant shall reimburse the County for all extraordinary costs and expenses paid



or to be paid in connection with the application including all costs of providing public notice of the application and public hearing on the application; all legal, engineering, and other professional costs; and all costs paid or incurred in assuring that the terms of the conditional use permit are met by the applicant.

2. In addition to the criteria and standards for the granting of conditional use permits, the following additional findings shall be made before approval of an essential service facility:
  - A. The proposed essential service facility is designed to protect and restore cultivated agricultural land and to mitigate the impact of the proposed use on the productive use of land.
  - B. The proposed essential service facility is designed for the protection and restoration of drainage and drain patterns, soil compaction, and for the removal of rocks and debris after construction.
  - C. The proposed essential service facility is designed to protect and restore roadway crossings, roadway services, road rights-of-way, and all other County and other governmental property.
  - D. All necessary state, federal, and other governmental permits have been granted or will be granted for the applicant to commence construction.
  
3. Permit Application Requirements. In addition to submittal requirements required for a conditional use permit elsewhere in this Ordinance, all proposed essential service facility permit applications shall include the following information:
  - A. The names and addresses of the project applicant, project owner, and owners of all land crossed by the service.
  - B. Engineered design plans and specifications of all proposed essential service structures to be constructed as part of the essential service facility project including an engineering certification from the manufacturer's engineer or another qualified engineer registered in the State of Minnesota.
  - C. Evidence of land ownership or legal control in the form of a deed, easement, or other legal instrument for all land crossed by the proposed service.
  - D. A list of all property owners within 1,320 feet of the outer boundaries of each property crossed by the service.
  - E. A map indicating the location, alignment, and type of service proposed for each property crossed by the service.

- F. Construction plans, soil erosion and sediment control plans, wetland mitigation plans, and road, ditch, and water body crossing plans.
- G. A complete description of all phases of construction to include an estimate of duration of each phase, location and approximate acreage of each staging area, and project time schedule.
- H. A scaled site plan detailing the location of the project area boundaries, property lines, road rights-of-way, essential service structures, other ancillary facilities or structures, and location and distance to residential dwellings/structures; other structures; wetlands; rivers and streams; lakes; scenic and natural areas; significant historic sites; all federal, state, or County parks; and any municipalities.
- I. A map identifying all haul routes to be utilized for material transportation and construction activities and the locations of all construction sites and staging areas within Renville County.
- J. A statement of proposed financing.
- K. A copy of all permits, studies, or any applications made or required to be made under state or federal law to any state or federal agency indicating that the proposed essential service facility is in compliance with all federal and state standards.
- L. Natural features map or maps of the property and areas crossed by the service showing contour lines at no more than two foot intervals, drainage patterns, wetlands, vegetation, and soil and subsoil conditions.
- M. Certificate of need, if required.
- N. Environmental review documentation that may be required under mandatory, discretionary, or special rules of the Environmental Quality Board.
- O. The name, address, and telephone number of a contact person to which post-construction inquiries related to exact location and depth of essential service facilities may be addressed.
- P. For a pipeline transporting gas, oil, petroleum, or other fuels, a contingency plan including steps to be taken in the event of a failure, leak, or explosion occurring during operation.
- Q. An application fee as established by the County Board.

- R. Any additional information as requested by the Zoning Administrator or the Planning Commission.

***SECTION 5. PERMIT APPLICATION –  
MINOR ESSENTIAL SERVICE FACILITIES***

Minor essential service facilities located in any township or County easement or right-of-way shall be governed by the following procedures:

- 1. Permit Application Requirements.
  - A. The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps and construction plans indicating the locations, alignment, and type of service proposed.
  - B. The application and accompanying data shall be reviewed by the County Engineer. The County Engineer shall issue a report of his/her findings and recommendation together with any supporting information to the County Board for final action.
  - C. Upon receipt of the report of the County Engineer of the planned minor essential service facility, the County Board shall consider the maps, construction plans, and accompanying data and shall indicate to the applicant its approval, denial, or modifications considered desirable under the Ordinance.
  - D. The County Board may require in conjunction with issuance of such permit that:
    - i. The applicant submits as-built drawings of the essential service facility after construction.
    - ii. The applicant constructs the essential service to take into consideration contemplated widening, re-grading, or relocation of a County or township road.

***SECTION 6. PERFORMANCE STANDARDS***

All major essential service facilities shall comply with the following performance standards:

- 1. Construction standards for major essential service facilities shall comply with the standards for construction as outlined in Figure 1 that is hereby made a part of this chapter.

2. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
3. Rocks, slash, and other construction debris shall be removed from each individual section of land where construction takes place within 90 working days of the commencement of essential service construction of that individual section of land. For purposes of this subsection, working days are defined as: all days except days between November 15 and April 15 (winter), or any day when more than one-quarter inch of precipitation has fallen. For purposes of this subsection, section of land is defined as numbered section as defined by the Government Land Survey, or a portion of thereof.
4. Shelterbelts, windbreaks, fences, and vegetation shall be restored to pre-construction condition with the following exceptions:
  - A. Shelterbelts and windbreak replacement shall be to pre-construction density and may allow for operation maintenance of essential service facility.
  - B. Critical areas (slopes greater than 12 percent, drainage ditch banks, and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched to a minimum width as predetermined by the Renville County Ditch Inspector prior to construction from the top of the ditch soil banks on each side of the ditch.
  - C. The County Engineer may require ditch bottoms to be sodded when slopes are over three percent. Existing lawns shall also be re-sodded.
5. If preliminary engineering, surveys, or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
6. Essential service facility construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
7. All public and private roads in use and being maintained shall be bored unless the Road Authority approves an alternate procedure. Unpaved roads that are infrequently used and not regularly maintained may be cut, backfilled, and compacted with material to the Road Authority's specifications.
8. Any installation of an essential service facility under a public road shall be approved by the Road Authority. The Road Authority may require additional permits and bonding requirements for highways and roads under its authority.

9. If at any time Renville County, acting through its Board of County Commissioners, shall deem it necessary or desirable to make any improvements or changes on all or any parts of the right-of-way of the County highway including changes made for purposes of providing drainage within 100 feet of the highway right-of-way which affect the essential service facility, then and in such event the applicant shall within 45 calendar days after written notice from the County Board proceed to alter, change, vacate, or remove said essential service facility from the County highway right-of-way so as to conform to said County highway changes and as directed by the Board. In the event of relocation of a road or road right-of-way, all costs associated with the required relocation or other change in the essential service facility shall be paid by the applicant (essential service facility owner/operator).

The Board of County Commissioners, in its sole discretion, may provide the applicant with the choice of relocating the essential service facility or paying the additional costs associated with an alternative design which avoids or minimizes the conflict with the essential service and which is otherwise acceptable to the County. Within 30 calendar days after receipt of such an option, the applicant shall notify the Board of County Commissioners in writing of its election to: (a) relocate the essential service facility, at the applicant's cost, as may be required to avoid or minimize any conflict or interference; or (b) pay the County in advance for all additional costs to be incurred in altering the proposed changes to avoid or minimize such conflict or interference. In the event the applicant fails to notify the Board of County Commissioners in writing of its election within a 30-day period, the applicant shall be deemed to have elected to relocate the essential service facility as provided above. In the event the applicant elects to pay for the additional costs to be incurred by the County, the applicant shall make the required payment within 30 calendar days of its election.

10. The applicant shall file as-built drawings of the essential service facility after construction, which shall include a surveyor's description of the course of the essential service facility as it traverses Renville County, with the Renville County Highway Engineer, the Renville County Division of Environment and Community Development, and the Clerk of the Township Board of all townships crossed by the essential service facility.
11. If in the construction of the essential service facility an open drainage ditch is traversed, the applicant shall lay its essential service facility a minimum of five feet below the original bottom of the drainage ditch as designed, and the method of construction shall not impede the normal flow of water.
12. If the essential service facility shall need to be moved, relocated, or improvements otherwise made thereon as a result of the establishment, improvement, or repair of any County or judicial ditch, the expense thereof shall be the expense of the applicant notwithstanding the fact that the essential service facility is located on private property and more than 100 feet from highway right-of-way.

13. All public or private tile lines or other drainage systems which are cut or disturbed in the construction of the essential service facility shall be restored and repaired to the previous condition and operable state without cost to the landowner or Ditch Authority.
14. In the event the essential service facility is located parallel to a judicial or County drainage tile, the applicant shall provide a minimum of 10 feet horizontal separation between the essential service facility and the drainage tile. The essential service facility, if located parallel or adjacent of a private tile, shall be constructed and maintained so as not to interfere with the drainage tile.
15. When an existing tile line is cut, the tile shall be repaired by the applicant using a method that will prevent settling of any portion of the tile system. When tile lines are cut and before repairs are made, tile openings shall be protected to prevent dirt, silt, or animals from entering the tile system.
16. A pipe shall be installed to accommodate future installations of drain tile at locations and depths as shown on tile plans given to the essential service facility by the landowner if a private tile or by the Ditch Authority if a County or judicial tile. If a County or judicial or private drainage system shall later be established, improved, or repaired or additional lines installed to effect proper drainage, the essential service facility shall reimburse the Ditch Authority or landowner for any necessary additional installation expenses incurred that are directly attributed to the presence of a essential service facility.
17. If settling of public or private tile repaired during construction occurs within five years following completion of construction of the essential service facility, the applicant shall repair the tile line without expense to the landowner or the Ditch Authority and shall pay all losses caused by the settling.
18. During construction, the applicant shall provide suitable crossovers installed at such places over the essential service facility trench as needed by the landowner.
19. An essential service facility transporting gas, oil, petroleum, or other fuel shall be installed at least 150 feet from all existing dwellings and buildings except those considered essential service structures. Any new structures or buildings, except for essential service buildings, shall be constructed 150 feet from an existing essential service facility. The measurement shall be made from the center of the essential service facility to the nearest corner of a structure.
20. The applicant shall comply with all provisions of the approved soil erosion and sediment control plan to control erosion within public lands, rights-of-way, and public drainage systems.

21. The applicant shall indemnify, keep, and hold the County of Renville, each township crossed by the essential service facility, and every public ditch system free and harmless from all claims resulting from injury or damage to persons or property caused by the construction, maintenance, repair, or operation of the essential service facility system except where the acts or omissions of the said County, township, or ditch system have caused the injury or damage.
22. The applicant shall indemnify and hold harmless the landowner, his/her family, tenants, and employees from and against all claims resulting from the presence of the essential service facility and caused by the ordinary negligence of the landowner, his/her family, tenants, and employees while engaged in normal farming operations excluding drainage, improvements, drilling, or blasting activities. In addition, where the landowner gives the applicant two weeks' certified or registered mailed notice of intent to engage in any specified excluded farming activity in the easement right-of-way or adjacent thereto, the applicant will indemnify and hold harmless the landowner, his/her family, tenants, and employees from all claims for damages resulting from the preservation of the essential service facility and caused by the specified activity for which notice was given.

In the event the landowner notified the applicant of the need for emergency repairs to drainage ditches or tile, such indemnification shall be provided by the applicant upon 48 hours' notice. Emergency repairs shall include repairs necessary to avoid delays in preparation of the soil and planting and harvesting of crops where the need for emergency repairs are specified in the notification.

23. The applicant shall be responsible for providing a baseline condition of all haul routes, including analysis of all bridges by a registered engineer, to determine their capacity to support oversized vehicles prior to construction of the essential service facility. The applicant shall be responsible for extraordinary maintenance and restoration of all County/township roads and bridges that may be damaged due to activities involving construction of the essential service facility. A financial guarantee in the form of a performance bond, letter of credit, cash deposit, or other security shall be submitted to ensure all haul routes and bridges have been repaired/restored to the Road Authority's approval and satisfaction.
24. All essential service facility operations shall be in compliance with applicable federal, state, and County regulatory permits, rules, regulations, and ordinances.
25. The applicant shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,500,000 for any occurrence or as provided in Minnesota Statutes.
26. The essential service contractor shall erect and maintain traffic control devices leading to and from all staging sites to ensure the safety of area residents and must comply with all Minnesota Department of Transportation requirements for

signage and safety issues. Access to and hauling of materials from the staging sites shall be limited to a project-specific haul route. All vehicles hauling materials to and from the staging sites shall not exceed legal gross weight limitations.

27. All transmission and distribution lines located in a Rural Residential District or Shoreland Residential Overlay District shall be placed underground.
28. All essential service facilities and accessory structures shall be set back a minimum of 1,320 feet from a protected lake or river and any federal, state, or County park.
29. No business or advertising signs shall be installed on an essential service facility.
30. Whenever practical, essential service facility pipes, lines, towers, and accessory structures shall be placed in existing rights-of-way or easements and shall be placed adjacent to and parallel with existing property boundary lines or agricultural field boundaries. All use of rights-of-way shall be approved by the Road Authority.
31. All essential service facilities shall be designed and constructed to avoid the loss in use of agricultural land for the growing and/or production of crops and livestock production.
32. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained when and wherever possible.

#### ***SECTION 7. CONSTRUCTION STANDARDS ALTERNATIVES***

1. In any easement granting right-of-way for an essential service facility over agricultural land, the grantor of the easement may waive the minimum depth of cover established in Figure 1 with respect to all or part of the essential service facility to be buried under that land. A waiver of the minimum depth of cover established in Figure 1 shall be effective only if the waiver:
  - A. Is separately and expressly stated in the easement agreement and includes an express statement by the grantor acknowledging that he/she has read and understood the waiver.
  - B. Is printed in capital letters and in language understandable to an average person not learned in law.
  - C. Is separately signed or initialed by the grantor.
2. Alternatives to the construction standards established in Figure 1 may be granted by the Renville County Board of County Commissioners upon showing that:



- A. A depth or height less than that required in Figure 1 is reasonably necessary to allow transition from Renville County to a bordering county.
  - B. The request is reasonably necessary to allow for a transition in depth from agricultural land and adjoining parcels of land.
  - C. The request is reasonably necessary for the installation of necessary essential service structures including associated equipment.
3. No construction alternative shall be granted from the construction standards so as to allow any essential service line to be placed at a depth less than the depth established in Figure 1 beneath the authorized depth of drainage facilities or the right-of-way of roads.

### ***SECTION 8. INSPECTIONS***

The County Board may require that a qualified inspector be on the site of installation of essential service facilities. The County Board will establish a fee schedule for inspections consistent with applicable state laws and County policies. With respect to pipelines, the fee shall be the minimum amount allowed by Minnesota Statutes for each mile or fraction of a mile of pipeline that will be constructed in the County. The inspection fee shall be paid to the Renville County Auditor/Treasurer prior to construction of the essential service facility.

The County Board shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the essential service is constructed in compliance with the provisions of this chapter. The inspector shall promptly report to the County Board any failure or refusal to comply with the provisions of this chapter and shall issue written notice to the person constructing the essential service specifying the violations and the action to be taken in order to comply. During on-site inspection, the inspector shall maintain a written log that shall include a record of comments and complaints concerning the essential service construction made by owners and lessees of land crossed by the essential service and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed by any owner or lessee or failure to comply with the terms of an easement agreement. The log reports and other records of the inspector shall be preserved by the County Board.

### ***SECTION 9. DEVELOPER'S AGREEMENT***

Prior to the installation of any approved essential service, the developer shall be required to enter into a developer's agreement with Renville County requiring that:

1. All improvements be constructed at the developer's expense in accordance with the plans and specifications as engineered.
2. All improvements comply with Renville County right-of-way management standards for the placement and maintenance of facilities and equipment.
3. The developer shall submit a financial guarantee and proof of liability insurance.

#### ***SECTION 10. ENFORCEMENT***

Enforcement of the Essential Service Facility Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14, of the Renville County Land Use Ordinance.

#### ***SECTION 11. INTERPRETATION, SEPARABILITY, AND COMPLIANCE***

Administration of the Essential Service Facility Regulations with regard to interpretation, separability, and compliance shall be done in accordance with policies established in Chapter One (Administration), Section 3, of the Renville County Land Use Ordinance.

#### ***SECTION 12. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.

Essential Services: Figure 1

<b>Figure 1</b>	<b>Drainage Tile Replacement Standards</b>	<b>Required Compaction Around Drainage Lines</b>	<b>Soil Restoration</b>
Pipelines – Natural Gas	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines – Petroleum-Hydro Carbons	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines – Water	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipeline – Other	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Power lines Underground	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Power lines Overhead	NA	NA	Restore to Pre-Construction Productivity
Telephone Underground	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Telephone Overhead	NA	NA	NA

Essential Services: Figure 1

<b>Figure 1</b>	<b>Minimum Depth under Agricultural Land</b>	<b>Minimum Depth Under Public Road Right-of-Way</b>	<b>Minimum Depth Under Public Road Surfaces</b>	<b>Minimum Clearance for Drainage Tile</b>	<b>Minimum Depth Beneath Authorized Depth of Open Drainage Ditch</b>	<b>Minimum Height Over Agricultural Land</b>	<b>Minimum Topsoil Segregation (Double Ditch)</b>
Pipelines – Natural Gas	(Federal Law) 30 in.	4 ft.	4 ft.	(Federal Law) 12 in. over or under	5 ft.	NA	2 ft.
Pipelines – Petroleum-Hydro Carbons	4½ ft.	4 ft.	4 ft.	12 in. over or under	5 ft.	NA	2 ft.
Pipelines – Water	6 ft.	6 ft.	6 ft.	12 in. over or under	5 ft.	NA	2 ft.
Pipelines – Other	4½ ft.	4 ft.	4 ft.	12 in. over or under	5 ft.	NA	2 ft.
Power lines Underground	3 ft.	3 ft.	3 ft.	12 in. over or under	5 ft.	NA	NA
Power lines Overhead	NA	NA	NA	NA	NA	20 ft.	NA
Telephone Underground	3 ft.	3 ft.	3 ft.	12 in. over or under	5 ft.	NA	NA
Telephone Overhead	NA	NA	NA	NA	NA	20 ft.	NA

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER ELEVEN**

### **OFFICIAL MAP REGULATIONS**

#### **SECTION 1. ZONING DISTRICTS**

The unincorporated areas of the County are divided into classes of districts. The districts are hereby designated as follows:

1. Agricultural District "A".
2. Rural Residential District "RR".
3. Urban Expansion District "UE".
4. Healthcare/Mixed Use District "HMU".
5. Commercial/Industrial District "CI".
6. Shoreland Management District "S".
7. Flood Plain District "FP".
  - A. Floodway District "FW".
  - B. Flood Fringe District "FF".
  - C. General Flood Plain District "GF".
8. Minnesota Scenic River District "SR".
9. Project River Bend District "PR".

#### **SECTION 2. OFFICIAL ZONING MAPS**

1. The boundaries of the districts are as shown on the maps (zoning, Minnesota Scenic River District overlay map, Flood Plain District overlay map, Shoreland Management District overlay map) published and made part hereof. These maps are designated as the Official Zoning Map of the County and shall be maintained by the Zoning Administrator. The district boundary lines on these maps are intended to follow street/highway or railroad right-of-way lines, street/highway centerlines, or such lines extended or lines parallel or perpendicular to, or section, quarter section, or quarter-quarter section or other fractional section lines of the United States public land surveys established by law. In the case of unsubdivided property or in any case where street/highway or lot lines are not used as boundaries, the district boundary

lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this part by reference and incorporated herein fully as if set forth herein at length. Whenever any street/highway or public way is vacated, any zoning district line following the centerline of a vacated road or way shall not be affected by the vacation.

2. When any conflict appears in the Ordinance with respect to uses within a district, the more restrictive provisions shall be applied.
3. Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the Agricultural District "A" until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

### **SECTION 3. OFFICIAL ZONING MAP APPEALS**

1. Whenever a land use permit is denied to build within the limits of land delineated on the Official Map enacted by the Renville County Board, the Board of Adjustment and Appeals shall, upon appeal filed by the owner of the land, hold a public hearing upon the appeal. After receiving the advice and recommendations of the Zoning Administrator, the Board of Adjustment and Appeals may grant a permit for building in an area designated on an Official Map in any case in which the Board finds, upon the evidence and arguments presented to it:
  - A. That the entire property of the applicant cannot yield a reasonable return to the owner unless such a permit is granted.
  - B. That balancing the interest of the County in preserving the integrity of the Official Map and of the Comprehensive Plan and the interest of the property owner in the use of the property and in the benefits of the ownership, the granting of such permit is required by considerations of justice and equity.
2. If the Board authorizes issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted. If the Board authorizes issuance of a permit, the Renville County Board shall have six months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein and if no such proceedings are started within that time, the Zoning Administrator shall issue the permit if the applicant otherwise conforms to the Ordinance.
3. All decisions by the Board of Adjustment and Appeals shall be final, except that anyone aggrieved by decision shall have the right to seek judicial review as authorized by law. In order to preserve their right to judicial review, a non-party must notify the Zoning Administrator within seven calendar days of the date of the hearing at which the decision was made of their desire to obtain a copy of the decision in order to preserve their right to judicial review or it is deemed waived.

#### **SECTION 4. OFFICIAL ZONING MAP AMENDMENTS**

An amendment to this Ordinance or the Comprehensive Plan may be initiated by the County Board, the Planning Commission, or by petition of the affected property owners. A petition by affected property owners shall be presented to the County Board of Commissioners. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for its study, report, and recommendation and may not be acted upon by the Board until it has received the recommendation of the Planning Commission or 60 days have elapsed from the date of the first meeting of the Planning Commission following reference of the amendment without a report by the Planning Commission.

In connection with the adoption by Ordinance of any Comprehensive Plan amendment or adoption or amendment of any official control, public hearings required by this Ordinance including notice of the time, place, and purpose of the hearing, Ordinance enactment and publication shall be given in the manner provided by Minnesota Statutes, Chapters 394.26 and 375.51.

In determining whether a proposed amendment of the official Renville County land use maps is in harmony with the general purpose and intent of the Ordinance and the Comprehensive Plan, the Planning Commission shall consider:

1. Is the change consistent with the Renville County Comprehensive Plan?
2. Are the existing surrounding land uses consistent with the permitted uses of the proposed zoning classification?
3. Will a zoning change alter the characteristics of the neighborhood?
4. Will a zoning change have a negative effect on property values in the neighborhood?

No application for an amendment to the Comprehensive Plan or amendment of the official controls shall be resubmitted for a period of 12 months from the date of denial of a previous application unless conditions have substantially changed.

#### **SECTION 5. RENVILLE COUNTY LAND USE MAPS**

1. Official Zoning Maps including shoreland management zones.
2. Minnesota Scenic River District management maps.
3. Flood Plain District management maps.
4. Project River Bend District management maps.
5. Renville County Airport Zoning Maps.

**SECTION 6. APPENDIX**

1. The following deeds, permits, minutes, photographs, and surveys were used in determining land use districts.



Maps governing the regulation of land development in the unincorporated flood hazard areas of Renville County include all lands designated in the Flood Insurance Rate Map, effective date September 25, 2009. It shall also include any map amendments as may be adopted periodically by the Board.

The following maps are designated as the Renville County Official Airport Zoning Maps.

1. Redwood Falls Municipal Airport Zoning Map consisting of 12 sheets, prepared by Bolton & Menk, Inc. and dated May 3, 2013, attached hereto.
2. Olivia Airport Zoning Map consisting of eight sheets, prepared by Short Elliot Hendrickson Inc. and dated June 2, 2014, attached hereto.
3. Hector Municipal Airport Zoning Map consisting of three sheets, prepared by D. L. Noyes and dated August 1974, revised March 1975, September 1977, November 1980, and September 1982, attached hereto.

These maps, together with any future amendments made, and all notations, references, elevations, data, zone boundaries, and other information thereon, are made a part of this Ordinance.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER TWELVE**

### **AIRPORT ZONING REGULATIONS**

#### ***SECTION 1. PURPOSE AND AUTHORITY***

An airport hazard endangers the lives and property of users of airports located in and adjacent to Renville County. An airport hazard also endangers the occupants of land in its vicinity and may reduce the size of the area available for the landing, taking off, and maneuvering of aircraft, thereby impairing the utility of an airport and the public investment therein.

The social and financial costs of disrupting existing land uses around an airport in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.

The creation or establishment of an airport hazard is a public nuisance. It is, therefore, necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation. The elimination or removal of existing land uses, particularly in established residential neighborhoods in built up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

#### ***SECTION 2. SHORT TITLE***

This Ordinance shall be known as the “Renville County Airport Zoning Regulations.” Those sections of land affected by this Ordinance are indicated on the Airport Zoning Maps adopted as part of this Ordinance. Renville County reserves the right to, from time to time, amend these regulations to conform to new or amended state or federal regulations or other statutory or regulatory changes.

### ***SECTION 3. DEFINITIONS***

Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases stated below shall have the following meaning:

**Airport** – The Redwood Falls Municipal Airport located in a portion of Section 32, Township 113 North, Range 35 West of the Fifth Principal Meridian, Redwood County, Minnesota; or the Hector Municipal Airport located in parts of Sections 29, 32, and 33 of Township 115 North of Range 32 West, Renville County, Minnesota; or the Olivia Airport located in Sections 10, 11, 14, and 15, Troy Township, Renville County, Minnesota.

**Airport Elevation** – The established elevation of the highest point on the usable landing area which elevation is established in feet above mean sea level. The following airport elevations are established:

1. Redwood Falls Municipal Airport – 1,023 feet.
2. Hector Municipal Airport – 1,077 feet.
3. Olivia Municipal Airport – 1,088 feet.

**Airport Hazard** – Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

**Board of Adjustment** – The Renville County Board of Adjustment and Appeals.

**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.

**Height** – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the airport zoning maps, the datum shall be mean sea level elevation unless otherwise specified.

**Instrument Runway** – A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

**Land Area** – The area of the airport used for landing, taking off, or taxiing of aircraft.

**Landing Strip** – Any grass or turf covered area of the airport specifically designated and used for the landing and/or takeoff of aircraft. This term shall have the same meaning throughout this Ordinance as does the term “Runway.”

**Nonconforming Use** – Any legal structure or legal use existing upon the effective date of the adoption of this chapter and which does not conform to the provisions of this chapter.

**Non-Instrument Runway** – A runway other than an instrument runway.

**Person** – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

**Runway** – Any surface of the airport that is specifically designated and used for the landing and/or takeoff of aircraft.

**Slope** – The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

**Structure** – Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

**Tree** – Any object of natural growth.

**Water Surfaces** – For the purpose of this Ordinance, shall have the same meaning as land for the establishment of protected zones.

#### ***SECTION 4. AIRPORT OBSTRUCTION ZONING***

1. **Airspace Zones.** In order to carry out the purposes of this Ordinance, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:
  - A. **Primary Zone.** All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 300 feet beyond each end of a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for all runways.
  - B. **Horizontal Zone.** All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation (Redwood Falls, 1,173 feet above sea level; or Olivia, 1,238 feet above sea

level; or Hector, 1,227.3 feet above sea level), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 10,000 feet for all runways.

- C. Conical Zone. All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
  - D. Approach Zone. All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of all runways. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the primary surface. The approach surface inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.
  - E. Transitional Zone. All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the side of the primary surfaces and from the sides of the primary surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.
2. Height Restrictions. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 4.1 of this Ordinance so as to project into any of the imaginary airspace surfaces described in said Section 4.1 hereof. Where an area is covered by more than one height limitation, the more restricted limitations shall prevail.

#### ***SECTION 5. LAND USE SAFETY ZONING***

- 1. Safety Zone Boundaries. In order to carry out the purpose of this Ordinance, there are hereby created and established the following safety zone boundaries:
  - A. Safety Zone A. All that land in the approach zones of the runway that is located within a horizontal distance equal to two-thirds the length in feet of a runway from each end of the primary zone.

- B. Safety Zone B. All that land in the approach zones of a runway which is located within a horizontal distance equal to the length in feet of the runway from each end of the primary zone and is not included in Zone A.
  - C. Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.
2. Use Restrictions.
- A. General. Subject at all times to the height restrictions set forth in Section 4.2 herein, no use shall be made of any land in any of the safety zones defined in Section 5.1 herein which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
  - B. Zone A. Subject at all times to the height restrictions set forth in Section 4.2 herein and to the general restrictions contained in Section 5.2.A herein, areas designated as Zone A shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agricultural, feedlots, outdoor recreation (non-spectator), wildlife habitat, cemeteries, and auto parking.
  - C. Zone B. Subject at all times to the height restrictions set forth in Section 4.2 herein and to the general restrictions contained in Section 5.2.A herein, areas designated as Zone B shall be used for the following purposes only:
    - i. For agricultural and residential purposes, provided there shall not be more than one single family dwelling per five-acre tract of land.
    - ii. Any commercial or industrial use which meets the following minimum standards:
      - a. Each single commercial or industrial use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
      - b. Each single commercial or industrial site shall be of a size not less than five acres.

- c. Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per five-acre tract of land.
- d. The maximum ground area to be covered by a single commercial or industrial building shall not exceed the following minimum ratios with respect to the building site area:

At Least (Acres)	But Less Than (Acres)	Ratio of Site Area to First Floor Building Area	First Floor Building Area (Square Feet)	Maximum Site Populations (15 Persons Per Acre)
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	And Up	4:1	218,000	300

- iii. The following are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly.
- D. Zone C. Zone C is subject only to the height restrictions set forth in Section 4.2 herein and to the general restrictions contained in Section 5.2.A herein.

**SECTION 6. RENVILLE COUNTY AIRPORT ZONING MAPS**

The following maps are designated as the Renville County Official Airport Zoning Maps. These maps are on file in the office of the Division of Environment and Community Development.

1. Redwood Falls Municipal Airport Zoning Map consisting of 11 sheets, prepared by The HNTB Companies and dated August 1974.
2. Olivia Airport Zoning Map consisting of 13 sheets, prepared by Short Elliot Hendrickson Inc. and dated June 24, 1999.
3. Hector Municipal Airport Zoning Map consisting of three sheets, prepared by D. L. Noyes and dated August 1974, revised March 1975, September 1977, November 1980, and September 1982.

These maps, together with any future amendments made, and all notations, references, elevations, data, zone boundaries, and other information thereon, are made a part of this Ordinance.



## ***SECTION 7. NONCONFORMING USES***

The regulations contained in this Ordinance are not retroactive from the date of enactment of this Ordinance. The regulations prescribed by this Ordinance shall not be construed as to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any land or structure, the use or construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

## ***SECTION 8. PERMITS***

1. Future Uses. Except as specifically provided in Section 8.1.A herein, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted by the zoning administrator, hereinafter provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
  - A. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the prospective zone.
  - B. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this Ordinance as set forth in Section 4.2.
2. Existing Uses. Before any existing nonconforming tree or structure may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any zone established herein, a permit must be secured from the zoning administrator provided for herein. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when on the effective date of this Ordinance or any applicable amendment thereto or than it is when the application for a permit is made.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the zoning administrator provided for herein determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 50 percent torn down, deteriorated, or decayed (1) no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations provided for herein, and (2) whether application is made for a permit under this section or not, the zoning administrator may by appropriate action compel the owner of the nonconforming structure or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the provisions of this Ordinance. If the owner of the nonconforming structure or tree neglects or refuses to comply with the order for 10 business days after receipt of written notice of the order, the zoning administrator may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object of the land where it is or was located. Unless such assessment is paid within 90 days from the service of notice thereof on the agent or owner of the object or land, the sum will bear interest at the rate of eight percent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

#### ***SECTION 9. VARIANCE***

Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use the person's property in violation of this Ordinance may apply to the Board of Adjustment, hereinafter provided for, for a variance from the zoning regulations in question. Applications for a variance shall be made to Board of Adjustment through the office of the zoning administrator.

Applications for variances shall be allowed where it is duly found that a literal application or enforcement of this Ordinance would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance. In addition, any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Ordinance.

#### ***SECTION 10. HAZARD MARKING AND LIGHTING***

1. Nonconforming Uses. The owner of any nonconforming structure or tree which existed prior to the effective date of this Ordinance is hereby required to permit the installation, operation, and maintenance thereof of such markers and lights as shall be deemed necessary by the zoning administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards if such hazard marking and lighting is advisable to effectuate the purposes of this Ordinance and is reasonable in the circumstances. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner, unless otherwise provided by law.

2. Permits and Variances. In granting any permit or variance under this Ordinance, the zoning administrator or Board of Adjustment may, if it deems such action advisable to bring about the purposes of this Ordinance, and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the airport owner, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

### ***SECTION 11. AIRPORT ZONING ADMINISTRATOR***

It shall be the duty of the Renville County zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Renville County zoning administrator upon a form furnished by the zoning administrator or his/her designee. Permit applications shall be promptly considered and granted or denied by the zoning administrator or his/her designee. Variance applications shall be forthwith transmitted by the Renville County zoning administrator for action by the Board of Adjustment hereinafter provided for.

### ***SECTION 12. BOARD OF ADJUSTMENT***

1. Establishment. The Board of Adjustment for those areas of Renville County not located within a city shall be the existing Renville County Board of Adjustment and Appeals.
2. Powers. The Board of Adjustment shall have and exercise the following powers:
  - A. To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this Ordinance.
  - B. To hear and decide any special exceptions to the terms of this Ordinance upon which the Board of Adjustment may be required to pass under this Ordinance.
  - C. To hear and decide specific variances.
  - D. To impose conditions in granting a request for a variance.
3. Procedures. All rules and procedures of the Board of Adjustment shall be consistent with Section 6.2 of Chapter One of the Renville County Land Use Ordinance.

### ***SECTION 13. APPEALS***

All appeals, including administrative, variances, and those involving the Official Map, shall be consistent with Sections 6.3, 6.4, and 6.5 of Chapter One of the Renville County Land Use Ordinance.

### ***SECTION 14. JUDICIAL REVIEW***

Any person aggrieved, or taxpayer affected, by any decision of a Board of Adjustment, or any governing body of a municipality or county, or any joint airport zoning board, which believes that a decision of a Board of Adjustment is illegal may appeal in accordance with Minn. Stat. Ch. 14 as amended.

### ***SECTION 15. VIOLATIONS, PENALTIES, AND REMEDIES***

Every person who shall construct, establish, substantially change, or substantially alter or repair any structure, use, or existing structure or use, or permit the growth of any tree, without having complied with the provisions of this Ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change, or substantially alter or repair any existing growth or structure, or permit the growth of any tree, except as permitted by such permit or variance, or who shall violate this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000, imprisonment for 90 days, or both. Each day a violation continues to exist shall constitute a separate offense. In addition, the County may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Ordinance or of any order or ruling made in connection with the administration or enforcement of this Ordinance, and the court shall adjudge to the plaintiff any such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Ordinance and of the regulations adopted and orders and rulings made pursuant thereto.

### ***SECTION 16. CONFLICTS***

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulations shall govern and prevail.

***SECTION 17. SEPARABILITY***

In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court of competent jurisdiction to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel, as to constitute a taking or deprivation of that property in violation of the Constitution of the State of Minnesota or the Constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

***SECTION 18. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER THIRTEEN**

### **ADULT USE REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Adult Use Regulations or the “Adult Use Regulations”.

#### ***SECTION 1. INTENT AND FINDINGS***

Renville County is concerned about the possible adverse secondary effects of sexually orientated businesses on adjacent properties located in the unincorporated areas of the County. The concerns prompted Renville County to review the following reports/studies relating to sexually orientated businesses:

1. Adult Entertainment, a 40-Acre Study, St. Paul, Minnesota, Department of Planning and Economic Development (1987, Supplemented 1988).
2. Adult Entertainment Perspectives, Rochester/Olmsted, Minnesota, Consolidated Planning Department (1988).
3. Study of the Effects of the Concentration of Adult Entertainment Establishment, Los Angeles Department City Planning (1977).
4. Adult Business Study, Planning Department, City of Phoenix, Arizona (1979).
5. Report on Adult Orientated Businesses in Austin, Texas (1986).
6. Neighborhood Deterioration and the Location of Adult Entertainment Establishments in St. Paul, Minnesota, Department of Planning and Economic Development (1978).
7. Adult Entertainment Businesses in Indianapolis, Indiana (1984).
8. Adams County, Colorado, Nude Entertainment Study (1991).
9. Report of the Attorney General’s Working Group on the Regulation of Sexually Orientated Businesses, Attorney General, State of Minnesota (1989).

Based on the results of these studies, the Planning Commission makes the following findings:

1. Sexually orientated businesses have an impact on the neighborhoods surrounding them, which is distinct from the impact caused by other commercial uses.

2. The rate of overall crime including rape, prostitution, child molestation, indecent exposure, and lewd behavior is greater in areas near sexually orientated businesses.
3. Sexually orientated businesses can result in traffic, glare, and noise in excess of that created by other businesses by virtue of their hours and operation.
4. Because of the increased potential for criminal behavior in areas near sexually orientated businesses, these businesses should be separated from areas in which children and other persons who are particularly vulnerable to crime may be expected to frequent.
5. Sexually orientated businesses have a potentially negative impact on the value and marketability of properties adjacent to these businesses. The impact is increased by the presence of more than one sexually orientated business in close proximity to another such use.
6. The adverse impacts that sexually orientated businesses have on surrounding areas diminish as the distance from the sexually orientated business increases.

## ***SECTION 2. DEFINITIONS***

**Adult Uses** – Adult uses include adult bookstores, adult motion picture theaters, adult cabarets, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

**Adult Bookstore** – A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental, or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. “Substantial or significant portion of items”, for purposes of this Ordinance, shall mean more than 15 percent of usable floor area.

**Adult Cabaret** – A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.

**Adult Conversation/Rap Parlor** – A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**Adult Health/Sports Club** – A health/sports club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**Adult Massage Parlor** – A massage parlor which restricts minors by reason of age, or which provides the service of “massage”, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**Adult Mini-Motion Picture Theater** – A building or portion of a building with a capacity of less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**Adult Motion Picture Theater** – A building or portion of a building with a capacity of 50 or more persons used for presenting material, if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**Adult Steam Room/Bathhouse Facility** – A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**Specified Anatomical Areas:**

1. Less than completely and opaquely covered:
  - A. Human genitals.
  - B. Pubic region.
  - C. Buttocks.
  - D. Female breast below a point immediately above the top of the areola.



2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:**

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

***SECTION 3. ZONING REQUIREMENTS***

1. Adult uses shall be permitted in areas zoned Commercial/Industrial provided the following requirements are met:

No adult use shall be located within 500 feet of:

- A. Any area zoned Rural Residential.
  - B. Any school, as defined in Minnesota Statutes § 120.101.
  - C. Any religious facility or cemetery, as defined in the Renville County Land Use Ordinance.
  - D. Any daycare facility or any residential or nonresidential program, as defined in Minnesota Statutes § 245A.02.
  - E. Any hotel, motel, or bed and breakfast.
  - F. Any public park.
2. No adult use shall be permitted as an accessory use.

***SECTION 4. SEPARABILITY***

It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

***SECTION 5. EFFECTIVE DATE***

The regulations contained in this chapter shall be come effective from and after their publication according to law.

**RENVILLE COUNTY LAND USE ORDINANCE**

**CHAPTER FOURTEEN**

**PROJECT RIVER BEND MANAGEMENT REGULATIONS**

***SECTION 1. POLICY AND AUTHORIZATION***

An Ordinance for the controlling of bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scientific values of the Minnesota River in Renville County, Minnesota, in a manner consistent with Minnesota Statutes Sections 103F.381 – 103F.393.

***SECTION 2. TITLE***

This Ordinance shall be known, cited, and referred to as the Project River Bend Management Regulations Ordinance except as referred to herein where it shall be known as “this Ordinance.”

***SECTION 3. PURPOSE***

1. Conserve and protect the natural scenic values and resources of the Minnesota River and to maintain a high standard of environmental quality.
2. Regulate the area of a lot and the length of bluffland and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
3. Regulate the setback of structures and sewage treatment systems from blufflines and shorelines.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Preserve natural beauty and quietude.
7. Prevent pollution.
8. Designate land use districts along the bluffland and shoreline of the Minnesota River.
9. Comply with Project River Bend Six County Minnesota River Management Plan.
10. Protect and preserve economically viable agricultural land.

#### ***SECTION 4. GENERAL PROVISIONS***

1. The jurisdiction of this Ordinance shall include all lands designated along the Minnesota River within Renville County as defined in Minnesota Statutes Section 103F.381.
2. The use of any land within the Project River Bend Land Use District; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, mining, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations. Permits from the zoning administrator are required by this Ordinance and/or the Renville County Ordinance for the construction of structures, public or private water supply and sewage treatment systems, the grading and filling of the natural topography, and erection of signs within the Project River Bend Land Use District.
3. Rules.
  - A. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or land use controls. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. In case of conflict between a provision of this Ordinance and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
  - B. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.
  - C. The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Ordinance or the application of this Ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this Ordinance or any other property, building, or structure not specifically included in said judgment.
  - D. The word “shall” is mandatory not permissive. All distances unless otherwise specified shall be measured horizontally.

## **SECTION 5. LAND USE DISTRICT PROVISIONS**

1. Districts.
  - A. In order to preserve and protect the Minnesota River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, the Minnesota River in Renville County from Franklin, Minnesota, east to the Renville-Nicollet County line is hereby managed under the Project River Bend Six County Minnesota River Management Plan classification and the uses of this river and its adjacent lands are hereby designated by this district, the boundaries of which are based on Minnesota Statutes Section 103F.381.
  - B. The boundaries of the Project River Bend Land Use District are shown on the map designated as the Renville County official zoning map, which is made a part of this Ordinance and is on file with the zoning administrator.
  - C. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.
2. The purpose of establishing standards and criteria for the management of the Project River Bend Land Use District shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values; to reduce the effects of overcrowding and poorly planned development of adjacent lands; to prevent pollution; to preserve natural beauty and quietude; to maintain property relationships between various land use types; and to prohibit new uses that are inconsistent with the standards and criteria set forth in the Project River Bend Six County Minnesota River Management Plan.
3. Permitted Uses.
  - A. Agricultural uses.
  - B. Single-family dwelling (detached).
  - C. Farm drainage and irrigation systems.
  - D. Open space recreational uses, wildlife management areas, game refuges, forest preserves, nature center, conservancy, and interpretive center.
  - E. Public buildings and facilities.

- F. Home occupations, Level I.
  - G. Plant nursery, tree farm, and seasonal agricultural business.
  - H. Agriculturally related services such as feed and seed sales, commercial manure applicators, and custom tillage/harvesting.
  - I. Essential services - minor.
  - J. Land spreading of septage and sewage sludge regulated by the state.
  - K. Temporary dwelling, care facility.
  - L. Temporary dwelling, during construction.
  - M. Temporary dwelling, farm.
  - N. Non-commercial wind energy conversion systems.
  - O. Public/private roads and accesses greater than 200 feet from the river.
4. Conditional Uses:
- A. Private recreational area, game preserve, youth camp, golf course and club house, and gun club.
  - B. Water management/flood control structures and erosion control/wildlife development structures.
  - C. Mining, extraction, and processing of minerals.
  - D. Planned Unit Development.
  - E. Public recreation facility.
  - F. Public/private roads less than 200 feet from the river.
  - G. Essential service - major.
  - H. Residential subdivision subject to Renville County Subdivision Regulations.
  - I. Forestry and clear cutting.

5. Accessory Uses:
  - A. Private garage and carports.
  - B. Private swimming pool when completely enclosed within a chain link or similar security fence at least six feet high.
  - C. Private television towers and satellite dishes.
  - D. Other accessory uses customarily incidental to the permitted and conditional uses listed above including fences, decks, patios, sewage treatment systems, signage, and private kennels.

All uses not listed as permitted or conditional uses shall not be allowed.

1. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this Ordinance.
2. Certain uses are subject to the zoning dimension provisions of Section 7 and the sewage and wastewater treatment provisions of Section 11. All of the uses are subject to the landscape alteration provisions of Section 9.

***SECTION 6. DENSITY AND LOT REQUIREMENTS***

1. Minimum District Dimensional Requirements.
  - A. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of the Project River Bend Land Use District:
 

i.	Minimum lot size above ordinary high water level	5 acres
ii.	Lot width at building line	300 feet
iii.	Excavation, extraction, and processing of minerals operation setback from bluff or ordinary high water level	150 feet
iv.	Side and rear yard setback	20 feet
v.	Lot width at ordinary high water level	300 feet

vi.	Structure setback from ordinary high water level	150 feet
vii.	Structure setback from bluffline	30 feet
viii.	On-site sewage treatment system setback from ordinary high water level	100 feet
ix.	On-site sewage treatment system setback from bluffline	40 feet
x.	Maximum structure height (agricultural structures, exempt)	35 feet
xi.	Controlled vegetative cutting area: - from ordinary high water level - from bluffline	150 feet 30 feet
xii.	Road setback from ordinary high water level	200 feet

- B. The maximum density of dwelling units shall not exceed the maximum density permitted in the underlying zoning district.
- C. No structure shall be placed on any slope greater than 13 percent. Structures proposed on slopes between eight percent and 13 percent shall provide an erosion control plan approved by the Renville SWCD.
- D. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with the Renville County Flood Plain Regulations Ordinance and/or statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules Parts 6120.5100 – 6120.6200).

**SECTION 7. NONCONFORMITIES**

All legally established nonconforming uses as of the date of this Ordinance may continue, but they will be managed according to regulations found in Chapter One, Section 11, of the Renville County Land Use Ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

- 1. Construction and Sale of Non-Conforming Lots of Record.
  - A. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 7.1 of this Ordinance may be allowed as building sites without



Variations from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

- B. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 7.1 of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 7.1 of this Ordinance as much as possible.
2. Non-conforming Sewage Treatment Systems.
- A. A sewage treatment system not meeting the requirements of Section 7.1 of this Ordinance must be upgraded, at a minimum, at any time a permit or Variance of any type is required for any improvement on, or use of, the property or in the event of property sale or transfer. For the purposes of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
  - B. The Renville County Board of County Commissioners will require upgrading or replacement of any non-conforming system identified by this program within a reasonable period of time. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes Section 103F.211 in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than for design of on-site sewage treatment systems, shall be considered non-conforming.

### ***SECTION 8. LANDSCAPE ALTERATIONS***

1. Vegetative Cutting.
- A. The vegetative cutting provisions in this section shall comply with required setbacks specified in Section 7 of this Ordinance.

- B. General provisions, within designated setback areas:
- i. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted within 150 feet of the ordinary high water mark or within 30 feet of a bluffline.
  - ii. Selective cutting of trees in excess of four inches in diameter at breast height is permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained uninterrupted by large openings.
  - iii. The cutting provisions of i. and ii. shall not be deemed to prevent:
    - a. The removal of diseased or insect-infested trees or of rotten or damaged trees that present safety hazards.
    - b. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.
  - iv. All slash from tree cutting shall be removed from the cutting area as best as possible but in no case shall be left within the floodway of the Minnesota River as designated by local flood plain maps or within 150 feet of the ordinary high water mark, whichever is greater.
- C. Clear cutting anywhere in the designated land use district on the Minnesota River is subject to the following standards and criteria:
- i. A Conditional Use Permit is required.
  - ii. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Renville SWCD to be fragile and subject to severe erosion and/or sedimentation.
  - iii. Clear cutting shall be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
  - iv. The size of clear-cut blocks, patches, or strips shall be kept at the minimum necessary.
  - v. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result

in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring or the following spring.

2. Grading, Filling, Alterations of the Beds of Public Waters.
  - A. Grading and filling of the natural topography that is not accessory to a permitted or conditional use shall not be permitted in the Project River Bend Land Use District.
  - B. Grading and filling of the natural topography that is accessory to a permitted or conditional use shall not be conducted without a zoning permit from the zoning administrator. A zoning permit may be issued only if the following conditions are properly satisfied:
    - i. Grading and filling shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
    - ii. The smallest amount of bare ground is exposed for as short a time as feasible.
    - iii. Temporary ground cover such as mulch is used, and permanent ground cover such as sod is planted.
    - iv. Methods to prevent erosion and trap sediment are employed.
    - v. Fill is stabilized to accepted engineering standards.
  - C. Excavation of material from or filling in a river designated as Wild, Scenic, or Recreational or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner pursuant to Minnesota Statutes Section 103G.245. Section 103G.245 requires a permit from the commissioner before any change is made in the course, current, or cross-section of public waters.
  - D. The alteration of wetlands shall comply with the rules and regulations of federal, state, and local agencies.
3. Utility Transmission Crossings.
  - A. All utility crossings of the Minnesota River or state lands within the Project River Bend Land Use District require a license/permit from the commissioner pursuant to Minnesota Statutes Section 84.415.

- B. All utility transmission crossings constructed within the Project River Bend Land Use District shall require a Conditional Use Permit. The construction of such transmission services shall be subject to Minnesota Rules Parts 6105.0170 and 6105.0180. No Conditional Use Permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes Section 116C.61.
- 4. Public/Private Roads.
    - A. In addition to such permits as may be required by Minnesota Statutes Section 103G.245, a Conditional Use Permit shall be required for any construction or reconstruction of public/private roads within the Project River Bend Land Use District located less than 200 feet from the Minnesota River. Public roads include township, county, and municipal roads, streets, and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas and public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A Conditional Use Permit is not required for minor public streets that are streets intended to serve primarily as an access to abutting properties. Such construction or reconstruction shall be subject to Minnesota Rules Parts 6105.0190 and 6105.0200.
  - 5. Extraction and Processing of Minerals.

All extraction and processing of minerals must comply with regulations found in Chapter Seven (Mining Regulations) of the Renville County Land Use Ordinance.

### ***SECTION 9. SUBDIVISIONS***

- 1. No land shall be subdivided which is determined by the local government to be unsuitable because of flooding, inadequate drainage, soil, and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.
- 2. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. All planned unit developments must comply with regulations found in Chapter Two, Part 3, Section 3, of the Renville County Land Use Ordinance. Smaller lot sizes may be allowed as exceptions to this Ordinance for planned unit developments provided:

- A. Central sewage facilities are installed which meet the standards, criteria, rules, or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- B. At least 40 percent of the total land area is preserved as open space. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other equally effective and permanent methods.
- C. At least 50 percent of the length of shoreland or bluffland frontage as viewed from the river shall be kept in a natural state.
- D. There is not more than one centralized boat launching facility for each unit.

***SECTION 10. SEWAGE AND WASTEWATER TREATMENT***

- 1. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency and administrative procedures of the Renville County Ordinance. Private wells must be located, constructed, maintained, and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
- 2. Sewage Treatment.
  - A. Any premises intended for human occupancy must be provided with an adequate method of sewage treatment. Publicly-owned sewer systems must be used where available. Where public systems are not available, all private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency (specifically Chapter 7080 for individual sewage treatment systems), Chapter Four of this Ordinance, and any other applicable local government standards.
  - B. A nonconforming sewage treatment system not meeting the requirements of this Ordinance must be upgraded, at a minimum, whenever a permit or Variance of any type is required for any improvement on or use of the property.

***SECTION 11. ADMINISTRATION***

- 1. In determining consistency of ordinances and ordinance amendments, the provisions of the Project River Bend Six County Minnesota River Management Plan shall be considered minimum standards.

2. The administration of this chapter shall be by administrative procedures found in Chapter One of the Renville County Land Use Ordinance.

### ***SECTION 12. ENFORCEMENT***

1. **Violations.** The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment, or both plus, in either case, the cost of prosecution.
2. **Penalties.** Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitute a separate offense.
3. **Application to County Personnel.** The failures of any officer or employee of the County to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
4. **Equitable Relief.** In the event of a violation or the threatened violation of any provision of this Ordinance or any provision or condition of a permit issued pursuant to this Ordinance, the County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

### ***SECTION 13. SEPARABILITY***

It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

### ***SECTION 14. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER FIFTEEN**

### **RENEWABLE ENERGY REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Renewable Energy Regulations except as referred to herein where it shall be known as “this chapter.”

#### ***INTENT AND PURPOSE***

This chapter is established to set forth processes for permitting renewable energy from eligible energy technology as described in Minnesota Statutes, Section 216B.1691, or successor statutes, to promote the health, safety, and general welfare of the citizens of Renville County, and shall include, but is not limited to, the following:

1. Wind Energy Conversion Systems (WECS) with a rated capacity of less than 25,000 kilowatts (kW) or 25 megawatts (MW) and to regulate the installation and operation of WECS within Renville County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, or successor statutes.
2. Solar Energy Conversion Systems (large and small) and to regulate the installation and operation of solar energy conversion systems within Renville County pursuant to Minnesota Statutes, Sections 216C.25 and 500.30, or successor statutes, and Minnesota Rules, Part 1325.1100, as amended.

**PART 1**  
**WIND ENERGY CONVERSION SYSTEMS (WECS)**

WECS and meteorological towers will be permitted, conditionally permitted, or not permitted in a primary zoning district based on the following table. WECS and meteorological towers are prohibited in the Flood Plain, Shoreland, Scenic River, and Project River Bend Overlay Districts.

<b>District</b>	<b>Non-Commercial</b>	<b>Commercial</b>	<b>Meteorological Tower*</b>
Agricultural	Permitted Use	Conditional Use	Permitted Use
Rural Residential	Not Permitted	Not Permitted	Not Permitted
Urban Expansion	Not Permitted	Not Permitted	Not Permitted
Healthcare/Mixed Use	Not Permitted	Not Permitted	Not Permitted
Commercial/Industrial	Conditional Use	Conditional Use	Conditional Use

\* Meteorological towers over 200 feet in height shall require a Conditional Use Permit.

**SECTION 1. GENERAL PROVISIONS**

1. All WECS and meteorological towers shall be in compliance with all applicable federal, state, and County regulatory standards including FCC, FAA, EPA, and MPCA permits and regulations and applicable State of Minnesota Code regulations.
2. All required setbacks from a WECS or meteorological tower shall be measured from the base of the tower.
3. No WECS shall cause interference with a state or County microwave transmission system or any electromagnetic communications including radio, television, telecommunications, or navigation signals. The owner/operator shall be responsible for alleviating any disruption or interference of these services caused by the WECS or any associated facilities.
4. A WECS facility shall be considered abandoned if the use is discontinued (no energy production) for a period of 12 consecutive months or more unless a plan has been submitted and approved by the Zoning Administrator outlining steps and a schedule for returning the WECS to service. The WECS shall be removed 180 calendar days from the date of abandonment.
5. All WECS facilities shall have a decommissioning plan outlining the anticipated means and cost of removing the WECS turbine, tower (including foundation), and all other accessory facilities and structures at the end of their serviceable life or at facility abandonment; the disposal of all solid and hazardous waste; and a restoration plan for reuse of the site. The plan shall also address road maintenance during and after completion of the decommissioning. All WECS and their accessory facilities including all foundations shall be removed to four feet below grade within 180 calendar days of abandonment. A financial guarantee in the form of a



performance bond, letter of credit, cash deposit, or other security shall be submitted to cover the cost of decommissioning.

6. The owner/operator shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, maintenance, or decommissioning of the WECS or a meteorological tower.
7. The owner/operator of a WECS shall be responsible for restoration of all County/township roads and bridges leading to the project site that may be damaged during construction or decommissioning of the WECS or meteorological tower or due to activities involving the WECS operation. A financial guarantee in the form of a performance bond, letter of credit, cash deposit, or other security shall be submitted to ensure all haul routes and bridges have been repaired/restored to the Road Authority's approval and satisfaction following construction or decommissioning of a WECS.
8. The owner/operator shall be responsible for providing a baseline condition of all haul routes, including analysis of all bridges by a registered engineer, to determine their capacity to support oversized vehicles prior to use of the roads during construction or decommissioning of a WECS. The baseline must be submitted to Renville County Environmental Services prior to construction.
9. No WECS facility or meteorological tower shall be erected in any major subdivision platted and zoned for residential use.
10. The owner/operator or their assign shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,000,000 per occurrence prior to construction.

## **SECTION 2. PERFORMANCE STANDARDS**

1. Structural design of a WECS or meteorological tower and equipment shall be in compliance with industry standards and manufacturer specifications. The structural design plan including turbine, foundation, and tower design shall be approved and certified by a registered State of Minnesota professional engineer.
2. All WECS shall be white, gray, or another non-obtrusive color demonstrated to minimize visibility unless otherwise required by FAA regulations. All finishes shall be matte or non-reflective. Turbine blades may be black in order to facilitate deicing.
3. All WECS and meteorological towers shall be reasonably protected against unauthorized climbing. The bottom of the WECS tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.
4. All WECS towers shall be a tubular, monopole-type design tower. Exceptions may be made for the use of lattice towers for non-commercial WECS. The use of a guyed

tower is permitted for meteorological tower construction. Anchors for the guyed wires must meet underlying setback requirements and shall be surrounded by a four-foot-high temporary fence.

5. Signs shall be posted on the tower, transformer, and substation to warn of high voltage and notice of no trespassing. Signs with emergency contact information shall also be posted on the base of the tower.
6. All solid waste and hazardous waste shall be removed from the site immediately and disposed of in a manner consistent with all federal, state, or County rules and regulations.
7. All WECS facilities and meteorological towers including associated equipment shall comply with federal, state, and County regulatory standards including standards with regard to noise (Minnesota Rules, Chapter 7030, as amended), the National Electrical Code, and Federal Aviation Administration.
8. All WECS feeder lines equal to or less than 34.5 kV, communications cables, and associated electrical equipment shall be buried underground. Allowances by the Zoning Administrator may be provided where shallow bedrock interferes with the ability to bury underground lines. All lines to be placed within public rights-of-way shall be approved by the Road Authority.
9. WECS tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this chapter. A copy of the annual inspection report shall be provided to the Zoning Administrator on or before January 31 of the year following the inspection.
10. In the event of revocation of a permit, the WECS tower and all accessory structures must be removed and the site restored to its original condition within 180 calendar days. Failure to do so may result in the County completing the removal and site restoration, and the County's cost shall be assessed against the property and collected as a portion of the real estate tax.
11. WECS rotor blades or airfoils must maintain at least a 25-foot clearance between their lowest point and the ground.
12. No WECS tower shall have light, reflectors, flashers, daytime strobes, steady nighttime red lights, or other illuminating devices affixed or attached to it unless required by the FAA. All lighting including lighting intensity and frequency shall adhere to but not exceed requirements established by FAA permits and regulations. Security lighting may be allowed at the tower base.
13. No advertising signage shall be placed on WECS or meteorological towers. The manufacturer or owner's company name and/or logo may be placed on the compartment containing the electrical generator of a WECS.

14. All meteorological towers shall comply with the following marking, painting, and lighting requirements set forth in (Minnesota Statutes, Section 360.915, or any successor statutes):
  - A. Towers shall be painted in equal width bands of solid color over its entire length, alternating between aviation orange and white so that orange is at the top of the tower and at the base of the tower.
  - B. Towers shall have a flashing red obstruction light at the top of the tower that is compatible with night vision imaging system, as determined by the Commissioner of the Department of Transportation. The obstruction light shall be monitored by visual inspection or the use of automated monitoring at least once every 24 hours.
  - C. The surface area under the entire footprint of the tower and 15 feet past the outer anchors must be free of vegetation or planted in vegetation that is distinctly different from the vegetation surrounding the tower.
  - D. Guyed wire towers must have at least three spherical markers attached to each of the highest or outside guyed wires that are painted solid aviation orange and placed so that one is within 15 feet of the upper anchor point of the guyed wire one in the middle, and 5-10 feet above the tallest crop to be grown in the immediate vicinity.
  - E. Colored safety sleeves, a minimum of seven feet in height above grade, shall be installed at all guyed wire anchor points.
  - F. The tower owner must give notice to the Commissioner of the Department of Transportation at least 30 days prior to erecting a stand-alone meteorological tower. Notice shall be submitted to Renville County Environmental Services.

### **SECTION 3. SETBACKS**

1. The following minimum setbacks are required for placement of all WECS and meteorological towers:

#### **WECS/Meteorological Tower Setback Standards**

	<b>Non-Commercial</b>	<b>Commercial</b>	<b>Meteorological Tower</b>
Project Boundary / Property Lines	1.1 times total tower height	3 RD non-prevailing and 5 RD prevailing	1.1 times total tower height
Dwellings and Residential Subdivisions	750 feet or sufficient distance to meet state noise standards, whichever is greater	750 feet or sufficient distance to meet state noise standards, whichever is greater	1.1 times total tower height, minimum of 250 feet
Noise Standard	Distance to comply with Minnesota Rules, Chapter 7030, as amended	Distance to comply with Minnesota Rules, Chapter 7030, as amended	N/A
Road Right-of-Way	1.1 times total tower height	1.1 times total tower height	1.1 times total tower height
Other Right-of-Way (Railroads, Power Lines, Recreational Trails)	1.1 times total tower height	1.1 times total tower height	1.1 times total tower height
Public Conservation Lands, Designated Scenic or Natural Area	600 feet	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet	600 feet
Other Structures	1.1 times total tower height	1.1 times total tower height	1.1 times total tower height, minimum of 250 feet
Other Existing WECS and Internal Turbine Spacing	3 RD non-prevailing and 5 RD prevailing	3 RD non-prevailing and 5 RD prevailing	N/A
Minnesota River, DNR-Protected Lake or River	N/A	1,320 feet	N/A
Federal, State, or County Park Boundary, Significant Historic Site	N/A	1,320 feet	N/A

2. Additional Setback Requirements.

- A. The minimum required WECS setback from dwellings and other structures shall be reciprocated and shall apply to all new residential dwellings and other

structures. New residences built to replace an existing residence on the same site are exempted provided that any new construction does not further encroach into the nonconforming setback.

- B. WECS and meteorological tower setbacks do not apply to dilapidated dwellings or other structures.
- C. Non-commercial WECS and meteorological tower setbacks do not apply to an applicant's own residence.
- D. No WECS, meteorological tower, or associated facilities shall be located so as to create an obstruction to navigable airspace of public or private airports. Setbacks and other limitations are to be determined in accordance with requirements set by the MnDOT, Department of Aviation, and the Federal Aviation Administration.
- E. All WECS substations and accessory structures shall comply with the lot and setback requirements as regulated in Chapter Two (Zoning Regulations), Part 2, Section 2, of this Ordinance.
- F. All commercial WECS shall comply with all wind access buffer setback (setback from lands and/or wind rights not under permittee's control) standards as regulated by the Minnesota Public Utilities Commission.
- G. All WECS shall comply with internal turbine spacing setback standards as regulated by the Minnesota Public Utilities Commission to ensure efficient use of wind resources, long-term energy production, and reliability.
- H. All WECS shall comply with noise standards as found in Minnesota Rules, Chapter 7030, as amended.
- I. WECS and associated facilities shall not be placed in native prairie unless approved in a native prairie protection plan. A native prairie protection plan shall be submitted if native prairie is present. The permittee shall, with the advice of the DNR and any others selected by the permittee, prepare a prairie protection and management plan and submit it to the County and DNR Commissioner 60 days prior to the start of construction.

#### **SECTION 4. PERMIT APPLICATION**

An application for a permit for a WECS will not be considered or acted upon if a size determination is required pursuant to Minnesota Statutes, Chapter 216F, as amended, to determine what jurisdiction has siting authority to issue, deny, modify, impose conditions upon, or revoke a permit. In addition to the permit requirements required elsewhere in this Ordinance, all proposed WECS and meteorological tower permit applications shall include the following applicable information:

1. The names and addresses of the project applicant, project owner, and owner of the land.
2. Evidence of land ownership or legal control in the form of a deed, easement, or other legal instrument of all property within the project boundary on which the WECS or meteorological tower is to be located.
3. 911 address of the project site.
4. A description of the WECS or meteorological tower project including number, type, and total nameplate generating capacity of turbines, tower height, diameter of turbine rotors, means of interconnecting with the electrical grid, and project timeline.
5. A scaled site plan detailing the location of the project area boundaries (purchased and leased wind rights), property lines, wind turbine or meteorological tower locations, road rights-of-way, tower access drives, transformers, electrical lines, feeder and communications lines, interconnection point with electrical grid, other ancillary facilities or structures, and distance to residential dwellings/structures and other structures.
6. A USGS topographical map (or map of similar data) of the property and surrounding area within 1,320 feet of all proposed WECS and meteorological towers indicating their distance to wetlands; rivers and streams; lakes; scenic and natural areas; significant historic sites; all federal, state, or County parks; any municipality; or residential subdivision.
7. Foundation and tower plans and specifications including an engineering certification from the manufacturer's engineer or another qualified engineer registered in the State of Minnesota that the turbine, foundation, and tower design of the WECS or the meteorological tower foundation and tower design are within accepted professional standards given local soil and climate conditions.
8. A decommissioning plan including anticipated life of the project, the anticipated manner in which the facility is to be decommissioned and the site restored, estimated current cost of decommissioning and site restoration including a method and schedule for updating decommissioning costs, and the method of ensuring that funds will be available for decommissioning and site restoration.
9. The latitude and longitude of individual commercial WECS and meteorological towers.
10. A USGS topographical map (or map of similar data) of the property and surrounding area including identification and description of all other WECS within 10 rotor diameters of the proposed WECS project (commercial WECS only).
11. A map indicating the location of all communication towers within two miles of all proposed WECS.

12. A copy of all permits, studies, or documentation indicating the proposed WECS is in compliance with all federal, state, or County regulatory standards including but not limited to:
  - A. Uniform Building Code, as amended.
  - B. The National Electrical Code, as amended.
  - C. Federal Aviation Administration (FAA) Regulations, as amended.
  - D. Minnesota Pollution Control Agency (MPCA)/Environmental Protection Agency (EPA) Regulations including Minnesota Rules, Chapter 7030 (Noise Standards), as amended.
  - E. Microwave Beam Path Study.
  - F. Flicker Analysis.
  - G. Wake Loss Study, if proposed project boundary is within a one-mile radius of another WECS project boundary (commercial WECS projects only).
13. A map identifying all haul routes to be utilized for material transportation and construction activities and the locations of all construction sites and staging areas within Renville County.
14. Signed power purchase contracts or documentation that the power will be utilized onsite.
15. Location of all public airports within five miles of all proposed WECS and meteorological towers.
16. Written size determination of the project as outlined in Minnesota Statutes, Section 216F.011, as amended, if required.
17. An application fee as established by the Renville County Board of County Commissioners.
18. Any additional information as required by Minnesota Rules, Part 7854.0500 (Site Permit Application Contents), as amended, or as requested by the Zoning Administrator or the Planning Commission.

**PART 2**  
**SOLAR ENERGY CONVERSION SYSTEMS (SOLAR FARMS)**

Solar Energy Conversion Systems will be permitted, conditionally permitted, or not permitted based on the following table.

<b>District</b>	<b>Accessory Use (Non-Commercial) Less than 100 kilowatts Direct Current</b>	<b>Solar Energy Conversion System (Solar Farm) (Commercial) Greater than 100 kilowatts Direct Current</b>
Agricultural	Permitted Use	Conditional Use
Rural Residential	Permitted Use	Not Permitted
Urban Expansion	Permitted Use	Not Permitted
Healthcare/Mixed Use	Permitted Use	Not Permitted
Commercial/Industrial	Permitted Use	Conditional Use
Flood Plain	Not Permitted	Not Permitted
Shoreland	Permitted Use	Not Permitted
Scenic River	Not Permitted	Not Permitted
Project River Bend	Permitted Use	Not Permitted

**SECTION 1. PERFORMANCE STANDARDS (ACCESSORY USE)**

Active solar energy conversion systems shall be allowed as an accessory use in all zoning districts where structures are allowed and shall comply with the following performance standards:

1. Building, wall, or roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district.
2. Ground or pole-mounted solar systems shall not exceed the maximum allowed height in any zoning district when oriented at maximum tilt.
3. Ground or pole-mounted solar systems shall meet the structure setback allowed in any zoning district.
4. The total collector surface area of a pole or ground-mounted solar system located in a Rural Residential District or an Urban Expansion District shall not exceed one percent of the total lot or building site area.
5. Electric solar system components must have an Underwriters Laboratory (UL) listing.
6. All photovoltaic systems shall comply with the Minnesota State Electrical Code.
7. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's



intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

8. Building, wall, and roof-mounted solar systems must be anchored to a structurally certified building in such a manner to withstand wind speeds so as not to pose a safety hazard.
9. Building, wall, and roof-mounted solar systems located in a Rural Residential District shall be a color that blends into the wall or roof of the building.

## **SECTION 2. PERFORMANCE STANDARDS (SOLAR FARM)**

1. All setback and height requirements of the primary and overlay districts shall be met.
2. The use shall comply with all federal, state, and County rules, regulations, and ordinances.
3. Signs shall comply with the requirements of Chapter Two (Zoning Regulations), Part 3, Section 1.11.
4. A solar farm shall be considered abandoned if the use is discontinued (no energy production) for a period of 12 consecutive months or more unless a plan has been submitted and approved by the Zoning Administrator outlining steps and a schedule for returning the solar farm to service. The solar farm shall be removed 180 calendar days from the date of abandonment.
5. No solar farm shall be located in the Flood Plain, Shoreland, Scenic River, or Project River Bend Overlay Districts.
6. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels are within accepted professional standards given local soil and climate conditions.
7. A solar farm shall be in compliance with any applicable local, state, and federal regulatory standards including the State of Minnesota Uniform Building Code, as amended, and the National and Minnesota Electrical Codes, as amended.
8. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

### **SECTION 3. SETBACKS**

1. The following minimum setbacks are required for placement of all solar energy conversion systems:

	<b>Accessory Use (Non-Commercial)</b>	<b>Solar Energy Conversion System (Solar Farm) (Commercial)</b>
Dwelling Sites	N/A	200 feet
Cemeteries	N/A	200 feet
Road Right-of-Way	67 feet	67 feet
Drainage Ditch	67 feet	67 feet
County Tile Line	N/A	40 feet from centerline (80-foot corridor)
Side Yard Property Line	20 feet	20 feet
Rear Yard Property Line	20 feet	20 feet

2. Additional Setback Requirements.
  - A. All components of a solar farm, including solar panels, mounting devices, foundations for mounting devices, buildings, and fences, shall meet the setback from dwelling sites. Setbacks do not apply to dilapidated dwellings/structures, the applicant's own residence, or a residence on the farm where the solar farm is located. Setback distances shall be measured and rounded to the nearest foot by measuring a straight line from the closest point of the existing dwelling site to the closest point of the proposed solar farm.
  - B. All components of a solar farm, including solar panels, mounting devices, foundations for mounting devices, buildings, and fences, shall meet the setback from cemeteries. Setback distances shall be measured and rounded to the nearest foot by measuring a straight line from the closest point of the cemetery to the closest point of the proposed solar farm.
  - C. All components of a solar farm, including solar panels, mounting devices, foundations for mounting devices, buildings, and fences, shall be measured from the top of the drainage ditch berm.
  - D. Setback in the U.S. Highway 212 corridor shall be 200 feet from the road centerline.
  - E. Setbacks may differ in the Shoreland District (reference Chapter Six – Shoreland Management Regulations).
  - F. County tile line setbacks can be petitioned to reroute the tile lines (reference Minnesota Statutes, Section 103E.227, or successor statutes).

#### **SECTION 4. PERMIT APPLICATION**

In addition to the permit requirements required elsewhere in the Renville County Land Use Ordinance, all proposed commercial solar energy conversion system permit applications shall include the following applicable information:

1. The names and addresses of the project applicant, project owner, and owner of the land.
2. Evidence of land ownership or legal control in the form of a deed, easement, or other legal instrument of all property within the project boundary on which the solar farm is to be located.
3. 911 address of the project site.
4. A description of the solar farm project including number, type, and generating capacity of solar panels, overall solar panel height, means of interconnecting with the electrical grid, and project timeline.
5. A site plan of existing conditions showing the following:
  - A. Existing property lines and property lines extending 100 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 wells, sewage treatment systems, and dumps.
  - D. Existing public and private field drainage tile location and size. Must include the proposed method of repair for tiles damaged during and after construction.
  - E. Existing buildings and any impervious surface.
  - F. Topography at two-foot intervals and source of contour interval. A contour map of the surrounding properties may also be required.
  - G. Existing vegetation, i.e. grassland, plowed field, wooded areas, etc.
  - H. Waterways, watercourses, lakes, and public water wetlands.
  - I. Delineated wetland boundaries.

- J. The 100-year flood elevation and Regulatory Flood Protection Elevation, if available.
  - K. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.
  - L. Mapped soils according to the Renville County Soil Survey.
  - M. Surface water drainage patterns.
6. A site plan of proposed conditions showing the following:
- A. Location and spacing of solar panels.
  - B. Location of access road.
  - C. Planned location of underground or overhead power lines connecting the solar energy system to the building, substation, or other electrical road.
  - D. New electrical equipment other than at the existing building or substation that is the new connection point for the solar energy system.
  - E. Proposed erosion and sediment control measures.
  - F. Proposed stormwater management measures.
  - G. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
7. In addition to the site plan of the proposed conditions as required, there shall be a separate plan showing proposed screening and vegetation for the site. A screening barrier will be required and maintained between the solar project and adjacent residences. It may also be required along roadways if the Planning Commission deems it necessary. Screening is required to be planted on the outside of the solar farms perimeter fence where deemed necessary by the Planning Commission. The Planning Commission may require additional screening between solar farms and adjoining properties. Perennial vegetation shall be established within 60 days of completion of the project. The solar company and the property owner are responsible for proper vegetative maintenance. Noxious weeds are prohibited from growing on the property. The Planning Commission may create a condition specifying the type of vegetative cover to be used for the project.
8. Manufacturer's specifications and recommended installation methods for all major equipment including solar panels, mounting systems, and foundations for poles or racks.

9. The number of panels to be installed.
10. A description of the method of connecting the array to a building or substation.
11. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
12. A decommissioning plan shall be required to ensure the solar farms are properly removed after their useful life. The plan shall include the anticipated life of the project, the anticipated manner in which the facility is to be decommissioned and the site restored, estimated current cost of decommissioning and site restoration including a method and schedule for updating decommissioning costs, and the method of ensuring that funds will be available for decommissioning and site restoration. The County Board may require the posting of a performance bond, letter of credit, cash deposit, or other security to cover the cost of decommissioning.

**PART 3  
GENERAL PROVISIONS**

**SECTION 1. ENFORCEMENT**

Enforcement of the Renewable Energy Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14, of the Renville County Land Use Ordinance.

**SECTION 2. SEPARABILITY**

Administration of this chapter with regard to interpretation, conflict, and separability shall be done in accordance with policies established in Chapter One (Administration), Section 3 (Separability), of the Renville County Land Use Ordinance.

**SECTION 3. EFFECTIVE DATE**

The regulations in this chapter shall become effective from and after its publication according to law.

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER SIXTEEN**

### **TELECOMMUNICATION TOWER AND ANTENNA REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Telecommunication Tower and Antenna Regulations except as referred to herein where it shall be known as “this Ordinance.”

#### ***SECTION 1. INTENT AND PURPOSE***

These regulations are established to regulate telecommunication towers and antennas within Renville County so as to:

1. Regulate the location of telecommunication towers and telecommunication facilities in the County to ensure that they are compatible with surrounding land uses.
2. Minimize adverse visual impacts of telecommunication towers and telecommunications facilities through careful design, siting, and landscaping.
3. Promote and encourage shared use/co-location of telecommunication towers and antenna support structures to reduce the number of towers needed to serve the County.
4. Avoid potential damage to adjacent property caused by telecommunication towers and telecommunications facilities from tower failure through structural standards and setback requirements.
5. Accommodate the telecommunication needs of the residents and businesses of the County while protecting the public health, safety, and general welfare of the Renville County residents.

#### ***SECTION 2. GENERAL PROVISIONS***

1. Telecommunication towers may be located in the following zoning districts:
  - A. Telecommunication towers with an overall tower height of less than 200 feet are a permitted use in the Agricultural (A) District and in the Commercial/Industrial (C/I) District.
  - B. Telecommunication towers with an overall tower height of 200 feet or greater are a conditional use in the Agricultural (A) District and in the Commercial/Industrial (C/I) District.

2. All telecommunication towers shall be in compliance with all applicable federal, state, and County regulatory standards including FCC and FAA regulations.
3. All telecommunication towers shall have a decommissioning plan outlining the anticipated means and cost of removing the tower (including foundation) and all other accessory facilities and structures at the end of their serviceable life or at facility abandonment. All telecommunication towers and their accessory facilities shall be decommissioned and all foundations removed to four feet below grade within 180 calendar days of abandonment.
4. Telecommunication towers that are not in use for 365 consecutive days (one year) shall be deemed abandoned and shall be removed by the owner within 180 days from the date of abandonment. Removal includes removal of the complete tower facility including accessory buildings and related above-ground infrastructures and restoration of the site to pre-existing vegetative cover. An extension to this timeframe may be granted by the zoning administrator upon receipt of a plan from the owner/operator of the facility outlining steps and a schedule for the tower's removal.
5. In the event of revocation of any required permit, the telecommunication tower and all accessory structures must be removed and the site restored to its original condition within 180 calendar days. Failure to do so may result in the County completing the removal and site restoration, and the County's cost shall be assessed against the property and collected as a portion of the real estate tax.
6. The owner/operator of a telecommunication tower shall be responsible for extraordinary maintenance and restoration of all County/township roads leading to the project site that may be damaged during construction or due to activities involving the telecommunication tower unless the owner/operator can prove that the construction was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of the Road Authority and to the Road Authority's satisfaction.
7. All telecommunication towers shall be maintained in a safe and clean condition. The tower owner/operator shall be responsible for maintaining a graffiti, debris, and litter-free site.
8. Existing telecommunication towers may continue in use. Routine maintenance may be performed on them; but they may not be altered, converted, modified, transformed, varied, added to, or changed in any way without complying with the terms of this Ordinance.



### ***SECTION 3. PERFORMANCE STANDARDS***

1. On a vacant parcel of land zoned for agricultural purposes, the minimum lot size for construction of a telecommunication tower shall be five acres. On a vacant parcel of land zoned for commercial/industrial purposes, the minimum lot size is 10 acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use, and a smaller parcel of land may be leased provided all standards contained in the Ordinance can be met.
2. The telecommunication tower location shall provide the maximum amount of screening and landscaping to effectively blend the tower facility with the surrounding setting. Existing on-site vegetation shall be preserved or the planting of mature trees and shrubs to screen the facility to the maximum extent practicable.
3. Structural design, mounting, and installation of the antenna and telecommunication tower shall be in compliance with manufacturer specifications. The plan shall be approved and certified by a registered professional engineer.
4. In general, monopole/lattice self-supporting towers (i.e. those without the use of wires, cables, beams, or other means) are preferred. The use of a guyed tower is permitted for new telecommunication tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements. Colored guide guard sleeves shall be placed on the anchors to make them visible, or each guide guard shall be surrounded by a six-foot high fence.
5. Associated base equipment must be located within a structure that shall meet all setbacks and regulations of the underlying zoning district. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood. No permanent platforms or structures other than those necessary for safety purposes or for tower maintenance are prohibited. The base of the telecommunication tower and any accessory structures shall be landscaped where practical.
6. The telecommunication tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
7. Metal towers shall be constructed of, or treated with, corrosive resistant material.
8. If space is available on a telecommunication tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the tower's existing users or no negative structural impact upon the tower. If a dispute arises, and as a condition to any permit,

Renville County, at its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.

9. Generally, only one telecommunication tower is permitted on a parcel of land. If, in the opinion of the Planning Commission, a particular parcel is well suited for more than one telecommunication tower and the tower is proposed within 100 feet of the other tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in the Ordinance must be met.
10. All telecommunication towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.
11. Antenna and telecommunication tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the zoning administrator.
12. All telecommunication towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower and/or antennas. A certificate of liability insurance in the amount of \$1,000,000 shall be filed with the Division of Environment and Community Development prior to commencing operation of the facility. This insurance shall be kept in effect until the tower is removed.
13. No antenna or telecommunication tower shall have light, reflectors, flashers, daytime strobes, steady nighttime red lights, or other illuminating devices affixed or attached to it unless required by the FAA or FCC. Security lighting may be allowed at the tower base.
14. No advertising or identification signs shall be placed on telecommunication towers or antennas.
15. No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to 24 hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of 30 calendar days. These limits can be extended by the zoning administrator.
16. No telecommunication tower shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunication devices including but not limited to radios, televisions,

telephones, personal communication devices, and other electronic equipment and devices.

#### ***SECTION 4. SETBACKS***

1. No telecommunication tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located. This setback shall be reciprocated and shall apply to all new residential dwellings or structures. New residences built to replace an existing residence on the same site are exempted.
2. No telecommunication tower over 35 feet in height shall be located closer than one-quarter mile to the outside boundary of an existing or proposed County park or a boundary of a state park.
3. No telecommunication tower over 35 feet in height shall be erected within a distance equal to 1.1 times the height of the tower from a road right-of-way, property line, or existing structure other than the applicant's. Guy wire footings and associated structures must be set back according to the regulations of the underlying zoning district.
4. No telecommunication tower over 35 feet in height shall be erected within one-quarter mile of the Minnesota River or within one-quarter mile of a DNR protected lake or river.

#### ***SECTION 5. PERMIT APPLICATION***

1. New Telecommunication Towers. In addition to the submittal requirements required elsewhere in this Ordinance, all proposed telecommunication towers and antennas must submit the following information:
  - A. A scaled site plan for the proposed telecommunication tower and the proposed tower facility site that shall include the following:
    - i. Location and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs, and landscaped areas.
    - ii. Building setback lines.
    - iii. Existing topography, with contour intervals of not more than 10 feet, related to the United States Geological Survey datum.
    - iv. The location of water courses, ravines, bridges, lakes, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes, and other geological features within the site.

- v. Proposed surface drainage diagram for the site.
  - vi. Proposed screening.
  - vii. Proposed removal of natural vegetation.
- B. Evidence of fee title ownership in the form of a deed, easement, or other legal instrument of the property on which the telecommunication tower is to be located.
- C. 911 address of the site on which the telecommunication tower is to be located.
- D. Foundation and tower plans and specifications from a qualified and licensed professional engineer registered in the State of Minnesota including:
- i. Engineered drawings indicating the tower height and design including a cross-section and elevation and the lighting to be placed on the tower if such lighting is required by the FCC or FAA.
  - ii. Certification of the tower's compliance with structural and electrical standards.
  - iii. A report describing the tower's capacity including the potential number and type of antennas that it can accommodate.
  - iv. A report addressing the potential of destructive interference to co-located, previously established public safety communications if applicable.
- E. A map of the proposed site and surrounding area within 1,320 feet of the telecommunication tower indicating location and distance to any DNR protected lake or river; the Minnesota River; a designated scenic road; scenic and natural areas; significant historic sites; any boundary of a federal, state, or County park; and from any municipality or residential subdivision.
- F. A five-year facility plan. The County will maintain an inventory of all existing and proposed cell site installation, and all carriers shall provide the following information in each five-year plan. The plan must be updated with each submittal as necessary:

- i. Written description of type of consumer services each company/carrier will provide to its customers over the next five years (cellular, personal communication services, specialized mobile radio, paging private radio, or other anticipated communications technology).
    - ii. Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the County for these services by the company.
    - iii. Provide a presentation size map of the County that shows the five-year plan for cell sites or, if individual properties are not known, the geographic service area of the cell sites. Information provided as a part of the five-year facility plan that is a trade secret pursuant to Minnesota Statutes 13.37 shall be classified as non-public data.
  - G. A decommissioning plan including anticipated life of the project, when and how a facility is to be decommissioned, estimated cost of decommissioning, and a financial guarantee in the form of a bond, letter of credit, cash deposit, or other security to cover the cost of decommissioning.
  - H. A copy of all FCC or FAA notifications/permits if required.
2. New Antennas Mounted on Roofs, Walls, and Existing Towers. In addition to submittal information required elsewhere in this Ordinance, all new antennas to be mounted on roofs, walls, or existing towers shall submit the following permit information:
- A. Submit a site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this Ordinance.
  - B. Submit a building plan showing the construction of the antennas, the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this Ordinance.
  - C. Submit proof of the structure or tower's ability to support antennas.
  - D. Submit documentation to ensure there will be no interference with existing tenants or public safety telecommunication providers.

## *SECTION 6. CO-LOCATION*

1. All telecommunication towers erected, constructed, or located within the County shall comply with the following requirements. The application shall:
  - A. Provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location. A narrative describing a search ring of not less than one mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available, and why they are not suitable as locations or co-locations.
  - B. Provide documentation that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
    - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
    - ii. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.
    - iii. No existing or approved towers or commercial/industrial buildings within one mile radius meet the radio frequency engineering requirements.
    - iv. Existing or approved towers and commercial/industrial buildings within one mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
    - v. Other unforeseen reasons that would not allow for co-locating the planned telecommunications equipment upon an existing or approved tower or building.
    - vi. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one mile radius was made, but an agreement regarding the lease or purchase of space could not be reached.

- C. The telecommunication tower shall be designed by a registered professional engineer for the co-location of additional antennas as follows:
  - i. Structures from 100 - 125 feet: a minimum of two tenants.
  - ii. Structures from 125 - 200 feet: a minimum of three tenants.
  - iii. Structures above 200 feet: a minimum of four tenants.

***SECTION 7. ENFORCEMENT***

Enforcement of the Telecommunication Tower and Antenna Regulations shall be done in accordance with process and procedures established in Chapter One, Section 13, of the Renville County Land Use Ordinance.

***SECTION 8. INTERPRETATION, CONFLICT, AND SEPARABILITY***

Administration of the Telecommunication Tower and Antenna Regulations with regard to interpretation, conflict, and separability shall be done in accordance with policies established in Chapter One, Section 14, of the Renville County Land Use Ordinance.

***SECTION 9. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.