

## MEEKER COUNTY LAND DEVELOPMENT ORDINANCES

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Published in 2018 by Order of the Zoning Administrator

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### PREFACE

This book constitutes a publication of the Meeker County Land Development Ordinances.

Source materials used in the preparation of this publication were the Meeker County Floodplain Ordinance; Meeker County Subdivision Ordinance; Meeker County Wild and Scenic River Ordinance; and Meeker County Zoning Ordinance, and any land development ordinances subsequently adopted by the county.

#### *Section Numbering System*

The section numbering system used in this publication is unique to each ordinance contained within each part of this publication.

#### *Looseleaf Supplements*

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

#### *Acknowledgments*

This publication was under the direct supervision of Beth Tattershall, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Kristin Cote, Zoning Administrator, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a publication which will make the land development regulations of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

#### *Copyright*

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Part I - MEEKER COUNTY FLOODPLAIN MANAGEMENT ORDINANCE<sup>1</sup>

("SPECIAL CONVERSION")

Footnotes:

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**Editor's note**— Printed in this part is the Meeker County Floodplain Management Ordinance, adopted on July 28, 1977, and as amended through January 17, 2012. Subsequent amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform. Additions made for clarity are indicated by brackets.

Sec. 1.0. - Statutory authorization, findings of fact and purpose.

- 1.1 *Statutory authorization.* The Legislature of the State of Minnesota has, in Minnesota Statutes chapter 104 to chapter 394 (for counties or 462 for municipalities) delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statutes chapter 104 further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program.
- 1.2 *Statement of purpose.* The purpose of this ordinance is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- 1.3 *Warning of disclaimer of liability.* This ordinance does not imply that areas outside of the floodplain district or land uses permitted within such districts will be free from flooding and flood damages. This ordinance shall not create liability on the part of Meeker County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decisions lawfully made hereunder.

Sec. 2.0. - General provisions.

- 2.1 *Adoption of flood insurance rate map.* The flood insurance rate map for the County of Meeker, dated April 3, 2012, developed by the Federal Emergency Management Agency, is hereby adopted by reference as the official floodplain zoning district map and made a part of this ordinance. This map was previously entitled the flood hazard boundary map dated July 29, 1977.
- 2.2 *Lands to which ordinance applies.* This ordinance shall apply to all lands designated as floodplains within the jurisdiction of Meeker County.

- 2.3 *Interpretation.* The boundaries of the floodplain district shall be determined by scaling distances on the official floodplain zoning district map. Where interpretation is needed as to the exact location of the boundaries of the floodplain district, the zoning administrator shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall:
- 1) Require a floodplain evaluation consistent with section 4.3 of this ordinance to determine a 100-year flood elevation for the site; or
  - 2) Base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the floodplain.
- 2.4 *Definitions.* Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.
- 2.41 *Accessory use or structure* - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principle use or structure.
- 2.42 *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.
- 2.43 *Flood fringe* - That portion of the floodplain outside of the floodway.
- 2.44 *Floodplain* - The channel or beds proper and the areas adjoining a wetland, lake or watercourse, which have been, or hereafter may be, covered by the regional flood. Floodplain areas within the County of Meeker shall encompass all areas designated as Zone A on the flood insurance rate map.
- 2.45 *Floodway* - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain, which are reasonably required to carry or store the regional flood discharge.
- 2.46 *Obstruction* - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.
- 2.47 *Regional flood* - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance rate map.
- 2.48 *Regulatory flood protection elevation* - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- 2.49 *Structure* - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in section 12.1 of this ordinance and other similar items.

Sec. 3.0. - Conflict with pre-existing regulations and general compliance.

- 3.1 *The floodplain district as overlay zoning district.* The floodplain zoning district shall be considered as overlay zoning district to all existing land use regulations of the community. The uses permitted in sections 4.0 and 5.0 of this ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally

established regulations of the community and where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

- 3.2 *Compliance.* No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations, which apply to uses within the jurisdiction of this ordinance. Within the floodway and the flood fringe, all uses not listed as permitted uses in section 4.0 shall be prohibited. In addition, a caution is provided here that:
- 3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this ordinance and specifically sections 4.0 and 12.0;
- 3.22 Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically section 9.0; and
- 3.23 As-built elevations for elevated structures must be certified by ground surveys as stated in section 7.0 of this ordinance.

Sec. 4.0. - Permitted uses, standards, and floodplain evaluation criteria.

- 4.1 *Permitted uses in the floodplain.* The following uses of land are permitted uses in the floodplain district:
- 4.11 Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction of flood flows such as fill, excavation, or storage of materials or equipment.
- 4.12 Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the floodplain. These uses shall be subject to the development standards in section 4.2 of this ordinance and the floodplain evaluation criteria in section 4.3 of this ordinance for determining floodway and flood fringe boundaries.
- 4.13 Travel trailers and travel vehicles are regulated by section 12.0 of this ordinance.
- 4.2 *Standards for floodplain permitted uses.*
- 4.21 Fill shall be properly compacted and the slopes shall be properly protected by the use of rip rap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- 4.22 Storage of materials and equipment.
- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the regulatory flood protection elevation.
- 4.23 No use shall be permitted which shall adversely affect the capacity of the channels or floodways of any tributary to the main street, or of any drainage ditch, or any other drainage facility or system.

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

4.25 All uses. Uses that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation to lands outside of the floodplain shall not be permitted unless granted a variance by the board of adjustment. In granting a variance, the board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

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

4.27 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 floodwater into the systems; and
- 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters and they shall not be subject to impairment or contamination during times of flooding.

Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

4.28 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

#### 4.3 *Floodplain evaluation.*

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

4.32 The zoning administrator shall submit one copy of all information required by section 4.31 of this ordinance to the respective department of natural resources area hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the community. The zoning administrator shall notify the respective department of natural resources area hydrologist within ten days after a permit or manufactured home park development/subdivision approval is granted.

Sec. 5.0. - Utilities, railroads, roads and bridges in the floodplain district.

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state floodplain management standards contained in Minnesota Rules 1983 parts 6120.5000—6120.6200.

Sec. 6.0. - Subdivisions.

- 6.1 No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Meeker County Planning Commission for reason of flooding or inadequate drainage, ingress and egress, water supply or sewage treatment facilities. The Meeker County Planning Commission shall review the subdivision/development proposal to ensure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.
- 6.2 In the floodplain district, applicants for subdivision approval or development of a manufactured home park or manufactured home park extension shall provide the information required in section 4.31 of this ordinance. The zoning administrator shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in sections 4.2, 4.3, and 5.0 of this ordinance.
- 6.3 For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- 6.4 Removal of special flood hazard area designations. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Sec. 7.0. - Administration.

- 7.1 *Permit required.* A permit issued by the zoning administrator shall be secured prior to the construction, addition, or alteration of any building or structure; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the excavation or the placement of an obstruction within the floodplain.
- 7.2 *State and federal permits.* Prior to granting a permit or processing an application for a variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.
- 7.3 *Certification of lowest floor elevations.* The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the floodplain district.

Sec. 8.0. - Variances.

- 8.1 A variance means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
- 8.2 The board may authorize upon appeal in specific cases such relief or variance from the terms of this ordinance as will not be contrary to the public interest and only those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing

the specific conditions that existed consistent with the criteria specified in the respective enabling legislation, which justified the granting of the variance.

- 8.3 Variances from the provisions of this ordinance may be authorized where the board of adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the regulatory flood protection elevation. Variances may be used to modify permissible methods of flood protection.
- 8.4 The board shall submit by mail to the commissioner of natural resources a copy of the application for proposed variance sufficiently in advance so that the commissioner will receive it with at least ten days' notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the commissioner of natural resources within ten days of such action.
- 8.5 Appeals. Appeals from any decision of the board may be made, and as specified in Meeker County's Zoning Ordinance and also Minnesota Statutes.
- 8.6 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 \$25.00 for \$100.00 of insurance coverage; and
  - 2) Such construction below the 100-year or regional flood level increases risks to life and property.

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

#### Sec. 9.0. - Nonconformities.

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

- 9.1 No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- 9.2 An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.
- 9.3 The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of section 4.0 of this ordinance for new structures.
- 9.4 If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. The zoning administrator may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this ordinance.

#### Sec. 10.0. - Penalties for violation.

A violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance) shall constitute a misdemeanor.

- 10.1 In responding to a suspected ordinance violation, the zoning administrator and local government may utilize the full array of enforcement actions available to it, including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- 10.2 When an ordinance violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources and Federal Emergency Management Agency regional office along with the community's plan of action to correct the violation to the degree possible.
- 10.3 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 is under construction or development, it shall be immediately halted until a proper permit or approval is granted by the community. 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.
- 10.4 If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this 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.

#### Sec. 11.0. - Amendments.

All amendments to this ordinance, including revisions to the official floodplain zoning district map, shall be submitted to and approved by the commissioner of natural resources prior to adoption. The floodplain designation on the official floodplain zoning district map shall not be removed unless the area is filled to an elevation at or above the regulatory flood protection elevation and is contiguous to lands outside of the floodplain. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten 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.

#### Sec. 12.0. - Travel trailers and travel vehicles.

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

- 12.1 Exemption. Travel trailers and travel vehicles are exempt from the provisions of this ordinance if they are placed in any areas listed in section 12.2 below and, further, they meet the following criteria:
  - (a) Have current licenses for highway use.

- (b) Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- (c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

12.2 Areas exempted for placement of travel/recreational vehicles.

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

12.3 Travel trailers and travel vehicles exempted in section 12.1 lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will be then treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in section 4.0 of this ordinance.

12.4 New commercial travel trailers or travel 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:

- (a) Any new or replacement travel trailer or travel vehicle will be allowed in the floodway or flood fringe districts provided said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation determined in accordance with the provisions of section 4.3 of this ordinance and proper elevated road access to the sites exists in accordance with section 4.0 of this ordinance. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.
- (b) All new replacement travel trailers or travel vehicles not meeting the criteria of subsection (a) above may, as an alternative, be allowed if in accordance with the following provisions: The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with section 4.27 of this ordinance.

Part II - MEEKER COUNTY SUBDIVISION ORDINANCE<sup>[1]</sup>

**PREAMBLE**

AN ORDINANCE ENACTING OFFICIAL CONTROLS RELATING TO THE SUBDIVISION AND PLATTING OF LAND WITHIN THE UNINCORPORATED AREA OF MEEKER COUNTY; PROVIDING FOR THE PREPARATION AND FILING OF PLATS; ESTABLISHING REQUIREMENTS FOR THE INSTALLATION OF STREETS, ROADS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LANDS FOR PUBLIC USE; PROVIDING FOR CHANGES IN REGULATIONS AND STANDARDS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; DEFINING CERTAIN TERMS USED HEREIN; AND REPEALING THE MEEKER COUNTY SUBDIVISION REGULATIONS OF DECEMBER 18, 1970, AS AMENDED.

Footnotes:

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**Editor's note**— Printed in this part is the Meeker County Subdivision Ordinance, effective March 1, 1983, and as amended through August 11, 2009. Subsequent amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform. Additions made for clarity are indicated by brackets.

## ARTICLE I. - TITLE, INTENT AND PURPOSE

### Sec. 1.01. - Title.

This ordinance shall be known, cited and referred to as the Meeker County Subdivision Ordinance. When referred to herein, it shall be known as "this ordinance."

### Sec. 1.02. - Intent and purpose.

This ordinance is adopted for the purpose of:

- A. Protecting the public health, safety, and general welfare of the inhabitants of the unincorporated areas of Meeker County.
- B. Assuring, to the maximum extent possible, that all lands will be developed for the best possible use.
- C. Encouraging well-planned subdivisions through the establishment of adequate design standards.
- D. Safeguarding the best interests of the county while assisting the subdivider in harmonizing his/her interests with those of the county and affected municipalities and townships.
- E. Conserving the natural and scenic beauty of the county and assuring adequate protection is given to the natural resources of the county.
- F. Discouraging poor and piecemeal subdivision developments which might adversely affect property values, the tax base and necessitate excessive governmental operating and maintenance costs.
- G. Facilitating the adequate and economical provision of transportation, water supply and sewage disposal facilities and other public utilities.
- H. Securing the rights of the public with respect to public lands and waters.
- I. Placing a fair share of the cost of improvements against those persons benefiting from their construction.
- J. Implementing those municipal, county, watershed, regional or state comprehensive plans or ordinances or their components as adopted by the county.
- K. Preserving the quantity and quality of surface water and groundwater in Meeker County and being consistent with the goals, objectives and action steps contained in the Meeker County Comprehensive Local Water Management Plan, including, but not limited to, the following:
  1. Require that adequate erosion and sediment control measures be implemented on subdivision and replats.
  2. Encourage the use of stormwater retention basins, rather than natural wetlands, for runoff retention and water quality treatment.
- L. Being consistent with the goals, objectives and policy guidelines contained in the Meeker County Comprehensive Land Use Plan, including, but not limited to, the following:

1. To protect, preserve and enhance the county's resources, including, but not limited to, agricultural land, wooded areas, water (both surface water and groundwater), native vegetation, recreational areas, scenic areas, and significant historic and archaeological sites.
2. Support providing open space and recreational opportunities.
3. To preserve the rural character of the county, new housing development should be located in those areas consistent with the county's land use plan.
4. Subdivisions that tie into existing public services or which can develop closed or municipal-like sewer systems should be encouraged.

## ARTICLE II. - GENERAL REGULATIONS

### Sec. 2.01. - Jurisdiction.

The jurisdiction of this ordinance shall apply to all the area of the county outside the incorporated limits of municipalities.

### Sec. 2.02. - Scope.

From and after the effective date of this ordinance and subsequent amendments, no plat or any other subdivision of land shall be recorded unless it is in conformity with the provisions of this ordinance.

The regulations contained herein shall apply to the subdivision of a non-platted lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale and/or building development, whether immediate or future, including the resubdivision or replatting of land or lots except when following the requirements in article 11 and article 12A of the Meeker County Zoning Ordinance for the development of tracts to construct a dwelling.

Any split of a recorded subdivision that will result in two conforming size lots that will each have a dwelling on said lots must have an approved conditional use permit and shall meet the requirements of the zoning ordinance without a variance.

### Sec. 2.03. - Interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.

Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

### Sec. 2.04. - Compliance.

No plat of any subdivision shall be entitled to record in the county recorder's office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this ordinance. No permit shall be issued by the county for the construction of any building, structure or improvement to any land or to any lot in a subdivision, until all requirements of this ordinance have been complied with.

All plats lawfully recorded in the county recorder's office prior to the effective date of this ordinance shall be exempt from the provisions of this ordinance.

### Sec. 2.05. - Separability.

It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision(s) of this ordinance to be invalid, such judgment shall not affect any other provision(s) of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property or subdivision, such judgment shall not affect other property, lots or subdivisions.

Sec. 2.06. - Relation to land use plan.

It is the policy of the county board that the enactment, amendment and administration of this ordinance be accomplished with due consideration of the purposes and objectives of the county land use plan as adopted or approved and amended from time to time by the board. The board recognizes that the land use plan is a guide for the future development of the county and the basis for the enactment of this ordinance.

Sec. 2.07. - Delayed approval of subdivisions.

Where a proposed park or other public site as shown in the comprehensive plan and/or official map is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no application for approval of a preliminary plat shall be accepted for a period not to exceed six months from the date formal written notice of intent to plat is filed with the zoning administrator, to allow the opportunity to consider and take action toward acquisition of such land by the appropriate governing body.

Sec. 2.08. - Land suitability.

No land shall be subdivided which is found unsuitable for the proposed use by the county board or the commissioner of the department of natural resources for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the county.

Sec. 2.09. - Inconsistent plats.

All proposed plats which are inconsistent with this ordinance and include lands within the shoreland or recreation river overlay management district shall be reviewed by the commissioner of natural resources before final approval by the county board may be granted.

- A. Within the shoreland management overlay district, such review shall require that proposed plats be received by the commissioner at least ten days prior to the county board meeting at which said final plat is considered for approval.
- B. Within the recreation river management overlay district, such review shall consist of the certification by the commissioner that the approval of the inconsistent plat is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal. The procedure for the certification process shall be in the manner as required by Minnesota Regulations NR 81(b)(3).

ARTICLE III. - PLATTING PROCEDURE

Sec. 3.01. - Platting procedure.

The following procedure shall be followed whenever any subdivision of land is proposed to be made unless specifically exempted from the requirements of this ordinance. There shall be no offer to sell any

lots in a subdivision until the requirements of this article have been complied with and the plat has been filed and recorded with the county recorder.

Sec. 3.02. - Sketch plan.

- A. Prior to the submission of a preliminary plat for consideration by the planning commission and the affected township board, the subdivider may meet with the planning commission. This meeting shall be held so that the person or representative may introduce him/herself as a potential subdivider and learn what shall be expected of him/her in such capacity. The subdivider may also submit one copy of the sketch plan to the township clerk of the township(s) where the plan is proposed. The subdivider may then meet with the township board(s) who may review the sketch plan. It is the applicant's responsibility to include a copy of the township's written comments, if any, regarding the proposed plat along with all other required application materials to the planning commission.
- B. At this time or at subsequent informal meetings, the subdivider shall submit a general sketch plan of the proposed subdivision. The sketch plan shall contain the following information:
  - 1. Legal description, certification of ownership and local address of the property involved.
  - 2. North arrow.
  - 3. Tract boundaries.
  - 4. Zoning district classification.
  - 5. Significant topographical and physical features.
  - 6. Proposed use of subdivision parcels.
  - 7. Streets on and adjacent to the tract.
  - 8. Proposed general street layout.
  - 9. Proposed general lot layout.
  - 10. Description of existing restrictions on the use of the land, except zoning.
- C. The planning commission shall consider the sketch plan and offer informal advice and assistance to the subdivider.
- D. The sketch plan should show that consideration has been given to the relationship of the proposed subdivision with the existing land use, topography of the site, vegetative cover and other natural features, and existing public utilities and facilities.
- E. As far as practical, based on a review of the sketch plan, the planning commission shall advise the subdivider on the extent to which the proposed subdivision conforms to the design standards of this ordinance and to the county zoning ordinance. The necessity of plan modifications to ensure compliance with these and other applicable regulations should be discussed and should include a list of any supplementary data needed for the preliminary plan.
- F. Submission of the subdivision sketch plan and informal meetings shall not constitute formal filing of a plat, or application therefor, with the county.
- G. No fee shall be required of the subdivider for the submission of a sketch plan or informal meetings.

Sec. 3.03. - Preliminary plat.

The initial requirement herein is approval of a preliminary plat, which is a separate and distinct process from approval of a final plat. This process commences with the filing of an application for a preliminary plat with the zoning administrator.

A. *Preparation.*

- 1. The preliminary plat shall contain the following information and all distances shall be shown at a scale of not less than one inch equals 100 feet:

a. *Identification and description.*

- (1) Proposed name of subdivision (name shall not duplicate nor too closely resemble names of existing subdivisions).
- (2) Location by section, town, range or other legal description.
- (3) Names and addresses of the owner, subdivider, land surveyor, engineer and designer of the plat.
- (4) Graphic scale.
- (5) Date of preparation.
- (6) General location map including the area within a one-mile radius of the proposed subdivision.
- (7) North arrow.
- (8) Zoning classification of lands to be subdivided and all adjacent lands.
- (9) Any letter of comment received from the township in which the subdivision is proposed.
- (10) A title opinion showing clear title to the property on which the subdivision is proposed.
- (11) All lots established for the construction of a dwelling, excluding lots in a conservation subdivision pursuant to article 19B of the zoning ordinance, shall have a minimum lot area of 30,000 square feet of land that is:
  - (1) Above the ordinary high water line;
  - (2) That is above the 100-year floodplain elevation;
  - (3) That is outside the perimeter of the delineated wetland area; and
  - (4) That is outside the perimeter of any mapped soil area defined in the Soil Survey of Meeker County as having severe limitations for construction of a dwelling due to slope.

b. *Existing conditions in the tract and within a 100-foot radius.*

- (1) Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.
- (2) Location, widths and names of all existing, platted or dedicated streets, easements, railroad rights-of-way and utility easements.
- (3) All existing sewers, water mains, gas mains, culverts, power or communication cables and other underground installations.
- (4) Location and names of adjacent subdivisions and the owners of unsubdivided land.
- (5) Location of all existing permanent buildings, structures or other development on the tract.
- (6) Topography showing watercourses, drainage ditches, lakes, marsh areas and their water elevations, elevation contours of all land in the subdivision at two-foot intervals and pipe size, invert elevations, and the elevation of the ordinary high water level where applicable.
- (7) Adequate soils information to determine suitability for 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. Each lot shall meet the minimum lot size and dimensional requirements, 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 shall not be approved.

- (8) When the subdivision borders a lake, river or stream, a line shall be shown indicating an elevation of three feet above the recorded high water elevation of the water body.
- (9) Designation of areas which are subject to inundation or stream overflow and outline of the 100-year floodplain.

c. *Proposed subdivision features.*

- (1) Total approximate acreage.
- (2) Approximate dimensions of the exterior boundaries of the land being subdivided.
- (3) The location and width of proposed streets and roads, showing rights-of-way widths, centerline gradients and typical cross sections.
- (4) The names for all proposed streets.
- (5) The location and dimensions or capacities of all proposed public utility lines including sewers (storm and sanitary), water, gas, and electricity.
- (6) Layout, numbers and the approximate dimensions of all lots and blocks.
- (7) Approximate radii of all curves and lengths of all tangents.
- (8) Location and size of proposed parks, playgrounds, open space or special uses of land to be considered for dedication to the public.
- (9) Explanation of all covenants or lands reserved for the use of property owners in the subdivision and any conditions of such dedication, reservation or covenant.
- (10) Front yard setback lines.
- (11) Indication of any use other than residential if proposed by the subdivider.
- (12) If any zoning changes are contemplated, the proposed zoning district proposed for the area.
- (13) A plan for soil erosion and sediment control during development of the subdivision.
- (14) A stormwater management plan must accompany all preliminary plats. This plan must utilize the natural depressions or artificial settling ponds or basins for the entrapment of sediment and debris and to provide storage and retention of waters to reduce peak flows into receiving waters.

d. *Supplemental data.* Upon request of the planning commission or county board, supplementary data shall be submitted, including, but not limited to, the following:

- (1) If the proposal is in close proximity to a municipality, a central sewer and water feasibility study completed by a qualified engineer.
- (2) Where a subdivider owns property adjacent to that being proposed for the subdivision, the subdivider shall be required to submit a sketch plan illustrating the relationship between the proposed subdivision and any future subdivision.
- (3) A vegetation preservation and protection plan which shows the trees to be removed and those which will remain and the types and locations of trees and other vegetation proposed to be planted.

- (4) A statement from a soil scientist or other qualified person relating to the suitability of the affected lands for any development which may occur (i.e., individual sewage disposal system, basements, etc.).
- (5) Any other information or exhibits as requested by the planning commission or county board necessary to make findings, recommendations and disposition on the proposal.
- (6) Supplemental data. Upon request of the planning commission or county board, supplemental data shall be submitted, including, but not limited to:
  - a. Location and capacities of all existing sewers, water mains, gas mains, culverts, power or communication cables and other underground installations.
  - b. Percolation test results with a minimum of two per lot, together with six-foot-deep soil borings for every acre, said tests to be conducted by a qualified person.
  - c. Location and dimensions or capacities of all proposed public utility lines, including sewers (storm and sanitary), water, gas, electricity and communications.
  - d. Explanation of all covenants or lands reserved for the use of property owners in the subdivision and any conditions of such dedication, reservation or covenant.
  - e. A complete set of street profiles showing centerline gradients and cross sections prepared by a professional civil engineer registered by the State of Minnesota.
  - f. The applicant shall submit any other information or exhibits as requested by the planning commission or county board necessary to make findings, recommendations and disposition on the final plat.
- (7) The zoning administrator shall have the option of deleting any informational requirements determined to be not applicable to a particular proposal.
- (8) The final plat shall have incorporated all changes and modifications as determined by the county board and/or planning commission necessary for approval of the preliminary plat.
- (9) At least four copies or as requested of the preliminary plat and supplementary material shall be filed with the zoning administrator accompanied by the fee as set by the county board and any wetland delineation, topography contours, and all related engineering plans in a digital format (DXF file in county coordinates) compatible with county requirements.
- (10) The proposal shall be submitted to the zoning administrator at least five days prior to the required date for submittal to the official newspaper of the county for public notice.

B. *Processing.*

1. Upon receipt of the proposal, the zoning administrator shall within five days forward a copy of the completed proposal and attachments to the planning commission.
2. Additional copies shall be provided to the zoning administrator for distribution to the following persons, who shall have ten days to submit comments and/or reports to the zoning administrator for consideration by the planning commission:
  - a. The township clerk(s) of the township(s) in which the subdivision will be located.
  - b. The city clerk of any municipality within two miles of the proposed subdivision.

- c. The commissioner of the department of natural resources if the proposed subdivision includes lands within a shoreland or recreation river management overlay district.
      - d. The county engineer, state commissioner of transportation, appropriate utility companies or any other agencies deemed necessary.
  3. The zoning administrator shall place the proposal on the agenda for a public hearing at the next available meeting of the planning commission. The meeting shall be held within 45 days but not sooner than 15 days after the filing of a complete proposal, unless time limits are tolled or extended.
  4. The zoning administrator shall give proper notice of the public hearing in the following manner:
    - a. Notice of the time, place and purpose of the public hearing shall be given by publication in the official newspaper of the county at least ten days before the hearing.
    - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to:
      - (1) All property owners of record within 500 feet of the affected property in incorporated areas.
      - (2) All property owners of record within one-half mile of the affected property, or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners in unincorporated areas.
      - (3) The affected board of township supervisors and the city council of any municipality within two miles of the affected property.
      - (3) The commissioner of natural resources if the affected property is within a shoreland or recreation river management overlay district.
      - (4) The secretary of any applicable watershed district.
    - c. For the purpose of giving mailed notice, the current records on file in the office of the county treasurer shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made.
    - d. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.
    - e. At least one planning commission member, or his/her delegee, and the zoning administrator shall view the property being considered in the subdivision proposal prior to the public hearing.
    - f. The planning commission may, after having notified the subdivider to that effect, employ qualified persons to check and verify the surveys and plat, and to determine the suitability of the property for the proposed subdivision purposes. Such persons shall make full written reports of their findings. The county board may require the subdivider to reimburse the county for the cost of such services. If such services are rendered by a salaried employee of the county, the charge therefor shall be computed on the basis of the employee's regular prorated salary including fringe benefits and incurred expenses.

C. *Public hearing.*

1. The planning commission shall hold at least one public hearing on the proposed subdivision.

2. The applicant or a representative shall appear before the planning commission at the public hearing in order to answer questions concerning the proposed subdivision. Failure to appear as scheduled is cause for denial.
  3. The planning commission and appropriate county staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant concerning operational or land suitability factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance and the county zoning ordinance.
  4. An accurate record of all testimony shall be kept by the secretary of the planning commission. This record shall include the names of all persons testifying or otherwise participating in the hearing.
- D. *Considerations and findings.* The planning commission shall study the practicality and possible adverse effects of the proposed preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:
1. Does the proposed plat conform to the county's comprehensive land use plan? Why or why not?
  2. Is the proposal consistent with the existing county subdivision ordinance/article 19A/article 19B/or other applicable laws (circle prior applicable provision)? Specify the applicable section of the ordinance and discuss why or why not.
  3. Are there any other standards, rules or requirements that this plat must meet, including, but not limited to, shoreland management, Wetland Conservation Act, stormwater management or environmental assessment worksheet?
  4. Does the plat conform to all applicable performance standards contained in the county's land use and zoning ordinance, including, but not limited to, feedlot setbacks, transfer of development rights, conservation subdivision?
  5. Does the plat meet the county standards so that potential environmental impacts are resolved or mitigated, such as erosion control, wetlands, floodplains, shoreland, public utilities/services?
  6. Have the potential public safety or traffic impacts been addressed through controlled access, combined access, frontage road access, or some other means?
  7. Other issues pertinent to this matter?
- E. *Recommendation.* The planning commission shall make a recommendation to the county board after the public hearing at which the preliminary plat proposal was considered unless the public hearing is continued or additional hearings are required. When possible, the zoning administrator shall report the findings and recommendations of the planning commission to the county board at its next regularly scheduled board meeting. The report shall recommend approval, disapproval or modified approval of the application. The planning commission may recommend disapproval if it makes any of the following findings:
1. That the proposed use of the land within the subdivision is not allowed within the zoning district involved.
  2. That the proposed subdivision is in conflict with the comprehensive land use plan of the county or municipalities and towns required to receive notice herein.
  3. That the proposed subdivision does not conform to the provisions of this ordinance or to the applicable provisions of the county zoning ordinance.
  4. That the physical characteristics of the site are such that the site is unsuitable for the type of development contemplated.
  5. That the design of the proposed plat and improvements are likely to cause substantial environmental degradation or cause serious public health problems.

6. That the proposed subdivision cannot satisfy all applicable bulk regulations in relation to lot area, frontage, arrangement and setbacks as required by the county zoning ordinance.
7. The municipal town or county resources are inadequate to provide services accessible to the proposed plat.

F. *Decision.*

1. The county board shall, upon receiving no report from the planning commission within 45 days of the date of the application, place the proposal on the agenda of its next regularly scheduled meeting (or a special meeting if necessary) and either extend the timelines if allowed or make a decision based on the record before it.
2. The county board shall have the option to set and hold a public hearing if deemed necessary. After the hearing, if any, the county board may approve the proposal in such forms as it deems acceptable and considers necessary to comply with the requirements of this ordinance.
3. The concurring vote of a majority of the full county board shall be necessary for the approval or denial of a proposed preliminary plat.
4. The board shall make written findings in each case and state the reasons for its decision.
5. The decision, together with any conditions for approval or reasons for disapproval, shall be filed with the zoning administrator who shall mail written notice of the county board's decision to the subdivider.

G. *Approval.*

1. The approval of a preliminary plat is an acceptance of the general layout as approved, and indicates to the subdivider that he may proceed with the final plat in accordance with the provisions of this ordinance.

H. *Amendments.*

1. Should the subdivider desire to substantially amend the preliminary plat as approved, he shall submit the amended plat following the procedures as if it were a new preliminary plat proposal. Unless the planning commission considers the scope of the revisions to constitute a new plat, the amended plat shall be exempt from the fee and public hearing requirements.

I. *Approval expiration.*

1. The approval of the preliminary plat shall be effective for a period of 12 months from the date of approval by the county board, unless an extension is granted for good cause by the board.

Sec. 3.04. - Final plat.

The final plat is a separate and distinct process from the preliminary plat. Approval of the final plat commences with the applicant's filing of an application for approval of a final plat along with the final plat drawing and any other requirements herein. No additional fees shall be required if the final plat application is submitted within 12 months of the approval of the preliminary plat; otherwise, fees shall be as determined by the county board.

A. *Preparation.*

1. After the subdivider has met the requirements for submittal and approval of the preliminary plat he shall be authorized to prepare a final plat.
2. If desired by the subdivider, the final plat may constitute only that portion of the preliminary plat which is proposed to be recorded and developed at that time, provided that such portion conforms with all of the requirements of this ordinance. Any portion of the preliminary plat not submitted within 12 months of its date of approval by the county board

may require the proposal to be submitted as a new preliminary plat to be considered by the planning commission and county board.

3. The final plat shall be drawn as follows:
  - a. It shall measure 30 inches in length by 20 inches in width and shall have a border of two inches along the left side of the 20-inch sides and a margin of one-half inch along the remaining three sides. There shall also be included one copy of an 11- by 17-inch reduction of an exact transparent reproducible copy prepared by a photographic process and all related engineering plans in a digital format (DXF file in county coordinates) compatible with county requirements.
  - b. It shall be drawn at a scale of not less than one inch equals 100 feet.
  - c. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and contain a notation of the total number of sheets encompassing the plat (i.e., 1 of 4, 2 of 4, 3 of 4, etc.).
4. The final plat shall be prepared in accordance with Minnesota Statutes chapter 505, as amended, by a land surveyor licensed in the State of Minnesota and conform to the approved preliminary plat.
5. The final plat shall contain the following information:
  - a. *Identification and description.*
    - (1) Name of subdivision.
    - (2) Location by section, town, range or other legal description.
    - (3) Names and addresses of the subdivider, land surveyor, engineer and designer of the plat.
    - (4) Graphic scale.
    - (5) Date of preparation.
    - (6) North arrow.
  - b. *Existing conditions in and adjacent to the subdivision.*
    - (1) Exact location, widths and names of all existing, platted or dedicated streets, railroad rights-of-way, dedicated drainage and utility easements.
    - (2) Location and names of adjacent platted lands.
    - (3) Surface features including rivers, streams, creeks, lakes, ponds and swamps with common names and water elevation.
    - (4) The exact location and width of all easements, whether public or private and a notation under and along the strips marked "utility easements."
    - (5) The location and area of all lots with accurate dimensions in feet and decimals of feet, with the length of radii and arcs of all curves.
    - (6) The location of monuments shall be shown in reference to existing official monuments.
    - (7) Lots and blocks shall be clearly numbered near the center of the area encompassed. Outlots shall be lettered alphabetically.
    - (8) The names of all streets which are to be dedicated.
    - (9) Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public."

(10) All certifications as required by this ordinance.

6. Supplemental data. Upon request of the planning commission or county board, the applicant shall submit any other information or exhibits as necessary to make findings, recommendations and disposition on the final plat.
7. The zoning administrator shall have the option of deleting any informational requirements determined to be not applicable to a particular proposal.
8. The final plat shall have incorporated all changes and modifications as determined by the county board and/or planning commission necessary for approval of the preliminary plat.
9. At least four copies, or as requested, of the final plat and supplementary material shall be filed with the zoning administrator.

B. *Processing.*

1. Upon receipt of the proposal, the zoning administrator shall forward a copy of the completed final plat and attachments to the planning commission.
2. The zoning administrator shall place the proposal on the agenda for consideration at the next available meeting of the planning commission. The meeting shall be held within 45 days but not sooner than 15 days of the filing of the completed final draft.

C. *Planning commission meeting.*

1. The applicant or his/her representative shall appear before the planning commission as scheduled in order to answer questions concerning the final plat. Failure to attend may be cause for denial.
2. The planning commission shall study the final plat to determine its consistency with the approved preliminary plat and to see if it meets all ordinances and regulations of the county.

D. *Recommendation.*

1. The planning commission shall make a recommendation to the county board within 45 days of the date of filing unless the time limits are extended. The planning commission shall recommend approval, modified approval or disapproval.
2. The zoning administrator shall report the findings and recommendations of the planning commission to the county board at its next regularly scheduled board meeting.
3. In case the plat is disapproved, the subdivider shall be notified of the reason for such recommendation.

E. *County board decision.*

1. After review and consideration of the final plat by the planning commission, the county board shall take action on the final plat within 60 days of the filing of the application for approval unless the time limits are extended. The county board shall, upon receiving no report from the planning commission within 45 days of its filing, place the final plat on the agenda for its next meeting and decide the matter within 60 days of filing, unless the time limits are extended, in which case it shall be placed on the agenda prior to the expiration of the time limits.
2. The concurring vote of a majority of the full county board shall be necessary for the approval or denial of the final plat.
3. In the event the planning commission's recommendation is overturned, the board shall make written findings in each case and state the reasons for its decision.
4. The decision, together with any conditions for approval or reasons for disapproval, shall be filed with the zoning administrator who shall mail written notice of the county board's decision to the subdivider.

F. *Approval and filing.*

1. Upon approval of the final plat by the county board, the subdivider shall record such final plat with the county recorder after incorporating the following required certifications on the final plat:
  - a. Notarized certification by the owner or owners dedicating to the public for full public use all street rights-of-way and other lands designated as "Dedicated for the Public's Use" and the granting of utility easements as shown on the plat.
  - b. Notarized certification of the registered land surveyor preparing the plat that the plat, as presented, fully complies with the requirements of this ordinance and applicable Minnesota Statutes; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by him/her; and that all monuments indicated thereon exist and their location, size and material are correctly shown.
  - c. Certification as to county state-aid highways and county highways by the county engineer or the engineer's designated assistant.
  - d. Certification issued by the county auditor and county treasurer stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.
  - e. Certification issued by any mortgage company holding a mortgage on the land included in the plat if they are available to sign. If the mortgage company is not available to certify said plat, a consent to plat form must be recorded in the county recorder's office immediately prior to the recording of said final plat.
  - f. Certifications of approval to be filled in with the date and signatures of the chairman of the county planning commission, and by the chairman of the county board attested to by the county auditor.
  - g. A certificate of approval shall be signed and dated by the appropriate municipal and/or township official(s).
  - h. Title opinion by a practicing attorney-at-law based upon an examination of an abstract or the records of the county recorder for the lands included within the plat and showing to be in the name of the owner or subdivider. The date of the examination of the records shall be within 90 days prior to the plat is filed with the county recorder. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the county recorder.
  - i. Certification and registration of the plat by the county recorder indicating the filing date and where the plat was officially recorded within that office's records.
2. The subdivider shall file the following articles with the county recorder within 60 days of the approval by the county board:
  - a. Two exact transparent reproducible copies prepared by a photographic process or on material of equal quality. One shall be marked "Official Plat" and the other "Copy."
  - b. One copy of an unsigned 11- by 17-inch reduction of an exact transparent reproducible copy.
3. Copies of all final plats, which include lands within the shoreland or recreation river management overlay district and have received final approval by the county board, shall be forwarded by the zoning administrator to the commissioner of natural resources within ten days of said approval.

G. *Approval expiration.*

1. The final plat shall be considered void upon failure of the subdivider to file the required articles with the county recorder within 60 days from the date of approval by the county

board, unless an extension for good cause is granted by the county board prior to such expiration.

#### ARTICLE IV. - DESIGN STANDARDS

##### Sec. 4.01. - Design standards.

The design standards contained in this article are to ensure that the style, character and form of new developments are consistent with the growth objectives and goals of the comprehensive land use plan and will be in conformity with the county zoning ordinance and all other applicable ordinances of the county.

##### Sec. 4.02. - Blocks.

- A. The length, width and shape of blocks shall be determined with due regard to:
  - 1. The provision of adequate building sites suitable to the particular needs of the type of use proposed or contemplated.
  - 2. Zoning requirements as to lot size, dimensions and layout.
  - 3. The needs for convenient access, circulation, control and safety of traffic within and adjacent to the subdivision.
  - 4. Limitations and opportunities afforded by topography, vegetation and other natural features.
- B. Intersecting streets and roads which determine block lengths shall be provided at such intervals as to serve cross traffic adequately and to merge with existing streets and roads, except that:
  - 1. Block lengths in residential subdivisions shall not normally exceed 1,320 feet in length.
  - 2. Block lengths in commercial and industrial subdivisions shall not normally exceed 600 feet in length.
- C. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth except that:
  - 1. Block widths along lakeshores shall normally allow for a single tier of lots between the road and the water body.
  - 2. Block widths along major thoroughfares may provide for a single tier of residential lots with the rear lot lines in common with the right-of-way line of the thoroughfare.
  - 3. Block widths along major thoroughfares may provide for a single tier of commercial or industrial lots with the front line in common with the right-of-way line of the thoroughfare or service drive as applicable.

In these cases, the lot depth shall be at least 15 feet greater than the minimum requirements to allow for screen planting.

- D. Exceptions to the block design standards may be allowed:
  - 1. Where topography or other conditions justify a departure from the regulations.
  - 2. In order to foster design originality, provided that such exceptions do not violate sound planning and design principles.
- E. Pedestrian ways may be required on blocks longer than 900 feet, or in other areas, to provide access to schools, parks and other destinations. Pedestrian ways shall be at least ten feet wide and shall be located so as to minimize intersections with streets.

##### Sec. 4.03. - Lots.

- A. The size, width, shape and orientation of lots shall be determined by the minimum requirements of the county ordinance for the district in which the plat is situated.
- B. Every lot must have the minimum required frontage on a public or private dedicated road or street other than an alley, as determined by the township board of the township where the subdivision is proposed, the Meeker County Highway Engineer, and the Meeker County Planning Commission.
- C. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- D. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions require. Such lots shall have an additional depth of at least 15 feet in order to allow for screen planting along the rear lot line.
- E. Corner lots shall have additional width to permit the required setback from both roads as required by the county zoning ordinance.
- F. All proposed remnants of lots not meeting the requirements of the county zoning ordinance shall be combined or added to adjacent lots rather than be allowed to remain as unusable parcels.

Sec. 4.04. - Streets.

- A. Streets. Streets within the subdivision shall be developed according to the following standards that promote road safety, minimize visual impacts, minimize impervious surfaces and also follow the standards set forth in the Minnesota Department of Transportation booklet "Best Practices for Rural Entrance Policy":
  1. Any roads proposed within a subdivision that shall serve three or less lots may, if deemed appropriate and acceptable by the township in which the subdivision is located, the Meeker County Planning Commission and the Meeker County Board of Commissioners, remain private roads and be constructed as such. Any roads within a subdivision that are proposed to serve four or more lots shall be platted as a public road and shall be constructed to meet public road specifications and may be accepted by the appropriate governmental entity, at their discretion.
  2. Public streets shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.
  3. Street widths shall meet the following specifications:
    - A. Dedicated public roads shall have a minimum 32-foot graded base with a 24-foot drive surface and with a minimum ditch size of two feet deep and four feet wide and a 66-foot road right-of-way.
    - B. Private roads shall have a minimum 24-foot graded base with a 16-foot drive surface and a 50-foot road right-of-way, except if the private road could serve three or more dwelling units, then the road shall have a 20-foot drive surface with a 26-foot graded base.
  4. Street surface for public streets within the subdivision may be gravel, or other surface with high permeability, unless the streets are an extension of existing paved roads.
  5. The number of local street intersections with collector and arterial roads should be minimized; however, the applicant must demonstrate that such intersections are adequate, have the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
  6. If subdivisions abut one another or an existing development, direct street links should be made to emphasize the connection between existing and new development. The extension of municipal streets must conform to municipal standards, if any.
  7. Curved and one-way streets are permitted and shall have a minimum 24-foot graded base and 16-foot drive surface, except if the private road could serve three or more dwelling units, then the road shall have a 20-foot drive surface with a 26-foot graded base.

8. Cul-de-sacs and dead ends are only permitted if alternate street designs are not feasible. Feasibility shall be determined at the discretion of the Meeker County Planning Commission and the Meeker County Engineer.
- B. The street system of a subdivision shall be designed to facilitate adequate traffic circulation from the subdivision to adjacent areas. The arrangements, character, extent, width and location of all streets shall be determined through consideration of:
    1. The comprehensive land use plan.
    2. The relationship of the area to existing and planned streets.
    3. The reasonable, safe and efficient movement of traffic in volumes generated by the proposed use or ultimate function.
    4. Topographic conditions.
    5. Stormwater runoff.
    6. Accessibility for fire protection, snow removal and other road maintenance equipment.
  - C. Where adjoining unsubdivided areas may be subdivided, the arrangement of new streets in the subdivision shall make provision for the future projection of streets by providing for a public right-of-way to the boundary with the unsubdivided land at appropriate locations.
  - D. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
  - E. When a tract is subdivided into larger than normal building lots or parcels in areas which will undergo future resubdivision, such lots or parcels shall be so arranged and developed as to allow the logical location and openings for future roads and appropriate resubdivision.
  - F. Local streets shall be designed to discourage through traffic and to provide the minimum amount of street necessary for safe access to adjacent properties.
  - G. The street arrangement shall be such so as not to cause hardship to owners of adjoining property when platting their land and providing convenient access to it.
  - H. Dedication of half-streets or roads shall be prohibited except where the county board determines that:
    1. It is essential to the reasonable development of the subdivision and no practical alternative exists.
    2. It will be practical to require the dedication of the other half when the adjoining property is subdivided.
    3. It is necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.
  - I. Where a proposed subdivision abuts upon or contains an existing or proposed major thoroughfare, or railroad right-of-way, the county board, upon recommendation by the planning commission, may require reverse frontage lots or the provision of suitable local service drives approximately parallel and adjacent to the boundary of such right-of-way. Such service drives shall afford separation of through and local traffic while providing access to adjacent properties.
  - J. In the platting of small tracts of land abutting or containing an existing or proposed major thoroughfare, or railroad right-of-way, provisions may be required for the future development of a service drive. Temporary entrance permits shall be issued as a condition to any land use permit application involving said tracts of land.
  - K. Alleys may be allowed in commercial and industrial districts. No alleys shall be allowed in residential areas.

- L. Names. All street names shall be approved by the county highway engineer.
- M. The following street design specifications shall be based upon the intended use as determined by their functional classification and as set forth herein or by the county engineer:
  - 1. Right-of-way width.
  - 2. Surface width.
  - 3. Base material.
  - 4. Minimum horizontal curve radii.
  - 5. Minimum tangent between curves.
  - 6. Minimum grade.
  - 7. Maximum grade.
  - 8. Pavement requirements.
  - 9. Intersections.
  - 10. Cul-de-sac street length.
  - 11. Street jogs.
  - 12. Alley width.
  - 13. Pedestrian way.

Sec. 4.05. - Easements.

- A. Utility easements shall include electrical, communication, water, sewer/septic and/or drainage.
- B. A utility easement of sufficient size shall be provided along the side line of lots and/or the rear line of lots to form a continuous right-of-way for said utilities, where necessary. If necessary for the extension of main water or sewer lines, electrical transformer pads, or similar utilities, easements of greater width may be required along lot lines or across lots.
- C. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the county board, by ordinance, upon the recommendation of the planning commission.
- D. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
- E. Where a subdivision contains or is traversed by a watercourse, drainageway, channel, lake or stream, a stormwater easement, drainage right-of-way or park dedication, whichever the planning commission may deem the most adequate, conforming substantially with the lines of such watercourses, shall be provided, together with such further width or construction, or both, as will be adequate for the stormwater drainage of the area. The width of such easements shall be approved by the county engineer.
- F. All easements shall be dedicated by appropriate language on the plat as required by Minnesota Statutes § 505.

Sec. 4.06. - Public sites and open spaces.

- A. In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider and by the planning commission, upon review, to the dedication or reservation of suitable sites for parks, playgrounds, conservation areas, or other public or semi-public recreational areas or open space. Areas so dedicated or reserved shall conform as nearly as possible to the comprehensive land use plan. Whenever the comprehensive land use plan shows the proposed park or recreational area partially or completely within a proposed subdivision, the preliminary and final

plats of said subdivision shall show the proposed site as reserved and the county shall have one year from the date of approval of the preliminary plat by the planning commission in which to purchase said land or to initiate condemnation proceedings with respect thereto.

- B. Where deemed essential by the planning commission, upon consideration of the particular type of development proposed in the subdivision, and especially in larger scale neighborhood developments not anticipated in the comprehensive land use plan, the planning commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such a development for schools, parks and other neighborhood purposes.

#### Sec. 4.07. - Environmental considerations.

- A. In the subdivision of land, adequate measures shall be taken to ensure that all natural features which will add attractiveness and stability to the development are preserved.
- B. Standards dealing with tree removal, conservation of vegetation and erosion and sediment control as stipulated in the performance standards section of the county zoning ordinance shall be applicable to all subdivisions.

### ARTICLE V. - REQUIRED IMPROVEMENTS

#### Sec. 5.01. - Required improvements.

Before the final plat is approved by the county board, the subdivider shall execute and submit to the county board an agreement, which shall be binding on his/her or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed an application for land use permits for such construction until all improvements required by this ordinance have been made or arranged for in the manner following.

#### Sec. 5.02. - Monuments.

Monuments of a permanent character, as required by Minnesota Statutes § 505.02, shall be placed at all block corners, lot corners, angle points, points of curves in streets and at intermediate points as shown on the final plat.

All U.S., state, county or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. Permanent county land cast iron monuments shall be placed at all section and quarter section points and meander and witness points within the subdivision or on its perimeter.

#### Sec. 5.03. - Streets.

All roads and streets shall be improved in accordance with the engineering specifications established by the county engineer.

- A. *Paving.* The county board may require that all streets be improved with a cement concrete or bituminous surface of the proper design capacity.
- B. *Curb and gutter.* Concrete curb and gutter may be required for all paved streets.
- C. *Sidewalks.* Sidewalks may be required to protect pedestrian traffic in commercial or residential areas.
- D. *Road banks or ditches.* Road banks or ditches adjacent to the surfaced portion of the roadway shall be sodded or seeded with a grass cover to provide protection from erosion over that area lying between the right-of-way lines and the edge of the surfaced roadway.
- E. *Drainage.* Adequate provisions for the collection and disposal of surface water and stormwater shall be provided within the street right-of-way. Culverts, stormwater inlets and other drainage facilities shall be constructed as approved by the county engineer.

- F. *Traffic signs.* All signs necessary for the protection of the motorists, public and pedestrians, including street signs, shall be installed as determined and approved by the county engineer.

Sec. 5.04. - Water supply.

In lieu of proposing individual wells, the subdivider shall be responsible for establishing that an adequate, safe water supply is available to each lot in the subdivision.

- A. Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of a municipal connection in the future.
- B. Where it is determined that a municipal connection is unfeasible, the subdivider may install a system providing each lot with an adequate supply of potable water meeting all state health department standards.

Sec. 5.05. - Sanitary sewer.

In lieu of proposing individual on-lot sewage disposal systems, it shall be the responsibility of the subdivider to assure that adequate means of sewage disposal is available for each lot in the subdivision.

- A. Where it is feasible to utilize a public municipal sanitary sewer, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing this connection weighed against the cost of installing individual sewage disposal systems and the likelihood of a municipal connection in the future.
- B. Where it is determined a municipal connection is unfeasible, the subdivider may install a complete and adequate community sanitary sewer system and plant meeting all state health department and pollution control agency standards.

Sec. 5.06. - Public utilities.

It shall be the responsibility of the subdivider to contact the appropriate electric, gas, telecommunications, etc., utility companies to determine the availability of services and to make the necessary arrangements for their installation.

- A. All utility lines shall be placed underground, excepting transformers, pedestals and other necessary appurtenances.
- B. All underground utility installations which traverse privately owned property shall be protected by easements.

ARTICLE VI. - CONSTRUCTION AND PAYMENT FOR IMPROVEMENTS

Sec. 6.01. - Construction and payment for improvements.

Prior to approval of the final plat, the subdivider shall agree, in the manner set forth in this article, to install or pay for the installation of improvements in conformity with construction plans approved by the county board and in conformity with the requirements of this ordinance.

Sec. 6.02. - Construction plans.

If so ordered, construction plans for the required improvements conforming with the standards of the county and applicable ordinances shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Such plans shall contain his/her seal. Such plans, together with the quantity of construction materials, shall be submitted to the county engineer for his/her approval and estimate of total cost of the required improvements. Upon approval, the plans shall become

a part of the contract for installation of improvements. Two copies of the plan as approved by the county engineer shall be submitted and placed on file with the county engineer.

Plans for the installation of electric, telephone, gas, or other public utilities shall be submitted to the county engineer upon their submission and approved by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the final plat. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency and shall be in accordance with the policies of the county.

Sec. 6.03. - Payment for improvements.

The required improvements which are listed and described in this ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the county and/or township, unless otherwise stated; provided, however:

- A. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining costs paid out of the general tax levy, provision shall be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the county and/or township.
- B. If any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, the county and/or township board may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within his/her subdivision.
- C. The subdivider shall be responsible only for trunk facilities, collectors, mains or laterals to the lot line and shall not be responsible for the costs of individual wells, individual sewage disposal systems or any private utility connection beyond the lot line or utility easement.

Sec. 6.04. - Contract for installation of improvements.

Prior to installation of any required improvements and prior to recording of the final plat, the subdivider shall enter into a contract in writing with the county requiring the subdivider to furnish and construct the improvements at his/her sole expense in accordance with the construction plans and specifications and usual contract conditions approved by the county board. The contract, if ordered, shall include provisions for supervision of construction details by the county engineer and grant to the county engineer authority to coordinate the work to be done under said contract by the subdivider and/or subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. Any agreement for improvements to be made after the plat is recorded shall require the subdivider to make an escrow deposit or to furnish a performance bond as a financial guarantee as specified in this ordinance.

Sec. 6.05. - Financial guarantee.

At the option of the county board, the board may exercise one or more of the following financial guarantees to assure completion of the minimum necessary required improvements:

- A. Escrow deposit. An amount equal to 125 percent of the county engineer's costs of the improvements to be furnished and/or installed by the subdivider per his/her contract shall be deposited with the county auditor by the subdivider. The county shall be entitled to reimbursement from said deposit for costs and expenses incurred by the county for the inspection of the construction and for the completion of work not approved by the county engineer and/or other civil engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
- B. Performance bond. The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the county engineer's cost estimate for the required improvements to be furnished and/or

installed by the subdivider. The performance bond shall be approved by the county attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

C. Line of credit.

Sec. 6.06. - Completed improvements.

Improvements within a subdivision which have been completed prior to recording of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this ordinance, only if the county engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

Sec. 6.07. - Inspection of improvements.

At least ten days prior to commencing construction of the required improvements, the subdivider shall notify the zoning administrator and the county engineer in writing of the time when he proposed to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of the improvements and utilities required.

If the county engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the county board and planning commission. The zoning administrator then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the county's rights under the bond and/or escrow deposit. No plat shall be approved by the planning commission as long as the subdivider is in default on a previous approved plat.

Sec. 6.08. - Modification of required improvements.

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the county engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the county engineer may, upon approval by the planning commission, authorize modifications, provided these modifications are within the spirit and intent of the original approval and do not extend to waiver or substantially alter the function of any improvements required.

The county engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the planning commission and the county board. It shall be the responsibility of the subdivider to have all necessary changes, amendments and modifications noted on the construction plans. Drawings showing all improvements as built shall be filed with the county engineer.

## ARTICLE VII. - PLATTING: MISCELLANEOUS REQUIREMENTS

Sec. 7.01. - Certificate of survey.

The following procedure shall be followed whenever any person proposes to subdivide land by a certificate of survey and metes and bounds description as provided by this article, unless specifically exempted:

- A. A certificate of survey shall be required for any conveyance that divides an existing tract of land not otherwise platted herein. Said certificate shall be filed with the auditor at the time the conveyance is recorded.
- B. Preparation.
  1. Prior to submission of a certificate of survey for consideration by the planning commission, the subdivider shall meet with the zoning administrator so that he may introduce

himself/herself as a potential subdivider and learn what shall be expected of him/her in such capacity.

2. If it shall be determined that the proposed subdivision meets the general requirements and conditions of this article, the subdivider shall be authorized to prepare a certificate of survey. The certificate of survey shall be prepared by a land surveyor registered in the State of Minnesota.
3. The certificate of survey shall contain the following information and all distances shall be shown at a scale of not less than one inch equals 100 feet:
  - a. *Identification and description.*
    - (1) Names and addresses of the owner, subdivider, land surveyor and engineer.
    - (2) Date of preparation.
    - (3) Location by section, town, range and township name.
    - (4) Graphic scale.
    - (5) General location map including the area within a one-mile radius of the proposed certificate of survey.
    - (6) North arrow.
  - b. *Existing conditions in the tract and within a 50-foot radius.*
    - (1) Exact location, widths and names of all existing, platted or dedicated streets, railroad rights-of-way, dedicated drainage and utility easements and a statement of easement rights.
    - (2) Surface features including rivers, streams, creeks, and lakes with common names and water elevation.
    - (3) Location of all existing permanent buildings, structures or other development of the tract.

#### Sec. 7.02. - Exemptions.

The following shall be exempt from the requirements of this article providing there is certification of lot size and:

- A. A whole tract is conveyed, whether it be by one deed or multiple deeds.
- B. The subdivision and conveyance of lands into quarter-quarter sections (40 acres), government lots and combinations thereof as described by government survey.
- C. The easement or conveyance is for highway, street or road purposes.
- D. A building eligibility is being transferred to a receiving tract with a certificate of survey.

#### Sec. 7.03. - Torrens land and registered title.

- A. If any tract shall be subdivided, it shall be completed as per this Meeker County Subdivision Ordinance.

### ARTICLE VIII. - ADMINISTRATION AND FEES

#### Sec. 8.01. - Zoning administrator.

The office of the zoning administrator, as established by the county board, shall perform the following duties in the administration of this ordinance:

- A. Enforce and administer the requirements of this ordinance.

- B. Receive, file and forward to the county planning commission all sketch plans, preliminary plats, final plats, certificates of survey subdivision proposals and applications for amendments.
- C. Receive, file and forward to the county board all findings and recommendations of the planning commission necessary for the final disposition of sketch plans, preliminary plats, final plats, certificates of survey subdivision proposals and applications for amendments.
- D. Receive, file and forward to the board of adjustment all appeals and applications for variances as provided by this ordinance.
- E. To have published and attend to the service of all notices as required by the provisions of this ordinance.
- F. To serve as secretary to the planning commission and board of adjustment.
- G. Act as an advisor and provide technical assistance to the planning commission, board of adjustment and county board on matters relating to the administration of this ordinance.
- H. Maintain current and permanent records necessary for the enforcement of this ordinance.
- I. Receive, file and forward all decisions, recommendations and conditions from the planning commission, board of adjustment and county board with the following, as required:
  - 1. Applicant or appellant.
  - 2. County recorder.
  - 3. Commissioner of natural resources.
  - 4. Other affected agencies and governmental units as required by Minnesota Statutes.
- J. Provide and maintain a public information bureau relative to matters arising out of this ordinance.
- K. Conduct inspections of land, construction and improvements at reasonable times, to determine compliance with and enforce the provisions of this ordinance.
- L. Institute in the name of the county any appropriate actions or proceedings necessary to enforce the provisions of this ordinance.

Sec. 8.02. - Planning commission.

The planning commission, as established by the county board, shall perform the following duties and functions as provided by this ordinance:

- A. Review proposed plat sketch plans and offer advice and recommendations to the subdividers.
- B. Review, hold public hearings and make findings and recommendations to the county board on preliminary plats, final plats and certificates of survey subdivision proposals.
- C. Initiate, review, hold public hearings and make findings and recommendations to the county board on applications for amendments to this ordinance.
- D. Review and make findings and recommendations to the board of adjustment as deemed necessary for the final disposition of requests for variances to said board.

Sec. 8.03. - Board of adjustment.

The board of adjustment, as established by the county board, shall perform the following duties and functions as provided by this ordinance:

- A. Consider applications, make determinations and order the issuance of variances from this ordinance.

- B. Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official, planning commission or county board in the interpretation or enforcement of this ordinance.

Sec. 8.04. - County board.

The county board shall perform the following duties and functions as provided by this ordinance:

- A. Formulation, review and adoption of this ordinance as provided for by Minnesota Statutes §§ 394.21 through 394.37, as amended.
- B. Appoint members to and delegate certain powers and duties to the county planning commission, board of adjustment and zoning administrator for the purpose of implementing and enforcing the requirements and provisions of this ordinance.
- C. Review all applications and proposals for amendments, preliminary plats, final plats and certificates of survey subdivision proposals along with the planning commission's findings and recommendations and make final disposition of said applications and proposals.
- D. Establish a schedule of fees and charges necessary to defray the costs of administering the provisions of this ordinance.

Sec. 8.05. - Variance.

A variance from the provisions and requirements of this ordinance may be authorized by the board of adjustment in specific cases where, owing to special conditions, the strict and literal enforcement would result in exceptional and undue hardships.

Any person, firm, corporation or any other organization or entity having an interest in real property which is subject to the provisions of this ordinance may apply for a variance from those provisions.

The procedure for obtaining a variance from the terms of this ordinance shall be in the same manner as provided for by the county zoning ordinance. Application for said variance shall be made at the time when the preliminary plat is filed for consideration by the planning commission and county board.

Sec. 8.06. - Amendments.

The regulations, requirements or procedures set forth in this ordinance may be amended, supplemented, changed or repealed whenever it is determined by the county board that the public necessity, public welfare or good land use planning requires such. Such amendments shall not be issued indiscriminately, but shall only be issued as a means to implement changes in the goals and policies of the county as reflected in the comprehensive land use plan.

An amendment to the provisions of this ordinance may be initiated by:

- A. A petition from the owner or owners of the affected property within the jurisdiction of this ordinance.
- B. A recommendation of the planning commission.
- C. Action taken by the county board.

The procedure for initiating an amendment to this ordinance shall be in the same manner as provided by the county zoning ordinance.

Sec. 8.07. - Appeals.

The board of adjustment shall have the exclusive power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by any administrative official, planning commission or county board in the interpretation or enforcement of this ordinance. Such appeal may be taken by any person, firm or corporation aggrieved, or any officer, department, board or bureau of a town, municipality, county or state.

The procedure for initiating an appeal shall be in the same manner as provided for by the county zoning ordinance.

Sec. 8.08. - Fees.

The board of county commissioners shall establish a schedule of fees, as required, for all applications and proposals for preliminary plats, final plats, variances, appeals, amendments and certificates of survey subdivision proposals. The schedule of fees shall be posted in the office of the zoning administrator and may be revised or amended only by the county board.

The fee is payable at the time of filing an application or proposal and is not refundable. No action shall be taken on any application or proposal until all applicable fees have been paid in full.

Fees as permitted by Minnesota Statutes for the filing of final plats or certificates of survey with the county recorder shall be in addition to the above-stated fees.

ARTICLE IX. - ENFORCEMENT, VIOLATIONS AND PENALTIES

Sec. 9.01. - Enforcement.

Violations of this ordinance are a misdemeanor. Additionally this ordinance may be enforced using the same procedures and penalties as contained in section 3.06 of the Meeker County Zoning Ordinance. Each day a violation continues shall constitute a separate offense or cause of action.

Part III - MEEKER COUNTY, MINNESOTA

WILD AND SCENIC RIVER ORDINANCE [\[1\]](#)

Footnotes:

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**Editor's note**— Printed in this part is the Meeker County Wild and Scenic River Ordinance of June 1977. Subsequent amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform. Additions made for clarity are indicated by brackets.

Sec. 1. - Policy and authorization.

101. An ordinance for the controlling of bluff land and river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical and scientific values of the Crow River in Meeker County, Minnesota, in a manner consistent within Minnesota Statutes §§ 104.31—104.40, Minnesota Regulations NR 78—81, and the Management Plan for the Crow River hereafter referred to as NR 2520.

Sec. 2. - Title.

201. *Short title.* This ordinance shall be known, cited and referred to as the Meeker County Wild and Scenic River Ordinance; except as referred to herein, where it shall be known as "this ordinance."

Sec. 3. - Purpose.

301. This ordinance is adopted to achieve the policy of section 1 and to:

1. Designate land use districts along the bluff land and shoreline of the Crow River as required by NR 2520.
2. Regulate the area of a lot, and the length of bluff land and water frontage suitable for building sites.
3. Regulate the setback of structures and sanitary waste treatment facilities from bluff lines and shore lines to protect the existing and/or natural scenic values, vegetation, soils, water quality, floodplain areas and bedrock from disruption by man-made structures or facilities.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Conserve and protect the natural scenic values and resources of the Crow River and to maintain a high standard of environmental quality.
7. Comply with Minnesota Regulations NR 78—81 and NR 2520.

Sec. 4. - General provisions.

401. *Jurisdiction.* This jurisdiction of this ordinance shall include all land designated within the Crow River land use district(s) within the jurisdiction of Meeker County as defined in NR 2520.

402. *Compliance.* The use of any land within the Crow River land use district(s); the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, 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 authority are required by this ordinance and other applicable ordinances for the construction of buildings, public or private water supply and sewage treatment systems, the grading and filling of the natural topography and erection of signs within the Crow River land use district(s).

403. *Rules.*

403.01 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 provision of this ordinance shall prevail.

403.02 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.

403.03 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 judgement shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said judgement.

404. *Definitions.*

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

1. "Agricultural uses" means the use of land for the production of food or fiber, their storage on the area and/or the raising thereon of domestic pets and domestic farm animals.
2. "Bluff line" means a line along the top of a slope connecting the points at which the slope becomes less than 15 percent. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.
3. "Building line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

4. "Campground" means an area accessible by vehicle and containing campsites or camping spurs for tents and trailer camping.
5. "Clear cutting" means the removal of an entire stand of vegetation.
6. "Commissioner" means the commissioner of natural resources.
7. "Conditional use" means a use of land which is permitted only when allowed by the local governing body after a public hearing, if conditions are met, which eliminate or minimize the incompatibility with other permitted uses of the district.
8. "Essential services" means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment; and accessories in conjunction therewith, but not including buildings or transmission services.
9. "Forestry" means the use and management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings and fences.
10. "Hardships" means, as used in connection with a variance under this ordinance, the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance.
11. "Lot" means a parcel of land designated by metes and bounds, registered land survey, auditors plat, 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.
12. "Mining operation" means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial or governmental purposes.
13. "Nonconforming use" means any use of land established before the effective date of this ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
14. "Open space recreation uses" means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.
15. "Ordinary high water mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.
16. "Planned cluster development" means a pattern of subdivision development which places dwelling units into compact groupings while providing a commonly owned or dedicated open space.
17. "Primitive campsites" means an area that consists of individual remote campsites accessible only by foot or water.
18. "Screened" means when a structure is built or placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.

19. "Selective cutting" means the removal of single scattered trees.
20. "Setback" means the minimum horizontal distance between a structure and the ordinary high water mark, bluff line, or highway.
21. "Sewage treatment system" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields.
22. "Structure" means any building, sign or appurtenance thereto, except aerial or underground utility lines, such as, sewer, electric, telephone, telegraph or gas lines, including towers, poles and other supporting appurtenances and fences used to control livestock or delineate boundaries.
23. "Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.
24. "Substandard use" means 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.
25. "Variance" means any modification or variation of official controls where it is determined that by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
26. "Watershed management or flood control structure" means a dam floodwall, wingdam, 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 from the commissioner of natural resources.
27. "Wetland" means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

Sec. 5. - Land use district provisions.

501. *Designation of districts.*

501.01 In order to preserve and protect the Crow River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Crow River in Meeker County has been given the wild, scenic and/or recreational river classification(s) and the uses and classification of this river and its adjacent lands are hereby designated by land use zoning districts, the boundaries of which are based on the Crow River Management Plan, NR 2520.

501.02 The boundaries of the Crow River wild, scenic and/or recreational land use districts are shown on the map designated as the Meeker County Official Zoning Map, which is made a part of this ordinance and is on file with the zoning authority. In case of conflict between the map and the property descriptions in NR 2520, the latter shall prevail.

502. *Minimum district dimensional requirements.*

502.01 The following chart sets forth the minimum area, setbacks and other requirements of each district:

	Wild	Scenic	Recreational
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1. Minimum lot size above ordinary high water (OHW) mark.	6 acres	4 acres	2 acres
2. Lot width at building line.	300'	250'	200'
3. Lot width at OHW mark.	300'	250'	200'
4. Building setback from OHW mark.	200'	150'	100'
5. Building setback from bluff line.	40'	30'	20'
6. The maximum building height restriction shall not apply to buildings used primarily for agricultural purposes.			
7. On-site sewage treatment system setback from OHW mark.	150'	100'	75'
8. Maximum structure height.	35'	35'	35'
9. Controlled vegetative cutting area (see section 801) setback from OHW mark.	35'	35'	35'
10. Setback to the bluff line.	40'	30'	20'

502.02 On all tributaries designated in NR 2520, the following setbacks also apply within the land use district(s):

1. Building setbacks from OHW mark: 100 feet.
2. On-site sewage treatment system setback from OHW mark: 75 feet.
3. Controlled vegetative cutting area setback from OHW mark: 100 feet (see section 801).

502.03 No structure shall be placed on any slope greater than 13 percent (15-foot vertical rise in 100-foot horizontal distance) unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the sanitary provisions of section 7.

502.04 No structure shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the Meeker County and/or statewide standards and criteria for management of floodplain areas of Minnesota (Minnesota Regulations NR 85-93).

503. *Substandard lots.*

503.01 Lots of record in the office of the county recorder on the effective date of enactment of this ordinance which do not meet the dimensional requirements of this ordinance shall be allowed as building sites provided: such use is permitted in the land use district(s); the lot was in separate ownership on the date of enactment of this ordinance; and all sanitary and dimensional requirements are complied with, as practicable.

Sec. 6. - Uses within the land use districts.

601. *Purpose.* The purpose of establishing standards and criteria for uses in the Crow River land use district shall be to protect and preserve existing natural, scenic, historical, scientific and recreational values to maintain proper relationships between various land use types and to prohibit new residential, commercial or industrial uses that are inconsistent with the statewide standards and criteria for wild and scenic rivers, NR 78-81 and NR 2520.

602. *Permitted and conditional uses.*

602.01 In the following table of uses:

"P" means permitted use.

"C" means conditional use.

"N" means non-permitted use.

Certain of the following uses are subject to the zoning dimension provisions and sanitary provisions of section 5 and section 7. All of the following uses are subject to the vegetative cutting provisions of section 8.

	Land Use Districts		
	Wild River	Scenic River	Recreational River
1. Governmental campgrounds, subject to management plan specifications.	N	P	P
2. Private campgrounds, subject to management plan specifications.	N	C	C
3. Public accesses, road access type with boat	N	P	P

launching facilities subject to management plan specifications.			
4. Public accesses, trail access type, subject to management plan specifications.	P	P	P
5. Temporary docks.	C	C	P
6. Other governmental open space recreational uses, subject to management plan specifications.	P	P	P
7. Other private open space recreational uses, subject to management plan specifications.	C	C	C
8. Agricultural uses.	P	P	P
9. Single-family residential uses.	P	P	P
10. Forestry uses.	P	P	P
11. Essential services.	P	P	P
12. Sewage disposal systems.	P	P	P
13. Private roads and minor public streets.	P	P	P
14. Signs approved by federal, state or local government which are necessary for public health and safety and signs indication areas that are available or not available for public use.	P	P	P
15. Signs not visible from the river that are not specified in 14.	P	P	P
16. Governmental resource management for improving fish and wildlife management areas, nature areas, and accessory roads.	P	P	P
17. Underground mining that does not involve surface excavation in the land use district.	C	C	C

18. Utility transmission power lines and pipelines, subject to the provisions of section 8.	C	C	C
19. Public roads, subject to the provision of section 8.	C	C	C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.

Sec. 7. - Sanitary provisions.

701. *Generally.*

701.01 Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administrative procedures set forth in other applicable local ordinances, the Minnesota Department of Health and sections 502.01(6) and 502.02(2) of this ordinance.

701.02 No person, firm or corporation shall install, alter, repair or extend any individual sewer disposal system or private well without first obtaining a permit for such action from the zoning authority for the specific installation, alteration, repair or extension.

701.03 Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality and administrative procedures of other applicable local ordinances.

Sec. 8. - Vegetative cutting.

801. *Applicability; general provisions; clear cutting.*

801.01 The vegetative cutting provisions (section 801.02) shall apply to those areas as specified in sections 502.01(9) and 502.02(3) of this ordinance.

801.02 General provisions within designated setback areas.

1. Clear cutting, except for any authorized public services such as road and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
3. The cutting provisions of section 801.02(1) and (2) 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, brushes, grasses or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.

801.03 Clear cutting. Clear cutting anywhere in the designated land use district(s) on the Crow River is subject to the following standards and criteria:

1. Clear cutting shall not be used as a cutting method where soil, slope or other watershed conditions are determined by the zoning authority to be fragile and subject to sever erosion and/or sedimentation.
2. Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
3. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
4. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, the area 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.
5. Clear cutting of vegetation in accordance with NR 78(g) shall not be allowed within 200 feet of the OHW mark of the North Fork of the Crow River.

802. *Grading, filling, alterations of the beds of the public waters.*

802.01 Any grading and filling work done within the designated land use districts(s) of this ordinance shall require a permit and shall comply with the following:

1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be in the land use district(s).
2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning authority. A grading and filling permit may be issued only if the conditions of section 802.01(4) and (5) are properly satisfied.
3. NR 79(h)(5), which prohibits the filling or drainage of wetlands along designated wild and scenic rivers, shall apply only to federally determined Type III—V wetlands, a map of which is to be kept on file in the county zoning administrator's office.
4. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing and the destruction of natural amenities.
5. Grading and filling in of the natural topography shall also meet the following standards:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible.
  - b. Temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
  - c. Methods to prevent erosion and to trap sediment are employed.
  - d. Fill is stabilized to accepted engineering standards.

802.02 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 of DNR pursuant to Minnesota Statutes § 105.42.

802.03 Drainage or filling in of wetlands is not allowed within the land use district(s) designated by this ordinance.

803. *Utility transmission lines.*

803.01 All utility transmission crossings of land within the Crow River land use district(s) shall require a conditional use permit. The construction of such transmission services shall be subject to the standards and criteria of Minnesota Regulations NR 79(i)(2). No conditional use permit shall be required for high voltage transmission lines under control of the environmental quality council pursuant to Minnesota Statutes § 116.C.61.

804. *Public roads.*

804.01 In addition to such permits as may be required by Minnesota Statutes § 105.42, a conditional use permit shall be required for any construction or reconstruction of new public roads within the Crow River land use district(s). Such construction or reconstruction shall be subject to the standards and criteria of Minnesota Regulations NR 79(j)(2). A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access at abutting properties. Public roads include township, county and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic-generating areas.

Sec. 9. - Subdivisions.

901. *Land suitability.*

901.01 No land shall be subdivided which is determined by the governing body or the commissioner to be unsuitable by reason 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.

902. *Planned cluster developments.*

902.01 A planned cluster 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. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this ordinance for planned cluster developments provided:

1. Preliminary plans are approved by the commissioner prior to their enactment by the governing body.
2. Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.
3. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements or other methods.
4. There is not more than one centralized boat launching facility for each cluster.

Sec. 10. - Administration.

1001. *Organization provisions.*

1001.01 The provisions of this ordinance shall be administered by the Meeker County Zoning Authority.

1001.02 The Board of Adjustment of Meeker County shall act upon all questions as they arise in the administration of this ordinance; to hear and decide appeals; and to review any order, requirements, decisions or determination made by the zoning authority, who is charged with enforcing this ordinance as provided by Minnesota Statutes.

1001.03 Permit fees and inspection fees as may be established by resolution of Meeker County shall be collected by the zoning authority for deposit with Meeker County and credited to the appropriate general fund.

1002. *Nonconforming uses, substandard uses.*

1002.01 *Nonconforming uses.* 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.

1002.02 *Nonconforming sanitary systems.* All sanitary facilities inconsistent with the performance standards of other applicable local ordinances and the minimum standards of the Minnesota Pollution Control Agency and the Minnesota Department of Health shall be brought into conformity or discontinued within five years of the date of enactment of this or other applicable ordinances.

1002.03 *Substandard uses.* All uses in existence prior to the effective date of enactment or amendment of this ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance, are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

1. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
2. Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment of this ordinance.
3. Where a setback pattern from the OHW mark has already been established on both sides of a proposed building size, the setback for the proposed structure may be allowed to conform to that pattern. (This provision shall apply to lots which do not meet the minimum lot requirements (section 502.02(1)) of this ordinance.)

1003. *Variance.*

1003.01 The grant of a variance requires the presence of the following conditions:

1. The strict enforcement of the land use controls will result in unnecessary hardship.
2. Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with NR 2520.
3. There are exceptional circumstances unique to the subject property which was not created by the landowners.
4. 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.
5. Granting of the variance will not alter the essential character of the locality as established by the management plan, NR 2520.

1003.02 All variances to the requirements of this ordinance must be certified in accordance with section 1007 of this ordinance.

1004. *Plats.*

1004.01 Copies of all plats within the boundaries of the Crow River land use district(s) shall be forwarded to the commissioner within ten days of approval by Meeker County.

1004.02 Inconsistent plats. Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

1004.03 All inconsistent plats approved by Meeker County must be certified in accordance with section 1007 of this ordinance.

1005. *Amendments.*

1005.01 This ordinance may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this section. Amendments to this ordinance must be certified by the commissioner as specified in section 1007 of this ordinance.

- 1005.02 Requests for amendments of this ordinance shall be initiated by a petition of the owner or owners of the actual property; or by action of Meeker County.
- 1005.03 An application for an amendment shall be filed with the zoning authority.
- 1005.04 Upon receipt in proper form of the application and other requested materials, the planning agency or commission shall conduct a public hearing in the manner prescribed by Minnesota Statutes.
- 1005.05 Following the public hearing, the planning agency shall make a report of its recommendations on the proposed amendment and shall file a copy with Meeker County within 60 days after the hearing. Certification from the commissioner must be obtained as specified in section 1007 before the proposed amendment becomes effective.
- 1005.06 To defray the administrative costs of processing requests for an amendment to this ordinance, a fee not exceeding administrative costs shall be paid by the petitioners. Such fee shall be determined by the Meeker County Council or Commissioners.
1006. *Reserved.*
1007. *Certification.*
- 1007.01 Certain land use decisions which directly affect the use of land within the designated land use districts and involve any of the following actions must be certified by the commissioner (section 1007.02):
1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
  2. Granting a variance from a provision of this ordinance which relates to the zoning dimension provisions of section 5 of this ordinance and any other zoning dimension provisions established in NR 2520.
  3. Approving a plat which is inconsistent with the local land use ordinance.
- 1007.02 Certification procedure.
1. 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 local ordinance shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinances or amendment or a copy of the proposed inconsistent plat or a description of the requested variance.
  2. Meeker County shall notify the commissioner of its final decision on the proposed action within ten days of the decision.
  3. The action becomes effective when and only when either:
    - a. The final decision taken by Meeker County has previously received certification of approval from the commissioner;
    - b. Meeker County receives certification of approval after its final decision;
    - c. 30 days have elapsed from the day the commissioner neither certification of approval nor notice of non-approval; or
    - d. The commissioner certifies his approval within 30 days after conducting a public hearing.
  4. In case the commissioner gives notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or the chief executive officer of Meeker 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 non-approval 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 § 105.44, subdivisions 5 and 6 (1971), as amended.
- c. The commissioner shall either certify his approval or disapproval of the proposed action within 30 days of the hearing.

1008. *Permits.*

1008.01 The following table summarizes the permit and certification process within the land use districts designated by this ordinance:

Wild, Scenic, Recreational Land Use District Permits	Action Necessary
Building permits	LP
Sign construction permits	LP
Septic permits	LP
Water supply permits	LP
Grading, filling permits	LP
Conditional use permits	PH - FD
Amendments to ordinance	PH - CC
Amendments to district boundary	PH - CC
Inconsistent plats	PH - CC
Planned cluster developments	PH - WA
Variances	PH - CC
Plats	PH (notification not required) - FD

LP - Permit issued by the local authority in accordance with this ordinance and all other local ordinances.

CC - Certification by the commissioner of natural resources prior to final local approval.

PH - Public hearing necessary by the local authority giving 30-day notice of the hearing to the commissioner of natural resources.

FD - Local authority forwards any decisions to the commissioners of natural resources with ten days after taking final action.

WA - The commissioner of natural resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.

1009. *Enforcement.*

1009.01 It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation therefor shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

1009.02 In the event of a violation or a threatened violation of this ordinance, Meeker County, or the commissioner of natural resources, in addition to other remedies, may institute appropriate actions or threatened violations.

1009.03 Any taxpayer or taxpayers of Meeker County may institute mandamus proceedings in the district court to compel scientific performance by the proper official or officials of any duty required by this ordinance.

1010. *Effectuation.*

1010.01 This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Part IV - ZONING ORDINANCE<sup>11</sup>

Footnotes:

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**Editor's note**— Printed herein is the Meeker County Zoning Ordinance of 1992, as updated through May 2017. Subsequent amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the May 2017 amended ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform. Additions made for clarity are indicated by brackets.

ARTICLE 1. - TITLE, INTENT AND PURPOSE

Sec. 1.01. - Title.

This ordinance shall be known, cited and referred to as the Meeker County Zoning Ordinance of 1992. When referred to herein, it shall be known as "this ordinance."

Sec. 1.02. - Intent and purpose.

This ordinance is adopted for the purpose of:

- A. Protecting the public health, safety, and general welfare of the inhabitants of the unincorporated area of Meeker County.
- B. Protecting and preserving economically viable agricultural lands.
- C. Promoting orderly development of residential, commercial, industrial, recreational, public and other use areas.
- D. Securing the most appropriate uses of land while providing for their compatibility.
- E. Conserving the natural and scenic beauty of the county.

- F. Conserving and developing natural resources in the county.
- G. Minimizing environmental pollution.
- H. Securing safety from fire, flooding, panic and other dangers.
- I. Providing adequate light, air and reasonable access to property.
- J. Lessening congestion in the public rights-of-way.
- K. Facilitating adequate and economical provision of transportation, water supply and sewage disposal facilities.
- L. Preventing overcrowding and undue population concentration and urban sprawl.
- M. Implementing those municipal, county, watershed, regional or state comprehensive plans or ordinances or those components adopted by the county.
- N. Preserving the value of land and buildings throughout the county.
- O. Providing for the gradual and equitable elimination of those uses of land, buildings and structures which are not harmonious with adjacent uses and which adversely affect the development and value of the surrounding area.
- P. Preserving the quantity and quality of surface water and groundwater in Meeker County.

## ARTICLE 2. - ZONING DISTRICTS

### Sec. 2.01. - Zoning districts.

For the purposes of this ordinance, the unincorporated area of Meeker County, State of Minnesota, is hereby divided into the following districts, which shall be known by the following respective symbols and names:

#### *Basic Districts*

- A. A-1 - Agricultural Preservation.
- B. R-1 - Suburban Residential.
- C. R-2 - Rural Residential.
- D. C-1 - Commercial.
- E. C-2 - Neighborhood Commercial.
- F. I-1 - General Industry.

#### *Overlay Districts*

- G. UE-O - Urban Expansion.
- H. SM-O - Shoreland Management.
- I. RR-O - Recreation River.
- J. CR-O - Clearwater River.

### Sec. 2.02. - Official zoning maps and directory.

The locations and boundaries of the districts established by this ordinance are hereby set forth on the zoning maps and also by legal description in a directory for smaller areas such as plats. These maps and directory are hereby made a part of this ordinance and shall be known as the "Meeker County Zoning Maps and Directory." Said maps and directory, consisting of sheets and all notation, references and data as shown thereon, are hereby incorporated by reference into this ordinance and shall be made as much a part of it as if all were fully described and set forth herein. The official zoning maps and directory shall be

certified as such by the chairman of the county board of commissioners and attested by the county auditor. The official zoning maps and directory shall be kept on file in the zoning administrator's office.

Regardless of the existence of purported copies, the official zoning maps and directory, which may from time to time be made or published, only that copy bearing the original certification shall be the final authority as to the current zoning status of the unincorporated areas of Meeker County.

#### Sec. 2.03. - Interpretation of district boundaries.

Where uncertainty exists as to boundaries of districts as shown on the official zoning maps and directory, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys and other public rights-of-way shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines and government lines shall be construed as following such lines.
- D. Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main set of tracks or at the centerline of a single set of tracks.
- F. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shorelines.
- G. Boundaries indicated as approximately following the centerline of streams, rivers, ditches or other bodies of water shall be construed as following such centerlines.
- H. Boundaries indicated as parallel to or extensions of features indicated in subsections A—G above shall be so construed. Distances not specifically indicated on the official zoning maps and directory shall be determined by the scale of the map.
- I. Where physical or cultural features existing on the ground, such as shorelands, are at variance with those shown on the official zoning maps and directory or in other circumstances not covered by subsections A—G above, the board of adjustment shall interpret the district boundaries.
- J. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the planning commission shall consider the extension of the regulations for either portion of the lot in accordance with the procedure for changes and amendments.
- K. Where figures are shown on the zoning maps and directory, they indicate that the district boundary line runs parallel to a cultural or natural feature at a distance therefrom equivalent to the number of feet so indicated. In the R-1 Suburban Residential District, the district boundary line shall normally be a distance of 300 feet from the shoreline unless otherwise indicated. In the R-2 Rural Residential District, the district boundary shall normally be a distance of 400 feet from the shoreline unless otherwise indicated.
- L. Shoreland management overlay district boundaries shall include those lands defined as shorelands. Final determination of the exact location of said boundaries shall be made by the board of adjustment.

#### Sec. 2.04. - Overlay districts.

This ordinance provides for the designation of certain lands to be included within one or more management overlay districts. The management overlay district regulations are in addition to the regulations of the underlying basic zoning district. Said regulations are included so as to manage certain

lands and resources in a manner consistent with state requirements, protect environmentally sensitive areas, or to provide for coordination with incorporated communities and/or special purpose districts with the county.

Where the regulations of the management overlay district impose greater restrictions than those of any other section and/or requirement of this ordinance, the provisions of said district shall apply. Where there are greater restrictions imposed by other regulations and/or sections, such provisions shall apply. The zoning administrator shall determine which provision, regulation and/or section is more restrictive and appeals from such determination may be made in the manner provided herein.

Any permitted, conditional or accessory use must also be allowed in the basic zoning district in order to be allowed in the management overlay district. Any use not allowed as a permitted, conditional or accessory use is expressly prohibited.

#### Sec. 2.05. - Shoreland boundaries.

Shoreland district boundaries shall be construed to be those areas of land within 1,000 feet from the normal high water mark of a lake, pond or flowage and 300 feet from a river or stream, as identified in the Public Water Classification for Meeker County, as approved by the commissioner of natural resources and the Meeker County Board of Commissioners.

The public waters of Meeker County, Minnesota, have been classified by guidelines established by the department of natural resources. Specific designations for the various bodies of water within Meeker County can be found in the article in this ordinance entitled "Shoreland Management Overlay District."

Whenever the landward extent of a floodplain, as designated by this ordinance, is greater than the shoreland boundary, the greater distance shall be governing. 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 natural resources.

#### Sec. 2.06. - Clearwater River Watershed District.

The Clearwater River Watershed District boundaries shall be those boundaries as determined by the Clearwater River Watershed District as established pursuant to MN Statutes, sections 103D.011—103D.925. The boundaries of these lands are identified on the official zoning maps and directory.

#### Sec. 2.07. - North Fork Crow River Management District boundaries.

The North Fork of the Crow River within Meeker County has been designated as a recreation river pursuant to MN Statutes, sections 103F.301—103F.345. Under the authority of MN Statutes, section 103F.355 and MN Rules, parts 6105.1000—6105.1130, certain lands along the river have been designated as being included in the North Crow River Land Use Management District. These lands have been identified on the official zoning maps and directory from legal description and land management maps (Plates 1-5) in the management plan for the North Fork of the Crow River which are hereby made a part of this ordinance by reference. In case of a conflict between the map or directory and the property description of MN Rules, part 6105.1100, the latter shall prevail.

#### Sec. 2.08. - Appeals as to district boundaries.

Appeals from any administrative officer's determination of the exact location of district boundary lines shall be heard by the board of adjustment for a judgment as to the location of the district boundaries. A judgment by the commissioner of natural resources may also be sought in the event that agreement relative to precise location of shoreland and floodplain district boundaries cannot be obtained or if the question is related to the recreation river management district.

#### Sec. 2.09. - Future detachment.

Any land detached from an incorporated municipality and placed under the jurisdiction of this ordinance in the future shall be placed in the A-1 Agricultural Preservation District until placed in another district by action of the board of county commissioners after recommendation of the county planning commission.

#### Sec. 2.10. - Vacation of roads.

When any road, highway, street or other public right-of-way is vacated, the zoning classification of land abutting the centerline of the public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

#### Sec. 2.11. - Changes and amendments.

If in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the official zoning maps and directory, the resolution number and date of said change shall be recorded by the county auditor on the official zoning maps and directory. No amendment to this ordinance which involves matter portrayed on the official zoning maps and directory shall become effective until after such change and entry has been made on said maps and directory. It shall be the responsibility of the zoning administrator to maintain said maps and directory. Any changes shall be made within 30 days of county board approval. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under the provisions of this ordinance.

#### Sec. 2.12. - New zoning maps and directory.

In the event that the official zoning maps and directory become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the county board of commissioners may, by resolution, adopt new official zoning maps and directory which shall supersede the prior official zoning maps and directory. The new official zoning maps and directory may correct drafting and other errors or omissions in the prior official zoning maps and directory, but no such correction shall have the effect of amending the original official zoning ordinance or any subsequent amendment thereof. Unless destroyed, the prior maps and directory or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

### ARTICLE 3. - GENERAL REGULATIONS

#### Sec. 3.01. - Introduction.

The following regulations are necessary to accomplish the intent of this ordinance. They shall apply in all zoning districts, in addition to the specific district regulations, except where special provisions provide otherwise.

#### Sec. 3.02. - Jurisdiction.

The jurisdiction of this ordinance shall apply to all the area of the county outside the incorporated limits of municipalities.

#### Sec. 3.03. - Scope.

From and after the effective date of this ordinance and subsequent amendments, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in the county shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming lots, structures and uses and subject to article 4.

#### Sec. 3.04. - Interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, water quality and general welfare.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.

Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

When a specific law, rule or regulation is specified herein, said reference shall include any amendments thereto, or successor laws, rules and regulations.

#### Sec. 3.05. - Compliance.

No structure, land, water, or air shall hereafter be used without full compliance with the provisions of this ordinance and all other applicable local, county and state regulations. No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without either a land use permit or a building permit, whichever is required.

Any building or structure for which a land use permit or building permit has been issued and the construction of the whole or part of which has been started prior to the effective date of this ordinance may be completed and used in accordance with the plans and application of which said building permit was granted.

No building permit for a dwelling that is constructed on site or moved onto a site shall be issued unless a conforming sewage treatment system exists for the intended dwelling. If a conforming system does not exist, then one must be installed that meets all state, federal, and local requirements.

#### Sec. 3.06. - Violations and penalties.

The county may enforce this ordinance with any of the following remedies:

##### A. *Cease and/or abate.*

1. *Disclosure of responsible party.* Upon the request of an enforcement officer, a responsible party or owner shall disclose the name of any other responsible party or owner known to him. This shall include but not be limited to the persons for whom he is acting, from whom he is leasing the property, to whom he is leasing the property, with whom he shares joint ownership, or with whom he has any contractual relationship.
2. *Enforcement officer authorized to enter.* Upon permission granted by the responsible party or the possession of a warrant, an enforcement officer shall be authorized to enter any premises in the county for the purpose of enforcing and assuring compliance with the provisions of this ordinance. An enforcement officer need not obtain permission or a warrant to enter any premises in the county that are held open to the general public.
3. *Order to cease.* In the event that a violation exists, in addition to all other remedies in this ordinance, including prosecution, the enforcement officer may order the owner and/or responsible party to cease and/or abate the violation. The written order shall contain the following:
  - a. Names and addresses of the owner and responsible parties, if known;
  - b. A description of the real estate sufficient for identification;

- c. A description and the location of the violation and the remedial action required to abate the violation;
    - d. The abatement deadline, to be determined by the enforcement officer, allowing a reasonable time for the performance of any act required.
  4. *Service.* The enforcement officer shall order the person committing or maintaining such violation in writing to terminate and abate said violation and to remove such conditions or remedy such defects. Any one of the following methods of service shall be adequate:
    - a. By personal service; or
    - b. By mail, unless it is a written order which gives three days or less for the completion of the act it requires; or
    - c. If the appropriate responsible party or owner cannot be determined or found after reasonable effort, by posting a copy of the order in a conspicuous place on the property.
  5. *Appeal.* The order shall contain a statement that it may be appealed at a hearing before the county board obtained by filing a written request with the zoning administrator or the designated enforcement officer before the appeal deadline which shall be the abatement deadline designated in the order or seven days after the date on the order, whichever comes first. The order shall further require the owner or occupant of such premises, or both, to take action within a reasonable time to abate and remove the violation. The maximum time for the removal of said violation after service of the order shall not in any event exceed 30 days. Service of the notice may be proved by affidavit of service by the enforcement officer, stating the manner and time of service.
  6. *Abatement procedure.*
    - a. *Abatement.* If, after service of notice, the person served fails to abate the violation or make the necessary repairs, alterations, or changes in accordance with the order, the county board, following a hearing, may cause such violation to be abated and all abatement costs incurred by Meeker County shall be charged against the property as a special assessment to be collected in the manner provided.
    - b. *Notice.* The enforcement officer shall mail a notice of the date, time and place and subject of the hearing to the owner and known responsible parties.
  7. *Hearing.* At the time of the hearing, the county board may hear the enforcement officer, the owner or responsible person, and such other parties who may offer relevant testimony. After the hearing, the county board may reverse, confirm or modify the order of the enforcement officer, or direct that the violation be abated, establishing a deadline for abatement.
  8. *[Abatement actions.]* Abatement may include, but shall not be limited to, the removal or cleaning of offending substances, vehicles, or objects; extermination of vermin; securing or boarding unoccupied or abandoned structures; barricading or fencing; removing dangerous portions of structures; demolition of dangerous structures or abandoned buildings; or otherwise cause compliance with this ordinance herein.
  9. *[Abatement costs.]* Abatement costs shall include the cost of the abatement; investigation such as title searches, inspection, testing, notification, filing and administration; and legal costs including attorney fees.
- B. *Misdemeanor.*
  1. Any person, firm or corporation 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.

2. Any person, firm or corporation who is convicted of a violation of this ordinance shall be punished by a fine not to exceed \$1,000.00 or by imprisonment of not to exceed 90 days, plus in either case the cost of prosecution. Each day a violation continues shall constitute a separate offense.
  3. All fines for violations shall be paid to the county and shall be credited to the designated fund.
  4. In the event of a violation hereof, the zoning administrator, the county board, or any member thereof, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation. Any costs incurred by the county hereunder may be, in the event the county prevails on any of its asserted claims, assessed against the affected property as a special assessment upon action by the county board certifying said costs to the county auditor.
- C. *Civil fine.* Any person found to be in violation of any of the provisions of this ordinance may be assessed a civil fine by the county board for an amount not to exceed the itemized expenses incurred by the county in enforcing the terms of the ordinance against the violator. Said amount shall be determined by the county board after the violator has been notified in writing of the date and time for an opportunity to contest the fine before the county board. In the event the fine remains unpaid for more than 30 days after final action, or if appealed and the appeal is concluded, the auditor shall certify the fine against the property in the same manner as a special assessment tax.
- D. *[Enforcement actions.]* Pursuant to Minnesota Statutes, section 394.27, or successor statutes, the county attorney may institute such actions as may be necessary to enforce final decisions issued hereunder. This enforcement method is not exclusive, but is in addition to any other right, remedy or cause for action the county may have 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.

#### Sec. 3.07. - Separability.

It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect other property, buildings or structures.

#### Sec. 3.08. - Relation to land use plan.

It is the policy of the county board that the enactment, amendment, and administration of this ordinance be accomplished with due consideration of the purpose and objectives of the county land use plan as adopted or approved and amended from time to time by the board. The board recognizes that the land use plan is a guide for the future development of the county and the basis for the enactment of this ordinance.

#### Sec. 3.09. - Use regulations.

Only the following uses shall be allowed in any district:

- A. Permitted uses as specified for the district.

- B. One accessory use or structure is permitted in any district until their principal structure is built. Accessory uses to residential district developments shall not involve the conduct of any business, trade or industry except for home and professional occupations as defined herein. Any accessory structure cannot be occupied as a separate dwelling unit.
- C. Dwelling units shall be confined to one building per lot except as allowed by conditional use.
- D. Conditional uses and their accessory uses shall be permitted in specified districts after review, public hearing and recommendation by the county planning commission and approval by the county board in accordance with procedures and standards established in this ordinance.

Sec. 3.10. - Height regulations.

The building height regulations of this ordinance shall be modified as follows:

- A. There shall be a maximum height limitation set forth for each district for all structures within the county. Any structure that exceeds 150 feet in height must be granted a conditional use permit prior to construction, and then only after obtaining a letter of clearance from the Federal Aviation Administration and the airport commission for any airport located within ten miles of the structure proposed to exceed this height limitation.
- B. Height limitations set forth in the district regulations of this ordinance may be increased by 100 percent when applied to the following:
  - 1. Monuments.
  - 2. Flag poles.
  - 3. Windmills.
  - 4. Cooling towers.
  - 5. Grain elevators, bins, legs or storage structures used for the storage, drying or movement of agriculture products.
- C. Height limitations set forth in the district regulations of this ordinance may be increased after approval of a conditional use permit where applied to the following:
  - 1. Church spires, belfries or domes which do not contain usable space.
  - 2. Water towers.
  - 3. Chimneys or smokestacks.
  - 4. Tower, commercial wireless communications.
  - 5. Essential service structures.
  - 6. Movie screens.
  - 7. Grain elevators, bins, legs or storage structures used for the storage, drying or movement of agriculture products.

Sec. 3.11. - Yard regulations.

The building setback and yard requirements of this ordinance shall be modified as follows:

- A. Cornices, canopies, eaves, gutters or chimneys and fireplaces less than eight feet in length, may extend not more than two feet, six inches into the required yards.
- B. Landing and steps below the first floor level may extend into the required front yard a distance not exceeding eight feet and a total of 64 square feet or into a side yard not exceeding four feet and a total of 32 square feet.

- C. Decks, outside stairways, fire escapes, enclosed porches, balconies and other similar and attached projections shall be considered as part of the building and not allowed to encroach upon required space for yards.
- D. A wall, fence, hedge or ornamental feature may occupy part of the required yard except that:
  - 1. The required front yard of a corner lot shall not contain any wall, fence, other structure, tree, shrub or any other material which may cause danger to traffic by obscuring the view.
  - 2. On a corner lot in any district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision above a height of 36 inches in height above the centerline grade of the intersecting streets shall be erected, placed or maintained within the triangular area bounded by the lot lines and a line connecting points on each lot line 50 feet from the intersection of such lot lines.
- E. When the majority of residential or commercial buildings have been built in an area at a time before the adoption of this ordinance, no building or structure hereafter erected or altered shall project beyond the average setback line established by existing structures on adjoining lots, provided no building shall be closer than 25 feet to the street right-of-way line, and no building shall be required to [be] set back more than the minimum required distance.
- F. Corner lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

Sec. 3.12. - Lot requirements.

- A. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance.
- B. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space or off-street parking or loading space required under this ordinance for another building, structure or use.
- C. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one permitted principal building on one lot except that in agricultural, commercial and industrial districts more than one permitted principal building may be located on one lot providing that all buildings shall meet all other requirements as set forth in this ordinance as though it were on an individual lot.
- D. No proposed plat of a new subdivision shall be approved unless the lots within such plats equal or exceed the minimum requirements as delineated for the district in which the property is located. The plats shall further conform to all other statutes of the State of Minnesota and ordinances and regulations of the county. All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features, or proper subdivision and land platting.
- E. If two or more lots or combination of lots and portions of lots with continuous frontage or common property line are in single ownership, the following provisions shall apply. No building, structure or use shall be constructed, altered, expanded or developed except in conformity with these provisions and such other applicable provisions of this ordinance.
  - 1. Unless accepted herein, each individual lot of record shall be dealt with as an individual lot in all cases, even though in common ownership with adjacent lots of record.
    - a. *Exception.* An owner may combine two or more adjacent lots into a single lot for a building, structure or use by filing with the zoning administrator and county recorder a form combining the lots into one lot for such purposes. Said form can be obtained from the zoning administrator's office. Once filed and recorded, all provisions of this or any successive ordinance shall apply to the joined lots taken as a whole.

2. No new or existing structure or use on a lot of record shall be constructed, altered or expanded in any manner which would be at variance with the provisions of this ordinance. Common ownership with adjacent parcels shall not be considered grounds for a variance.

F. In no event shall off-street parking space, structures of any type, buildings or other features cover more than 25 percent of the lot area in residential districts.

Sec. 3.13. - Notice of meetings, public hearings, and viewing.

Subject to specific requirements as set forth herein, notices of meetings, public hearings, and viewings if a quorum exists shall be in writing, contain the date, time, place and purpose of the meeting and be posted on the principal bulletin board of the county. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of meeting with the zoning administrator. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

- A. As an alternative to posting, mailing, or delivering, notice of the meeting may be published once, at least three days before the meeting, hearing, or viewing in the official newspaper of the county.
- B. For emergency meetings, notice shall comply with Minnesota Statutes § 471.705.
- C. Meetings may be recessed or continued without additional notice if the time and place of the meeting is established during the previous meeting and recorded in the minutes of that meeting.

Sec. 3.14. - Findings, recommendations, and decisions.

In making findings, recommendations, and decisions herein, the county board, the planning commission, and the board of adjustment may consider any relevant evidence, regardless of source, including, without limitation:

- A. The application and its attachments;
- B. Statement and materials presented at the public hearing and made part of the record;
- C. Studies, reports, and consultant's recommendations commissioned by the county, or furnished by the applicant or other persons;
- D. First-hand observations (viewing);
- E. Treatises, maps, or other published materials;
- F. Ability or willingness of the applicant to comply with the permit or this ordinance; or
- G. Recommendation of other boards or governing bodies.

Members of decision-making bodies are not precluded from conducting their own research and including their findings in the record. Decision-making bodies may reject evidence that is not relevant or unsubstantiated.

Sec. 3.15. - Public hearings.

Public hearings shall be conducted under such rules as the board or commission shall establish.

Sec. 3.16. - Highway easements and compliance.

This provision only applies when an easement or fee title is required, as determined by the county board of commissioners, for construction, repair or improvement to a road or highway maintained by Meeker County. At the discretion of the county board, if the easement or fee title either:

- A. Results in the permanent splitting of a parcel of property such that any remaining portion is now less than 20 acres square; or

- B. Results in a taking (whether by permanent easement or fee) of more than 30 percent of a parcel; or
- C. Results in the parcel becoming nonconforming for its normal and customary use with regard to the rules and regulations herein;

then the county board may, in its sole discretion, as part of negotiations and agreements entered into for the acquisition of the easement for fee title, approve a plan for the use and subdividing of the portion of the affected parcel that meets this criterion. Said plan may deviate from the rules and regulations of this ordinance and the comprehensive land use plan, in notice requirements for a conditional use permit. If agreed upon by the owner and lienholders of the parcel, the approved plan shall be executed in recordable form, filed in the office of the county recorder, and enforceable in the same fashion as a conditional use permit under articles 6A and 3 herein. Except for the provisions contained in the plan, the parcel shall be subject to all other terms of this ordinance or any successor thereto.

This provision is not available as part of any relief, award or judgment issued by any court in a condemnation action. It is only available if negotiated and approved by the county board of commissioners. This provision recognizes that the need for safe roads and highways that provide necessary access to all parts of the county is a high priority. This need, may, by necessity, alter the character and use availability of a parcel of property through no fault of its owner. This provision is designed to allow the parties to contemplate and possibly implement alternatives to condemnation that may better serve the interests of the parties.

#### ARTICLE 4. - NONCONFORMING LOTS, STRUCTURES AND USES

##### Sec. 4.01. - Intent.

Within the various districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful prior to the adoption of this ordinance which would be prohibited, regulated or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that such nonconformities shall not be intensified, enlarged upon, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most recent permit issued prior to the adoption of this ordinance. No nonconformity shall be used as grounds for adding other structures or uses prohibited elsewhere in the same district. See also section 24.02(B).

##### Sec. 4.02. - Nonconforming lots of record or substandard lots.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance subject to the following limitations and those imposed by other provisions of this ordinance:

- A. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, no portion of said parcel shall be developed or sold which does not meet the lot width and area requirements established by this ordinance, nor shall any division of the parcels be made which leaves a remaining lot with width or area below the requirements stated in this ordinance.
  - 1. Except all lots designed and platted according to the shoreland rules adopted by Meeker County on December 6, 1972, and the Statewide Standards for Management of Shoreland Areas dated July 3, 1989.
- B. The lot has frontage on a public right-of-way.

- C. It can be demonstrated that a proper and adequate individual sewage treatment system can be installed.

Sec. 4.03. - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this ordinance, there exists lawful use of land that is no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- D. When a nonconforming use is superseded by a conforming use, the nonconforming use shall not thereafter be resumed.

Sec. 4.04. - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such structure be destroyed by any means, including, but not limited to, natural occurrences such as wind, flood, lightning, tornado, snow or storm or by unintentional or intentional human actions to an extent of more than 50 percent of its current appraised value as determined by the county assessor, exclusive of the foundation, it shall not be reconstructed except in conformity with the provisions of this ordinance. If less than 50 percent [is] damaged it may be restored, reconstructed or used as before, provided that it is done within 12 months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the planning commission.
- C. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations for the district to which it is moved.

Sec. 4.05. - Nonconforming uses of structures.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of a building which was originally arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure and/or structure and premises in combination may be changed to another nonconforming use provided that the

planning commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

- D. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination is discontinued for 12 consecutive months, the structure and/or structure and premises shall not be used except in conformity with the regulations of the district in which it is located.
- F. When nonconforming use status applies to structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage of any kind of more than 50 percent of its appraised value as determined by the county assessor at the time of destruction.

#### Sec. 4.06. - Nonconforming signs.

Signs, existing on the effective date of this ordinance, which do not conform to the regulations set forth in this ordinance, shall become nonconforming. Such signs may be continued subject to the following provisions:

- A. Nonconforming signs shall be discontinued within a reasonable period of amortization of the sign. The period of amortization for nonconforming signs shall be not more than: five years from the effective date of this ordinance, subject to section 4.12 herein.
- B. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. If the use or the normal operation on the premises is discontinued for a period of 12 consecutive months, the sign shall be removed. New signs in conformance with the performance standards of section 22.23 of this ordinance not to exceed 35 square feet in aggregated sign area may be erected only upon the complete removal of all other nonconforming signs existing at the time of the adoption of this ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
- C. No sign erected before the passage of this ordinance shall be rebuilt, altered, or moved to a new location without being brought into compliance with the requirements of this ordinance.
- D. In the event that the use of a nonconforming advertising sign structure is discontinued or its normal operation stopped for a period of six months, said sign shall be removed by the owner or lessor at the request of the board of county commissioners.
- E. Signs which become nonconforming by reason of a subsequent change or amendment of this ordinance shall also be discontinued within five years.

#### Sec. 4.07. - Nonconforming junkyards.

Junkyards existing on the effective date of this ordinance, which do not conform to the regulations set forth in this ordinance, shall become nonconforming. Such junkyards may be continued subject to the following provisions and subject to section 4.12 herein:

- A. No junkyard may continue as a nonconforming use for more than five years after the effective date of this ordinance, except that a junkyard may continue as a nonconforming use in an agricultural or industrial district if within that period it is completely enclosed within a building, fence or screen planting of adequate height and density to screen the junkyard completely from the public's view on adjoining roads.
- B. Within one year after the adoption of this ordinance, all nonconforming junkyards shall submit a site and screening plan to the planning commission and the board of county commissioners.

This plan must be approved by the planning commission and board of county commissioners before any screening is erected or put into place.

- C. In the event that a vegetative planting does not reach the necessary height and density to adequately screen the junkyard from the public's view, a fence shall be built and completed before the five-year deadline so that the junkyard is completely screened from the public's view on adjoining roads.
- D. The planning commission and board of county commissioners have the authority to determine the types of materials or plantings to be used in each screening and the types of building materials necessary to erect fences or buildings to completely screen the operation from the public's view on adjoining roads.
- E. In the event of the sale of a nonconforming junkyard, the junkyard may continue operation if the conditions and provisions of this ordinance are maintained and complied with.

Sec. 4.08. - Nonconforming individual sewage treatment systems.

All individual sewage treatment systems existing on the effective date of this ordinance and located within Meeker County, except within the City of Litchfield, which do not conform to the performance standards of this ordinance, shall be deemed nonconforming.

- A. All nonconforming systems shall be made to conform to the performance standards of this ordinance within ten months from written notice or sooner:
  - 1. If a land transfer occurs requiring a certificate of real estate value (CRV) or when a transfer of ownership interest in a corporation, partnership, cooperative or other entity results in a change of possessory or use rights to a parcel of property or structure located thereon.
  - 2. If said system is found to be an imminent health threat as referred in section 4.08.C.
- B. A Meeker County Sewer Information Data Form (sewer information data form is valid for three years) must be completed and filed with the certificate of real estate value (CRV). The inspection report portion of said form need not be completed under the following conditions:
  - 1. Land is bare, without buildings.
  - 2. Land has buildings, none of which is used as a dwelling or has access to a sewage treatment system.
    - a. If building site dwelling is restored or reconstructed, sewage treatment system must be in compliance with the requirements of section 22.13.A, B, and C.
  - 3. Building site is abandoned, dwelling is not in use, and future use within the next 12 months is not contemplated.
  - 4. If the property is transferred to a spouse.
  - 5. If a contract for deed is being satisfied that was originally executed before the effective date of the adoption of the zoning ordinance (April 9, 1998). This subsection applies only to the original vendor and vendee on such a contract. If the transaction occurs between November 1 and April 30 and a sewer information data form cannot be completed, it must be filed by June 1 following the closing date and any nonconforming system corrected within ten months from the closing date. The filing of a sewer information data form shall be the responsibility of the seller unless a signed agreement with the buyer is filed stating that the buyer is responsible for filing the sewer information data form at the auditor's office and that the buyer will upgrade the sewage treatment system to conform with the Meeker County Zoning Ordinance if necessary.
  - 6. If a new system has been installed within the previous five years or said system has passed a compliance inspection within the previous three years and a copy of the certification or compliance inspection is attached to the CRV.

- C. Any system found to be an imminent health threat, as defined in chapter 7080, shall be abated within 60 days from date of proper notification.
- D. If an existing septic tank, pump tank, or drainfield is in conformance with all other requirements of this ordinance, a deficiency in setback requirements (except to a well) shall not constitute a nonconforming system unless it is located in whole or part under a structure.

Sec. 4.09. - Repairs and maintenance.

A nonconforming structure or structure containing a nonconforming use may be repaired and maintained subject to the following provisions:

- A. Only nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming building or use shall be permitted.
- B. Nothing in this ordinance shall prevent the placing of a structure in a safe or more livable condition when said structure is declared unsafe by order of an official charged with protecting public safety.

Sec. 4.10. - Nonconformities created by amendment.

When nonconformity in a structure or the use of land or a structure is created by an amendment to this ordinance, the rights granted by this section to the continuance of nonconformities apply to nonconformities existing on the date of the amendment.

Sec. 4.11. - Uses under exception provisions not nonconforming uses.

Any use for which a conditional use permit is issued as provided in this ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district. This statement does not apply to changes as allowed by planning commission action from a nonconforming use to another use generally permitted in the district.

Sec. 4.12. - Time limitations.

For the purpose of computing time limitations for article 4 herein, for any nonconforming use that also was a nonconforming use under a prior, now repealed, Meeker County Zoning Ordinance, the time limits shall commence from the effective date of the repealed ordinance, not this ordinance.

ARTICLE 5. - ADMINISTRATION, PERMITS AND FEES

Sec. 5.01. - Zoning administrator.

The office of the zoning administrator is hereby established. The county board shall appoint such employee or employees of the county, as it may deem necessary to discharge the duties of the office. The term of office of the zoning administrator shall be indefinite and shall terminate at the pleasure of the county board of commissioners.

- A. *Powers and duties.* The duties of the zoning administrator shall include the following as provided by this ordinance:
  - 1. Enforce and administer the requirements of this ordinance.
  - 2. Issue land use permits, certificates of compliance and any other permits required by the provisions of this ordinance.
  - 3. Receive, file and forward to the county planning commission all applications for amendments, rezonings and conditional use permits.
  - 4. Receive, file and forward to the county board all findings and recommendations of the planning commission necessary for the final disposition of applications for amendments, rezonings and conditional use permits.

5. Receive, file and forward to the board of adjustment all appeals and applications for variances.
  6. To have published and attend to the service of all notices required by the provisions of this ordinance.
  7. Serve as secretary to the planning commission and the board of adjustment.
  8. Act as an advisor and provide technical assistance to the planning commission, board of adjustment and county board on matters relating to the administration of this ordinance.
  9. Maintain all records necessary for the enforcement of this ordinance, including, but not limited to:
    - a. The official zoning maps and directory.
    - b. Amendments, rezonings, conditional use permits, variances, appeals, site plans, land use and other permits and applications therefor.
  10. Receive, file and forward all decisions, recommendations and conditions from the planning commission, board of adjustment and county board to the following, as appropriate:
    - a. Applicant or appellant.
    - b. County recorder.
    - c. Commissioner of natural resources.
    - d. Other affected agencies and governmental units as required by Minnesota Statutes.
  11. Provide and maintain a public information bureau relative to matters arising out of this ordinance.
  12. Conduct inspections of land, buildings or structures at reasonable times to determine compliance with and enforce the provisions of this ordinance.
  13. Institute in the name of the county any appropriate actions or proceedings to enforce this ordinance.
- B. *[Assistants, staff, etc.]* Subject to county board authorization and approval, the zoning administrator may engage assistants, staff, or outside contractors to assist with performing the duties herein.
- C. *Emergency interim use permits.*
1. The zoning administrator, in his sole discretion, is authorized to issue an emergency interim use permit that is valid for up to a maximum of 90 days or such time as the zoning administrator determines for emergency repairs or use in the following circumstances:
    - a. The property or structure is damaged or destroyed by acts not caused by the property owner, his agents or assigns;
    - b. The repairs or use are necessary to prevent further loss or damage to the property or to other property, lakes, rivers or streams; and
    - c. The repairs or use would otherwise require a conditional use permit, interim use permit, or variance under the terms of this ordinance.
  2. Prior to issuing an emergency interim use permit hereunder, the zoning administrator shall consult with and obtain approval of any other affected state or local government or agency, including, where applicable, the department of natural resources, soil and water conservation district, and watershed district.
  3. An applicant for this permit shall submit the same information required for regular interim use permits, conditional use permits or variances as indicated in this ordinance. Repairs or

use shall be limited to those necessary to temporarily abate the loss or damage or bring the property to its original condition. Any significant changes must be approved through the regular interim use permit, conditional use permit or variance processes.

4. Subject to the terms of this provision, the zoning administrator may impose such conditions as are otherwise authorized by the provisions of this ordinance.
5. An emergency interim use permit shall not affect the applicability of article 4 of the ordinance relating to nonconforming uses.
6. The fee for this permit shall be a minimum of \$50.00 or as otherwise established by the board of commissioners by resolution. The fee shall not apply to governmental bodies.

#### Sec. 5.02. - Planning commission.

The county board of commissioners shall establish and maintain a county planning commission.

A. *Membership.* The membership of the planning commission shall be maintained as follows:

1. The planning commission shall consist of seven voting members appointed by the county board.
2. Every attempt shall be made to obtain a cross section or countywide distribution of members when appointing members to the commission.
3. No more than three voting members shall be residents of the incorporated communities within the county.
4. The county board may designate any county officer or employee or any other individual as an ex officio member of the commission. These persons are to provide technical advice to the commission.
5. No voting member of the planning commission shall have received during the two years prior to appointment any substantial portion of his/her income from business operations involving the development of land within the county for urban and urban-related purposes.
6. No more than one voting member of the planning commission shall be an officer or employee of the county.
7. The county board may, at any time, by resolution, designate a county board member as an ex officio member of the planning commission. The resolution shall state the term of the position. The county board shall thereafter choose the member to fill the position.

B. *Terms.*

1. The term of each member shall be for three years and each member may be appointed for a total maximum of five consecutive three-year terms. Appointments shall be made so that no more than three and no less than two terms are filled at the beginning of each calendar year.
2. Each member shall be eligible for reappointment at the discretion of the county board. Any member shall continue to serve after expiration of his/her term until his/her successor is appointed.
3. Any member of the planning commission may be removed from the commission by the board of county commissioners for nonperformance, incompetency, misconduct or negligence after a hearing before the county board upon due notice and upon stated charges in writing and on the concurring vote of four members of the county board. The member of the commission charged with conduct or activity which is alleged to be grounds for removal shall be given adequate notice of any charges made against him/her and sufficient time to prepare a defense against such charges.
4. Should any vacancy occur among members of the planning commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the

chairman of the county board by the secretary of the commission. Vacancies shall be filled as soon as practical after the vacancy occurs. Such appointment shall be for the unexpired term of the former member.

C. *Organization and meetings.*

1. The planning commission shall elect a chairman and vice chairman from among its members. It may also elect any other officers it deems necessary. The commission may also appoint a person not a member of the commission to take and keep minutes and be responsible for general clerical duties of the commission.
2. The meetings of the planning commission shall be held at the call of the chairman and/or zoning administrator and at such other times as the commission specifies in its rules of procedure.
3. The commission shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations.
4. The members of the commission may be compensated in an amount determined by the county board and may be paid their necessary expenses in attending meetings of the commission and in the conduct of the business of the commission.

D. *Powers and duties.* The duties of the planning commission shall include the following as provided by this ordinance:

1. Cooperate with the zoning administrator, county board, planning consultants and other specialists in preparing and recommending to the county board for adoption a comprehensive county land use plan and recommendations for plan implementation in the form of official controls and other measures and amendments thereto.
2. Review any comprehensive plan or official control and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and report findings and recommendations to the county board.
3. Review, hold public hearings and make findings and recommendations to the county board on applications for conditional use permits and interim use permits.
4. Initiate, review, hold public hearings and make findings and recommendations to the county board on applications for rezoning and amendments to this ordinance.
5. Perform other such duties as required by this ordinance.

E. *Decisions.* All actions, recommendations and decisions of the planning commission shall require a concurring vote of a majority of a quorum of the planning commission members present, except as provided otherwise by this ordinance. Any action, recommendation, and decision not receiving an affirmative concurring vote shall be deemed denied.

Sec. 5.03. - Board of adjustment.

A board of adjustment is hereby established and invested with such authority as is hereafter provided and as provided by Minnesota Statutes §§ 394.21 through 394.37.

A. *Membership.* The membership of the board of adjustment shall be appointed by the county board and be maintained as follows:

1. The board of adjustment shall consist of three regular members and one alternate member.
2. At least one regular member shall be a member of the county planning commission.
3. At least one member shall be a resident of the unincorporated area of the county.
4. No elected officer of the county or employee of the county board shall serve as a member.

B. *Terms.*

1. The term of each member, including the alternate member, shall be for a period of three years and each member may be appointed for a total maximum of five consecutive three-year terms. Appointments shall be made so that no more than one term expires in any year, except that the term of the alternate member may expire during the same year as the term of one regular member.
2. The term of the board of adjustment member shall coincide with that of his/her term on the planning commission.
3. Each member shall be eligible for reappointment at the discretion of the county board. Any member shall continue to serve after expiration of his/her term until his/her successor is appointed.
4. Any member of the board of adjustment may be removed from said board by the county board for nonperformance, incompetency, misconduct or negligence after a hearing before the county board upon due notice and upon stated charges in writing and on the concurring vote of four members of the county board. The member of the board of adjustment charged with conduct or activity which is alleged to be grounds for removal shall be given adequate notice of any charges made against him/her and sufficient time to prepare a defense against such charges.
5. Should any vacancy occur among members of the board of adjustment by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the chairman of the county board by the secretary of the board of adjustment. Vacancies shall be filled as soon as practical after the vacancy occurs. Such appointment shall be for the unexpired term of the former member.

C. *Organization and meetings.*

1. The board of adjustment shall elect a chairman and vice chairman from among its members. The zoning administrator shall serve as secretary of the board.
2. The meetings of the board of adjustment shall be held at the call of the chairman and/or zoning administrator and such other times as the board specifies in its rules of procedure.
3. The board shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations.
4. The alternate board member shall, when directed by the chairman, attend all meetings of the board and participate fully in its activities and shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of the other two regular board members.
5. The regular and alternate members of such board of adjustment may be paid compensation in an amount determined by the county board and may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.

D. *Powers and duties.* The board of adjustment shall have the following powers and duties with regard to this ordinance:

1. Consider applications, make determinations and order the issuance of variances from the terms of this ordinance, including restrictions placed on nonconformities, provided by this ordinance.
2. Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official.
3. Order the issuance of permits for buildings in areas designated for future public use on the official zoning maps and directory.

4. Provide interpretation of district boundaries on the official zoning maps and directory when necessary.
  5. Perform other such duties as required by this ordinance.
- E. *Decisions.* All actions and decisions of the board of adjustment shall require a concurring vote of a majority of the members of the entire regular board or, when necessary, the regular board and the alternate member.

Sec. 5.04. - County board.

- A. *Powers and duties.* The duties of the county board shall include the following as provided by this ordinance:
1. Formulation, review and adoption of this ordinance as provided for by Minnesota Statutes §§ 394.21 through 394.37 as amended.
  2. Appoint members to and delegate certain powers and duties to the county planning commission, board of adjustment and zoning administrator for the purpose of implementing and enforcing the requirements and provisions of this ordinance in a fair, conscientious and intelligent manner.
  3. Review all applications for amendments, rezonings and conditional use permits along with the planning commission's findings and recommendations and make final disposition of said applications.
  4. Establish a schedule of fees and charges necessary to defray the costs of administering the provisions of this ordinance.
- B. *Decisions.* All actions and decisions of the county board shall require a concurring vote of a majority of the members of the entire county board, except as provided otherwise by this ordinance.

Sec. 5.05. - Permits required.

Various sections of this ordinance require a permit to be issued before erection, construction, alteration, movement, reconstruction, development or creation of a new or expanded use can take place on a parcel of land.

- A. Those situations and actions requiring a permit from the county zoning administrator include:
1. *Land use permit.* This is a permit authorizing construction of any agricultural-related structure.
    - a. Land use permits will become void if work does not commence within 12 months from date of issuance. All land use permits shall be completed within 24 months of the date of issuance, unless an extension shall be requested in writing and filed with the zoning administrator at least 30 days before the land use permit is due to become null and void. Only one six-month extension shall be allowed.
  2. *Building permit.* This permit shall be required for any non-agricultural-related construction.
    - a. *Building permit expiration.* Every building permit issued by the building official under the provision of this code shall expire by limitation and become null and void if the building or work authorized by such building permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee

showing that circumstances beyond the control of the permittee have prevented action from being taken.

- b. *Work without a building permit.* Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
  3. *Conditional use permit (article 6A).* This permit can be issued only after the requirements of this ordinance are met, a public hearing is held and the permit request is approved by the county board of commissioners.
  4. *Interim use permit (article 6B).* This permit is issued for time-limited temporary uses. The permit is issued after the requirements of this ordinance are met, the duration of the permit is determined and the permit request is approved by the planning commission and county board of commissioners.
  5. *Variance permit.* This permit can be issued only after requirements of this ordinance are met, the board of adjustment has held a public hearing and approved the requested variance.
- B. Permits will be issued on such forms and in the format as prescribed by the zoning administrator.
- C. Every building permit for the construction of a residence inside the A-1 agricultural zone and R-1 or R-2 residential zones shall inform the owner and be included on the permit that:
- (1) They are located in or near a zone that permits the construction, expansion, and operation of feedlots;
  - (2) Feedlots may adversely affect the residential use or value of property;
  - (3) Agricultural uses are generally given preference over residential uses in the A-1 zone; and
  - (4) Agricultural uses may create noise, odor, dust, etc.

#### Sec. 5.06. - Fees required.

The county board of commissioners shall annually set the cost for permit fees and shall prescribe any additional fees appropriate for the equitable administration of this ordinance.

#### Sec. 5.07. - Studies, reports, consultants.

In connection with any action under this ordinance, the county board and the planning commission and board of adjustment with county board approval may, at its discretion, order studies and reports or contract with consultants for recommendations. In connection with any application for any permit, variance, or zoning amendment, the county board may order the applicant to pay for the cost of any study, report, or consultant upon such terms as the board establishes, but only after:

- A. The applicant is notified in writing of the board's intentions and, if practicable, of the estimated costs involved;
- B. The applicant is given at least three days' written, mailed notice of an opportunity to be heard before the county board prior to the county board's approval of the study, report, or consultant; and
- C. After hearing, the county board approves the cost assessment and the terms of payment.

The applicant may withdraw his application at any time and be responsible for costs incurred up to the date and time of the withdrawal.

Once ordered, any time limitations herein shall be tolled pending completion of the study and/or report or the availability of the consultant and until payment is made. If payment is not made as ordered, and is 30 days in arrears, the application may be summarily denied at the discretion of the body before which it is pending.

Sec. 5.08. - Denial of incomplete application.

Any application for a permit, variance, amendment or rezoning that remains incomplete 90 days after its initial submission may be summarily denied by the body before which it is pending unless, prior to the expiration of said 90 days, the applicant, at its sole responsibility, shows good cause for the delay.

Sec. 5.09. - EIS, EAW, or other state and federal studies or permits.

- A. If, in connection with an application for any permit or variance under this ordinance, an environmental impact statement (EIS), environmental assessment worksheet (EAW), or other study is required by a state or federal agency or law, or by the planning commission, the application for the permit shall not be considered complete until such time as the EIS, EAW, or other study is completed and filed with the zoning administrator. Any time periods for rendering a decision shall be tolled during the preparation of these items.
- 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, the planning commission, board of adjustment or zoning administrator may delay action on the application pending receipt of the approved permit. Any time periods for rendering a decision shall be tolled during the preparation time for the permit up to its receipt by the office of the zoning administrator.

ARTICLE 6A. - CONDITIONAL USE PERMITS

Sec. 6A.01. - Conditional uses.

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. Conditional use permits may be issued for only the uses or purposes for which such permits are required or permitted by provisions of this ordinance.

1. Interim use permits (article 6B) may be applied for and issued for any use that otherwise would be a conditional use as specified in this ordinance.
2. In the event an application is initially made for a conditional use permit under this ordinance, the planning commission on its own motion, or the county board on its own motion, may convert the conditional use permit application to an interim use permit application and proceed under this article. An applicant may reject this conversion and proceed with an application for a conditional use permit. However, the planning commission or county board may deny any conditional use permit solely on the determination that an interim use permit would be more appropriate.

Sec. 6A.02. - Procedure.

The following procedure shall be followed for conditional use permit applications:

A. *Application.*

1. The applicant requests the proper form for a conditional use permit from the zoning administrator. The application shall contain the following information, unless waived by the zoning administrator:
  - a. Names and addresses of the property owner and applicant.

- b. Legal description and local address of the affected property.
- c. Detailed description of the proposed conditional use.
- d. Detailed site plan as required in this ordinance, or as requested by the zoning administrator or planning commission.
- e. A statement describing the reasons for the request of the conditional use permit.
- f. Applicant's signature, property owner's signature, and the signature of the party owning mineral rights to the property if other than the owner.
- g. Any other information or exhibits as required by the zoning administrator, planning commission, or county board necessary to make findings, recommendations and dispositions on the application.
- h. A statement from utility companies and from the appropriate public agency commenting on the effect of the proposal on utilities and on public facilities.

B. *Application processing.*

1. Upon receipt of the completed application, the zoning administrator shall forward a copy of the completed application and attachments to the planning commission.
2. The zoning administrator shall place the application for a conditional use permit on the agenda for a public hearing at the next meeting of the planning commission. The meeting shall be held within 60 days but not sooner than ten days of the filing of a complete application.
3. The zoning administrator shall give proper notice of the public hearing in the following manner:
  - a. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.
  - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to the following:
    - (1) All property owners of record for property located in incorporated areas that are within 500 feet of the affected property.
    - (2) All property owners of record within one-quarter mile of the affected property, or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners in unincorporated areas.
    - (3) The affected board of township supervisors and the city council of any municipality within two miles of the affected property.
    - (4) Written notice of the time, place and purpose of the public hearing shall be provided to the commissioner of the department of natural resources at least ten days prior to the hearing if the affected property is within a shoreland management or recreation river district.
  - c. For the purpose of giving mailed notice, the current records on file in the office of the county treasurer shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made. Property owners of record shall not include recorded contract for deed vendors.
  - d. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

4. The planning commission or delegation thereof shall view the property being considered for a conditional use permit prior to the public hearing.

C. *Public hearing.*

1. The planning commission shall hold at least one public hearing on the proposed conditional use permit.
2. The applicant or his representative shall appear before the planning commission in order to answer questions concerning the proposed conditional use.
3. The planning commission and appropriate county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
4. The applicant for a conditional use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment may be requested by the commission to demonstrate the nature and extent of such effects.
5. An accurate record of all testimony shall be kept by the secretary of the planning commission. This record shall include the names of all persons testifying or otherwise participating in the hearing.

D. *[Considerations.]* The planning commission shall consider all facts from all sources prior to submitting a recommendation to the county board relating to this interim use permit or conditional use permit. Its judgment shall be based upon the criteria set below. The conditional use permit/interim use permit may be denied by the planning commission if any one of the following considerations cannot be satisfied:

1. The use proposed is not detrimental to or will not endanger the public health, safety, comfort, convenience or general welfare of the county.
2. The use proposed will be harmonious with the general and applicable specific objectives of the county's comprehensive land use plan and ordinance.
3. The use proposed will be designed, constructed, operated and maintained to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. The use proposed will not be hazardous or disturbing to existing or future neighboring uses.
5. The use proposed will be served by essential public facilities and services or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use:

a. Streets?

_____ Yes	_____ No	_____ N/A
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b. Police and fire protection?

_____ Yes	_____ No	_____ N/A
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c. Drainage structures?

_____ Yes	_____ No	_____ N/A
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d. Refuse disposal?

_____ Yes	_____ No	_____ N/A
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e. Water and sewer systems?

_____ Yes	_____ No	_____ N/A
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f. Schools?

_____ Yes	_____ No	_____ N/A
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6. The use proposed will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. The use proposed does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. The use proposed will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
9. The use proposed will not result in the destruction, loss or damage of a natural, scenic or historic feature of major significance within the county.
10. The use proposed will not adversely affect the property values of the surrounding landowners to an unreasonable degree.

E. *Authority to impose conditions.*

1. The planning commission shall recommend any such additional conditions relating to the granting of the proposed conditional use as it deems necessary to protect the best interests of the surrounding area and county as a whole or impose conditions to make the conditional use request comply with the findings required by the planning commission in section 6A.02.D of this ordinance. Such recommended conditions shall be in writing and included with the permit as guarantees that such conditions or restrictions will be complied with. The conditions may include, but are not limited to, the following:
  - a. Increasing the required lot size or yard dimensions.

- b. Limiting the height, size or location of the buildings.
- c. Controlling the location and number of vehicle access points.
- d. Increasing the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location or lighting of signs.
- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Modification of waste disposal and water supply facilities.
- j. Limitations on kinds of use, operation and hours of operation.
- k. Imposition of operational controls, sureties, and deed restrictions.

In no instances shall the planning commission grant or allow variances from any of the requirements of this ordinance.

F. *Time limit.*

1. *[Generally.]* All proceedings herein shall be conducted in compliance within the time limitations contained in Minn. Stat. § 15.99. Subject to the following exceptions, the county board must make a decision to approve or deny the application within 60 days of the receipt of the completed application by the zoning administrator. Failure to deny an application within 60 days is approval of the request. If an application is denied, the reason for the denial must be stated in writing at the time the application is denied.
  - a. The 60-day time limit begins upon the zoning administrator's receipt of a written application containing all information required by law or by a previously adopted rule, ordinance or policy of the county. If the zoning administrator receives a written application that does not contain all required information, the 60-day rule limit starts over when the application is complete, but only if the zoning administrator has sent notice within ten business days of receipt of the incomplete application telling the applicant what information is missing.
  - b. Response to an application meets the 60-day time limit if the county board or zoning administrator can document that the response was sent to the applicant within 60 days of receipt of the completed application.
2. *Extensions.* Exceptions to the 60-day limit include extension for the following reasons:
  - a. State statute, federal law, or court order require a process to occur before final action can take place, and the time periods required by these laws or orders make it impossible to act within the 60-day period. In such cases, the deadline is extended to 60 days after the completion of the last process required in the applicable statute, law, or order.
  - b. A request requires prior approval from a state or federal agency. In such cases, the deadline of the county board action is extended to 60 days after the required prior to approval is granted.
  - c. Prior to the end of the initial 60-day period, the planning commission or county board may direct the zoning administrator to extend the time period by up to 60 days by providing written notice of the extension to the applicant. Said notification must state the reasons for the extension and the anticipated length. Additional extensions may be granted if approved by the applicant.
  - d. Or as agreed to by the applicant and the planning commission, board of adjustment or county board.

G. *Recommendation and decision.*

1. The planning commission shall make a recommendation to the county board. Upon receipt of the recommendations of the planning commission, the county board shall take action on the conditional use permit application.
2. The county board shall have the option to set and hold a public hearing if deemed necessary and may impose any additional conditions on an approved conditional use permit considered necessary to comply with the requirements of this ordinance.
3. The concurring vote of a majority of the full county board shall be necessary for the approval or denial of an application for a conditional use permit.
4. The board shall make written findings in each case and state the reasons for its decision. Unless otherwise stated, the board shall be deemed to have adopted the findings of the planning commission.
5. The decision together with any conditions attached shall be filed with the zoning administrator, who shall:
  - a. Issue the conditional use permit stipulating any conditions approved by the county board. The permit shall be issued for a particular use on a particular tract of land, not to a particular person, unless specified otherwise.
  - b. File a certified copy of conditional use permit with the county recorder, which shall become a part of the title of the property.
  - c. Mail written notice of the county board's decision and a copy of the filed permit to the applicant and affected township or municipality where the conditional use permit application is located.
  - d. Forward copies of all conditional use permits affecting recreational rivers or shoreland districts to the commissioner of the department of natural resources within ten days of such action.
6. The zoning administrator shall maintain a record of all conditional use permits issued, including information on the use, location and conditions imposed by the county board, time limits, review dates and such other information as may be appropriate.
7. All decisions of the county board in considering requests for conditional use permits as provided by this ordinance shall be final. Any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the state shall have the right to appeal the decision to the county district court on questions of law and fact. Said appeal shall be made within 30 days after notice of the decision is delivered to the applicant and any other person who attends the public hearing or who otherwise requests notice and provides the zoning administrator with their name and address. Delivery of notice shall be complete upon mailing by first class, United States mail. Any person may waive their right to notice as provided herein.

Sec. 6A.03. - Denial and reconsideration.

Whenever an application for a conditional use permit has been considered and denied by the county board, the applicant may re-apply for a conditional use permit affecting substantially the same property within 45 days of the date of the original conditional use denial if, as determined by the planning commission, substantial changes are made to the application. An applicant wishing to re-apply with substantial changes to a conditional use application must do so with the zoning administrator. The process for re-applying for a conditional use permit shall require the applicant to follow all the procedures required for applying for such permit as specified in this ordinance. An application for a conditional use permit affecting substantially the same property shall not be considered again by the planning commission or county board for at least six months from the date of its denial if, as determined by the planning commission, substantial changes are not made to the application. Any subsequent application

affecting substantially the same property shall likewise not be considered again by the planning commission or county board for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the county board.

Sec. 6A.04. - Permit expiration.

Unless a land use permit or a building permit is issued and significant work has been completed within 12 months from the date of permit approval, then such permit shall become null and void, unless a petition for extension of time in which to complete the work has been granted by the county board. An extension of a conditional use permit shall be requested in writing and filed with the zoning administrator at least 30 days before the conditional use permit is due to become null and void. The request for extension shall state facts showing a good faith attempt to do significant work toward meeting the specifications and conditions of the permit. Said petition shall be presented to the county board for a decision.

Sec. 6A.05. - Compliance.

- A. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. The conditional use permit shall remain in effect only so long as the terms and conditions agreed upon are observed.
- B. All conditions within a conditional use permit shall be complied with within one year unless otherwise specified.
- C. The county board shall have the authority to revoke a conditional use permit when it determines that the terms and conditions of the permit as issued are no longer being complied with. Any deviation from the conditions or uses approved shall be considered reasons for revocation of the conditional use permit by the county board at a duly called public hearing. A certified copy of an order of the county board revoking a conditional use permit shall be filed by the zoning administrator with the county recorder for record.

Sec. 6A.06. - Permit duration.

A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed provided:

- A. The land use is consistent with the conditions specified in the conditional use permit; and
- B. Nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses, including new regulations that are designed to protect the public's safety, health and general welfare.

Sec. 6A.07. - Permit review.

- A. If a periodic review is imposed as a condition in the granting of a conditional use permit, the conditional use permit shall be reviewed by the planning commission at a public meeting at least 30 days prior to the expiration of the permit. It shall be the responsibility of the zoning administrator to schedule such public meeting and the owner of the land having a conditional use permit shall not be required to pay a fee for said review. If the required review does not occur as provided herein, the conditional use permit shall remain in effect until such time as the zoning administrator schedules a public meeting before the planning commission on the issue.
- B. The planning commission shall recommend to the county board whether or not the conditional use permit should be renewed and what, if any, additional conditions may be necessary to comply with the provisions of this ordinance.

Sec. 6A.08. - Existing conditional uses and amendments.

- A. All uses existing at the time of adoption of this ordinance that now require a conditional use permit shall be considered as having a conditional use permit which contains conditions which permits the land use and structures as they existed on said date and any enlargement, structural alteration or intensification of use shall require an amended conditional use permit as provided for in this section.
- B. Any change involving structural alterations, enlargement, intensification of use or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Sec. 6A.09. - Fees.

To defray administrative costs of processing requests for conditional use permits and required on-site inspections, all applicants shall be subject to the following fees:

- A. A flat sum fee in an amount set annually by the county board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the county for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the planning commission and county board in its decision-making.

ARTICLE 6B. - INTERIM USE PERMITS

Sec. 6B.01. - Interim uses.

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable for a specific period of time. When such circumstances exist, an interim use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required.

Sec. 6B.02. - Procedure.

The following procedure shall be followed for interim use permit applications:

A. *Application.*

1. The applicant requests the proper form for an interim use permit from the zoning administrator. The application shall contain the following information, unless waived by the zoning administrator:
  - a. Names and addresses of the property owner and applicant.
  - b. Legal description and local address of the affected property.
  - c. Detailed description of the proposed interim use.
  - d. Detailed site plan as required in this ordinance, or as requested by the zoning administrator or planning commission.
  - e. A statement describing the reasons for the request of the interim use permit.
  - f. Applicant's signature, property owner's signature, and the signature of the party owning mineral rights to the property if other than the owner.
  - g. Any other information or exhibits as required by the zoning administrator, planning commission, or county board necessary to make findings, recommendations and dispositions on the application.
  - h. A statement from utility companies and from the appropriate public agency commenting on the effect of the proposal on utilities and on public facilities.

B. *Application processing.*

1. Upon receipt of the completed application, the zoning administrator shall forward a copy of the completed application and attachments to the planning commission.

2. The zoning administrator shall place the application for an interim use permit on the agenda for a public hearing at the next meeting of the planning commission. The meeting shall be held within 60 days but not sooner than ten days of the filing of a complete application.
3. The zoning administrator shall give proper notice of the public hearing in the following manner:
  - a. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.
  - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to the following:
    - (1) All property owners of record for property located in incorporated areas that are within 500 feet of the affected property.
    - (2) All property owners of record within one-quarter mile of the affected property, or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners in unincorporated areas.

Exception: mineral and material extraction (section 22.15) and hot mix plant, concrete manufacturing and concrete/bituminous recycling (section 22.29) and related activities in this ordinance have a half-mile notification requirement.
    - (3) The affected board of township supervisors and the city council of any municipality within two miles of the affected property.
    - (4) Written notice of the time, place and purpose of the public hearing shall be provided to the commissioner of the department of natural resources at least ten days prior to the hearing if the affected property is within a shoreland management or recreation river district.
  - c. For the purpose of giving mailed notice, the current records on file in the office of the county treasurer shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made. Property owners of record shall not include recorded contract for deed vendors.
  - d. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.
4. The planning commission or delegation thereof shall view the property being considered for an interim use permit prior to the public hearing.

C. *Public hearing.*

1. The planning commission shall hold at least one public hearing on the proposed interim use permit.
2. The applicant or his representative shall appear before the planning commission in order to answer questions concerning the proposed interim use.
3. The planning commission and appropriate county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.

4. The applicant for an interim use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment, may be requested by the commission to demonstrate the nature and extent of such effects.
5. An accurate record of all testimony shall be kept by the secretary of the planning commission. This record shall include the names of all persons testifying or otherwise participating in the hearing.

D. *[Considerations.]* The planning commission shall consider all facts from all sources prior to submitting a recommendation to the county board relating to this interim use permit or conditional use permit. Its judgment shall be based upon the criteria set below. The interim use permit may be denied by the planning commission if any one of the following considerations cannot be satisfied:

1. The use proposed is not detrimental to or will not endanger the public health, safety, comfort, convenience or general welfare of the county.
2. The use proposed will be harmonious with the general and applicable specific objectives of the county's comprehensive land use plan and ordinance.
3. The use proposed will be designed, constructed, operated and maintained to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. The use proposed will not be hazardous or disturbing to existing or future neighboring uses.
5. The use proposed will be served by essential public facilities and services or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use:

a. Streets?

_____ Yes	_____ No	_____ N/A
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b. Police and fire protection?

_____ Yes	_____ No	_____ N/A
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c. Drainage structures?

_____ Yes	_____ No	_____ N/A
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d. Refuse disposal?

_____ Yes	_____ No	_____ N/A
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e. Water and sewer systems?

_____ Yes	_____ No	_____ N/A
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f. Schools?

_____ Yes	_____ No	_____ N/A
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6. The use proposed will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. The use proposed does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. The use proposed will have vehicular approaches to the property which do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
9. The use proposed will not result in the destruction, loss or damage of a natural, scenic or historic feature of major significance within the county.
10. The use proposed will not adversely affect the property values of the surrounding landowners to an unreasonable degree.

E. *Authority to impose conditions.*

1. The planning commission shall recommend any such additional conditions relating to the granting of the proposed interim use as it deems necessary to protect the best interests of the surrounding area and county as a whole or impose conditions to make the interim use request comply with the findings required by the planning commission in section 6B.02.D of this ordinance. Such recommended conditions shall be in writing and included with the permit as guarantees that such conditions or restrictions will be complied with. The conditions may include, but are not limited to the following:
  - a. Increasing the required lot size or yard dimensions.
  - b. Limiting the height, size or location of the buildings.
  - c. Controlling the location and number of vehicle access points.
  - d. Increasing the street width.
  - e. Increasing the number of required off-street parking spaces.
  - f. Limiting the number, size, location or lighting of signs.
  - g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - h. Designating sites for open space.
  - i. Modification of waste disposal and water supply facilities.

- j. Limitations on kinds of use, operation and hours of operation.
- k. Imposition of operational controls, sureties and deed restrictions.

In no instances shall the planning commission grant or allow variance from any of the requirements of this ordinance.

F. *Time limits.*

1. *[Generally.]* All proceedings herein shall be conducted in compliance within the time limitations contained in Minn. Stat. § 15.99. Subject to the following exceptions, the county board must make a decision to approve or deny the application within 60 days of the receipt of the completed application by the zoning administrator. Failure to deny an application within 60 days is approval of the request. If an application is denied, the reason for the denial must be stated in writing at the time the application is denied.
  - a. The 60-day time limit begins upon the zoning administrator's receipt of a written application containing all information required by law or by a previously adopted rule, ordinance or policy of the county. If the zoning administrator receives a written application that does not contain all required information, the 60-day limit starts over when the application is complete, but only if the zoning administrator has sent notice within ten business days of receipt of the incomplete application telling the applicant what information is missing.
  - b. Response to an application meets the 60-day time limit if the county board or zoning administrator can document that the response was sent to the applicant within 60 days of receipt of the completed application.
2. *Extensions.* Exceptions to the 60-day time limit include extensions for the following reasons:
  - a. State statute, federal law, or court order require a process to occur before final action can take place, and the time periods required by these laws or orders make it impossible to act within the 60-day period. In such cases, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law or order.
  - b. A request requires prior approval from a state or federal agency. In such cases, the deadline of the county board action is extended to 60 days after the required prior approval is granted.
  - c. Prior to the end of the initial 60-day period, the planning commission or county board may direct the zoning administrator to extend the time period by up to 60 days by providing written notice of the extension to the applicant. Said notification must state the reasons for the extension and the anticipated length. Additional extensions may be granted if approved by the applicant.
  - d. Or as agreed to by the applicant and the planning commission, board of adjustment or county board.

G. *Recommendation and decision.*

1. The planning commission shall make a recommendation to the county board. Upon receipt of the recommendations of the planning commission, the county board shall take action on the interim use permit application.
2. The county board shall have the option to set and hold a public hearing if deemed necessary and may impose any additional conditions on an approved interim use permit considered necessary to comply with the requirements of this ordinance.
3. The concurring vote of a majority of the full county board shall be necessary for the approval or denial of an application for an interim use permit.

4. The board shall make written findings in each case and state the reasons for its decision. Unless otherwise stated, the board shall be deemed to have adopted the findings of the planning commission.
5. The decision together with any conditions attached shall be filed with the zoning administrator, who shall:
  - a. Issue the interim use permit stipulating any conditions approved by the county board. The permit shall be issued for a particular use on a particular tract of land, not to a particular person, unless specified otherwise.
  - b. File a certified copy of interim use permit with the county recorder which shall become a part of the title of the property.
  - c. Mail written notice of the county board's decision and a copy of the filed permit to the applicant and affected township or municipality where the interim use permit application is located.
  - d. Forward copies of all interim use permits affecting recreational rivers or shoreland districts to the commissioner of the department of natural resources within ten days of such action.
6. The zoning administrator shall maintain a record of all interim use permits issued including information on the use, location and conditions imposed by the county board, time limits, review dates and such other information as may be appropriate.
7. All decisions of the county board in considering requests for interim use permits as provided by this ordinance shall be final. Any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the state shall have the right to appeal the decision to the county district court on questions of law and fact. Said appeal shall be made within 30 days after notice of the decision is delivered to the applicant and any other person who attends the public hearing or who otherwise requests notice and provides the zoning administrator with their name and address. Delivery of notice shall be complete upon mailing by first class, United States mail. Any person may waive their right to notice as provided herein.

#### Sec. 6B.03. - Denial and reconsideration.

Whenever an application for an interim use permit has been considered and denied by the county board, the applicant may re-apply for an interim use permit affecting substantially the same property within 45 days of the date of the original interim use denial if, as determined by the planning commission, substantial changes are made to the application. An applicant wishing to re-apply with substantial changes to an interim use application must do so with the zoning administrator. The process for re-applying for an interim use permit shall require the applicant to follow all the procedures required for applying for such permit as specified in this ordinance. An application for an interim use permit affecting substantially the same property shall not be considered again by the planning commission or county board for at least six months from the date of its denial if, as determined by the planning commission, substantial changes are not made to the application. Any subsequent application affecting substantially the same property shall likewise not be considered again by the planning commission or county board for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the county board.

#### Sec. 6B.04. - Permit expiration.

Unless a land use permit or a building permit is issued and significant work has been completed within 12 months from the date of permit approval, then such permit shall become null and void, unless a petition for extension of time in which to complete the work has been granted by the county board. An extension of an interim use permit shall be requested in writing and filed with the zoning administrator at least 30 days before the interim use permit is due to become null and void. The request for extension

shall state facts showing a good faith attempt to do significant work toward meeting the specifications and conditions of the permit. Said petition shall be presented to the county board for a decision.

Sec. 6B.05. - Compliance.

- A. Any use permitted under the terms of any interim use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. The interim use permit shall remain in effect only so long as the terms and conditions agreed upon are observed.
- B. All conditions within an interim use permit shall be complied with within one year unless otherwise specified.
- C. The county board shall have the authority to revoke an interim use permit when it determines that the terms and conditions of the permit as issued are no longer being complied with. Any deviation from the conditions or uses approved shall be considered reasons for revocation of the interim use permit by the county board at a duly called public hearing. A certified copy of an order of the county board revoking an interim use permit shall be filed by the zoning administrator with the county recorder for record.

Sec. 6B.06. - Permit duration.

- A. An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
  - 1. The date stated in the permit; or
  - 2. A violation of conditions under which the permit was issued; or
  - 3. A change in the county's zoning ordinance renders the use nonconforming.
- B. Nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses, including new regulations that are designed to protect the public's safety, health and general welfare.

Sec. 6B.07. - Permit review.

- A. If a periodic review is imposed as a condition in the granting of an interim use permit, the interim use permit shall be reviewed by the planning commission at a public meeting at least 30 days prior to the expiration of the permit. It shall be the responsibility of the zoning administrator to schedule such public meeting and the owner of the land having an interim use permit shall not be required to pay a fee for said review. If the required review does not occur as provided herein, the interim use permit shall remain in effect until such time as the zoning administrator schedules a public meeting before the planning commission on the issue.
- B. The planning commission shall recommend to the county board whether or not the interim use permit should be renewed and what, if any, additional conditions may be necessary to comply with the provisions of this ordinance.

Sec. 6B.08. - Existing interim uses and amendments.

- A. All uses existing at the time of adoption of this ordinance that now require an interim use permit shall be considered as having an interim use permit which contains conditions which permits the land use and structures as they existed on said date and any enlargement, structural alteration or intensification of use shall require an amended interim use permit as provided for in this section.
- B. Any change involving structural alterations, enlargement, intensification of use or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued.

Sec. 6B.09. - Fees.

To defray administrative costs of processing requests for interim use permits and required on-site inspections, all applicants shall be subject to the following fees:

- A. A flat sum fee in an amount set annually by the county board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the county for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the planning commission and county board in its decision-making.

## ARTICLE 7. - VARIANCES

### Sec. 7.01. - Variance.

A variance from the provisions and requirements of this ordinance may be authorized by the board of adjustment in specific cases where, owing to special conditions, the strict and literal enforcement would result in exceptional and practical difficulties.

Any person, firm, corporation or any other organization or entity having an interest in real property that is subject to the provisions of this ordinance may apply for a variance from these provisions.

### Sec. 7.02. - Procedure.

#### A. *Application.*

1. The applicant requests the proper form for a variance from the zoning administrator. The application shall contain the following information:
  - a. Name and address of the owner and applicant.
  - b. Legal description and local address of the affected property.
  - c. The specific provision of this ordinance from which the variance is being requested.
  - d. Statement of what is intended to be done on or with the property, which does not conform to the provisions of this ordinance.
  - e. Detailed site plan as required in this ordinance.
  - f. Statement detailing that the strict application of the provisions of this ordinance would result in practical difficulties inconsistent with its general purpose and intent.
  - g. Statement illustrating that there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the zoning district vicinity.
  - h. Statement supporting the fact that the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.
  - i. Signature of the applicant.
  - j. Any other information or exhibits as required by the board of adjustment necessary to make findings and determinations on the application.
2. The zoning administrator shall have the option of deleting any informational requirements determined to be not applicable to the particular application.
3. The completed application shall be filed with the zoning administrator accompanied by the fee as set by the county board.

#### B. *Application processing.*

1. Upon receipt of the application, the zoning administrator shall forward a copy of the completed application and attachments to the board of adjustment.

2. The zoning administrator shall place the application for a variance on the agenda for a public hearing at the next meeting of the board of adjustment. The meeting shall be held within 60 days but not sooner than ten days of the filing of a complete application.
3. The zoning administrator shall give proper notice of the public hearing in the following manner:
  - a. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.
  - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to:
    - (1) All property owners of record for property located in incorporated areas within 500 feet of the affected property.
    - (2) All property owners of record within 500 feet of the affected property, or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners, in unincorporated areas.
    - (3) The affected board of township supervisors and the city council of any municipality within two miles of the affected property.
    - (4) The commissioner of the department of natural resources if the affected property is within a shoreland management or recreation river district.
  - c. For the purpose of giving mailed notice, the current records on file in the office of the county treasurer shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made. Property owners of record shall not include recorded contract for deed vendors.
  - d. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.
  - e. The board of adjustment or delegation thereof shall view the property being considered for a variance prior to the public hearing.

C. *Public hearing.*

1. The board of adjustment shall hold at least one public hearing on the proposed variance.
2. The applicant or his representative shall appear before the board of adjustment in order to answer questions concerning the variance application.
3. All proposed variances from the provisions of this ordinance, when requested by the board of adjustment, shall be reviewed by the county soil and water conservation district, county surveyor, county highway engineer, county board of health, and any other appropriate county office to determine the adequacy to accommodate the variance requested.
4. The board of adjustment and appropriate county staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant in order to establish performance conditions in relation to pertinent sections of this ordinance.
5. The applicant for a variance which in the opinion of the board of adjustment may result in a material adverse effect on the environment may be requested by the board to demonstrate the nature and extent of such effects.
6. An accurate record of all testimony shall be kept by the secretary of the board of adjustment. This record shall include the names of all persons testifying or otherwise participating in the hearing.

7. On the request of the zoning administrator or chairman of the planning commission, the board shall continue said hearing for a reasonable time, keeping within the time limits required by Minn. Stat. § 15.99, in order to allow the planning commission or its authorized representative to review and report to the board on the application and any conditions necessary for granting of the request. Time limitations may be waived for good cause.

D. *Variance findings.* "No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located." Minn. Stat. § 394.27, subd. 7 (2006). Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official controls.

1. Is the proposed use of the property allowed in the land use district in which the property is located?
2. Is the variance requested due to the circumstances unique to the property and not created by the landowner?
3. Is the variance consistent with the general purposes and intent of this ordinance?
4. Is the variance consistent with the county comprehensive land use plan and the official map?
5. Does the property owner propose to use the property in a reasonable manner not permitted by an official control?
6. Can the practical difficulties be alleviated by some other feasible method for the applicant to pursue other than a variance?
7. Are the practical difficulties claimed by the applicant based solely upon economic considerations alone?
8. Is the proposed variance due to inadequate access to direct sunlight for solar energy systems?
9. If granted would the variance effect a substantial change in character of the neighborhood and/or locality or would it be a substantial detriment to neighboring properties?
10. Is the proposed variance for an earth shelter?
11. Will the interest of justice be served by allowing the variance when looking at the above factors and taking into consideration the manner by which the difficulty arose for the applicant?
12. Additional factors?
13. Conditions (if any) proposed by the board of adjustment for allowance of the variance.

E. *Time limits.*

1. *[Generally.]* All proceedings herein shall be conducted in compliance within the time limitations contained in Minn. Stat. § 15.99. Subject to the following exceptions, the board of adjustment must make a decision to approve or deny the application within 60 days of the receipt of the completed application by the zoning administrator. Failure to deny an application within 60 days is approval of the request. If an application is denied, the reason for the denial must be stated in writing at the time the application is denied.
  - a. The 60-day time limit begins upon the zoning administrator's receipt of a written application containing all information required by law or by a previously adopted rule, ordinance or policy of the county. If the zoning administrator receives a written application that does not contain all required information, the 60-day limit starts over only if the zoning administrator sends notice within ten business days of receipt of the application telling the applicant what information is missing.
  - b. A response to an application meets the 60-day time limit if the board of adjustment or zoning administrator can document that the response was sent to the applicant within 60 days of receipt of the completed application.
2. *Extensions.* Exceptions to the 60-day time limit include extensions for the following reasons:

- a. State statute, federal law, or court order require a process to occur before final action can take place, and the time periods required by these laws or orders make it impossible to act within the 60-day period. In such cases, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law or order.
- b. A request requires prior approval from a state or federal agency. In such cases, the deadline of the board of adjustment action is extended to 60 days after the required prior approval is granted.
- c. Prior to the end of the initial 60-day period, the board of adjustment may direct the zoning administrator to extend the time period by up to 60 days by providing written notice of the extension to the applicant. Said notification must state the reasons for the extension and the anticipated length. Additional extensions may be granted if approved by the applicant.
- d. Or as agreed to by the applicant and the planning commission, board of adjustment or county board.

F. *Decision.*

- 1. The board of adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent property in the public interest.
- 2. The concurring vote of a majority of the board of adjustment members shall be necessary for the approval or denial of an application for a variance.
- 3. The board of adjustment shall make written findings in each case and state the reasons for its decision.
- 4. The decision, together with any conditions, shall be filed with the zoning administrator, who shall:
  - a. Issue the applicable permit relating to the variance.
  - b. File a certified copy of the decision with the county recorder, which shall become a part of the title of the property. The decision shall contain a legal description of the property involved.
  - c. Forward written notice of the board of adjustment's decision to the applicant and the township or city where the variance application is located.
  - d. Forward copies of all variances affecting recreational river and shoreland management districts to the commissioner of the department of natural resources within ten days of such action according to the certification process per MN Rules, parts 6105.0230 and 6120.3900.
- 5. The zoning administrator shall maintain a record of all variances approved including information on the reasons, location and conditions imposed by the board of adjustment.

Sec. 7.03. - Decisions final and new information.

- A. All decisions of the board of adjustment in considering variance requests as provided by this ordinance shall be final. Any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the state shall have the right to appeal the decision to the county district court on questions of law and fact. Said appeal should be made within 30 days after notice of the decision is delivered to the applicant and any other person who attends the public hearing or who otherwise requests notice and provides the zoning administrator with their name and address. Delivery of notice shall be complete upon mailing by first class, United States mail. Any person may waive their right to notice as provided herein.
- B. An applicant may appeal a decision of the board of adjustment when new information is obtained which is relevant to the issue. An application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the board if it is determined, from the record, that there has not been substantial change in facts, evidence or conditions.

Sec. 7.04. - Use variance prohibited.

No variance shall be granted that would allow any use that is prohibited or allowed only as a conditional use in the zoning district in which the subject property is located.

Sec. 7.05. - Variance expiration.

Unless a land use permit or building permit is issued and significant work has been completed within 12 months from the date of approval of a variance, said variance shall become null and void, unless a petition for extension of time in which to complete the work has been granted by the board of adjustment. An extension of a variance shall be requested in writing and filed with the zoning administrator at least 30 days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance. Such petition shall be presented to the board of adjustment for a decision.

Sec. 7.06. - Compliance.

- A. Any variance permitted under the provisions of this ordinance shall be established and conducted in conformity with the conditions of such variance. The variance shall be perpetual, unless specifically limited, provided all conditions of the variance are complied with.
- B. All conditions of the variance shall be complied with within one year unless otherwise specified.

Sec. 7.07. - Fees.

To defray administrative costs of processing requests for variances, all applicants shall be subject to the following fees:

- A. A flat sum fee in an amount set annually by the county board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the county for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the board of adjustment in its decision-making.

ARTICLE 8. - APPEALS

Sec. 8.01. - Appeals.

The board of adjustment shall have the exclusive power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by any administrative officer in the interpretation or enforcement of this ordinance. The board of adjustment does not hear an appeal for a conditional use or variance decision. An appeal for a conditional use or variance decision must be made to the county district court. An appeal made to the board of adjustment may be initiated by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state in accordance with the following procedure.

Sec. 8.02. - Procedure.

The following procedure shall be followed for appeals:

A. *Application.*

1. The appellant requests the proper form from the zoning administrator. The application shall contain the following information:
  - a. Name and address of the appellant.
  - b. The specific order, requirement, decision or determination on which the appeal is based.

- c. The grounds for the appeal stating how the administrative officer erred in his action, determination or decision.
    - d. The relief requested by the appellant.
    - e. Applicant's signature.
    - f. Any other information or exhibits as required by the board of adjustment necessary to make findings and determinations on the appeal.
  2. The completed application shall be filed with the zoning administrator, accompanied by the fee as set by the county board.
- B. *Application processing.*
  1. Upon receipt of the application, the zoning administrator shall forward a copy of the completed application and attachments to the board of adjustment.
  2. The appeal shall be placed on the agenda for a public hearing before the board of adjustment within 60 days but not sooner than ten days of the filing of a complete application.
  3. The zoning administrator shall give proper notice of the public hearing in the following manner:
    - a. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.
    - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to:
      - (1) The commissioner of the department of natural resources if the subject of the appeal relates to a shoreland management or recreation river district.
      - (2) The appellant.
      - (3) The affected administrative officer.
- C. *Public hearing.*
  1. The board of adjustment shall hold at least one public hearing on the appeal.
  2. The applicant or his representative shall appear before the board of adjustment to answer questions concerning the appeal.
  3. An accurate record of all testimony shall be kept by the secretary of the board of adjustment. This record shall contain the names of all persons testifying or otherwise participating at the hearing.
- D. *Findings.*
  1. The board of adjustment shall not grant an appeal unless it finds the following facts illustrating that the ruling appealed from is clearly erroneous as determined by:
    - a. The ruling was based upon a grave misapprehension of the relevant facts.
    - b. The ruling resulted from a clearly improper application of the terms of this ordinance to the relevant facts.
    - c. The ruling was an abuse of the discretionary authority of the officials issuing it or was a result of bad faith on the part of those officials.
  2. The burden of showing the erroneousness of the ruling shall be on the appellant with all doubts resolved in favor of upholding the administrative officer's ruling.

E. *Time limits.*

1. *[Generally.]* All proceedings herein shall be conducted in compliance within the time limitations contained in Minn. Stat. § 15.99. Subject to the following exceptions, the board of adjustment must make a decision to approve or deny the application within 60 days of the receipt of the completed application by the zoning administrator. Failure to deny an application within 60 days is approval of the request. If an application is denied, the reason for the denial must be stated in writing at the time the application is denied.
  - a. The 60-day time limit begins upon the zoning administrator's receipt of a written application containing all information required by law or by a previously adopted rule, ordinance or policy of the county. If the zoning administrator receives a written application that does not contain all required information, the 60-day limit starts over only if the zoning administrator sends notice within ten business days of receipt of the application telling the applicant what information is missing.
  - b. A response to an application meets the 60-day time limit if the board of adjustment or zoning administrator can document that the response was sent to the applicant within 60 days of receipt of the completed application.
2. *Extensions.* Exceptions to the 60-day time limit include extensions for the following reasons:
  - a. State statute, federal law, or court order require a process to occur before final action can take place, and the time periods required by these laws or orders make it impossible to act within the 60-day period. In such cases, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law or order.
  - b. A request requires prior approval from a state or federal agency. In such cases, the deadline of the board of adjustment action is extended to 60 days after the required prior approval is granted.
  - c. Prior to the end of the initial 60-day period, the board of adjustment may direct the zoning administrator to extend the time period by up to 60 days by providing written notice of the extension to the applicant. Said notification must state the reasons for the extension and the anticipated length. Additional extensions may be granted if approved by the applicant.

F. *Decision.*

1. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
2. The concurring vote of a majority of the board of adjustment members shall be necessary for the approval or denial of an application for appeal.
3. The board of adjustment shall make written findings in each case and state the reasons for its decisions.
4. The decision shall be filed with the zoning administrator, who shall:
  - a. Issue a permit if directed.
  - b. File a certified copy of the order with the county recorder for record. The order shall contain a legal description of the property involved, if applicable.
  - c. Forward written notice of the board of adjustment's decision to the appellant and other affected persons.

- d. Forward copies of all decisions on appeals affecting recreation river or shoreland management districts to the commissioner of the department of natural resources within ten days of such action.

Sec. 8.03. - Decisions final and new information.

- A. All decisions of the board of adjustment in hearing appeals as provided by this ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal the decision to the county district court on questions of law and fact. Said appeal shall be made within 30 days after receipt of notice of the decision.
- B. An applicant may appeal the decision of the board of adjustment when new information is obtained which is relevant to the issue. An application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the board if it is determined, from the record, that there has not been substantial change in facts, evidence or conditions.

Sec. 8.04. - Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the board of adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

Sec. 8.05. - Fees.

To defray administrative costs of processing applications of appeals, all applicants shall be subject to a flat sum fee in an amount set annually by the county board.

ARTICLE 9A. - REZONING

Sec. 9A.01. - Rezoning.

The rezoning of districts and boundaries (collectively referred to as a rezoning) as set forth in this ordinance may be amended and/or changed whenever the public necessity, general welfare or good land use planning requires such. Such rezoning shall reflect the goals and policies as detailed in the county's comprehensive land use plan.

Sec. 9A.02. - Procedure.

The following procedure shall be followed by those persons applying for rezoning of property:

A. *Application.*

1. An application for rezoning of the districts of this ordinance may be initiated by:
  - a. A petition from the owner or owners of the affected property within the jurisdiction of this ordinance.
  - b. A recommendation of the planning commission.
  - c. Action by the county board.
2. The applicant shall request the proper form for rezoning petition from the zoning administrator. The application shall contain the following written information:
  - a. Rezoning.
    - (1) Names and addresses of the petitioner or petitioners.
    - (2) Legal description of the property proposed to be rezoned.
    - (3) Present district classification of the property.
    - (4) Proposed district classification of the property.

- (5) Proposed use of the property.
  - (6) Names and addresses of all owners of property within the area to be rezoned and a description of each parcel.
  - (7) Stated reason for requested rezoning.
  - (8) Statement of compatibility with the county comprehensive land use plan.
  - (9) Statement of what conditions within the county have changed making the rezoning necessary.
  - (10) Statement of the effect on surrounding property values and compatibility with existing land uses.
  - (11) Map, plot plan or survey plot of property to be rezoned showing dimensions, present zoning of adjacent properties and existing uses, buildings and ownership within 500 feet in incorporated areas and one-half mile in unincorporated areas.
  - (12) Detailed site plan as required in this ordinance if the application will result in development.
  - (13) Signature of petitioner or petitioners and owners.
  - (14) Any other information or exhibits as requested by the planning commission or county board necessary to make findings, recommendations and dispositions in the petition.
- b. The zoning administrator shall have the option of deleting any information requirements determined to be not applicable to the particular application.
3. The completed application shall be filed with the zoning administrator accompanied by the fee as set by the county board.

B. *Application processing.*

1. Upon receipt of the completed application, the zoning administrator shall forward a copy of the completed application and attachments to the planning commission.
2. The zoning administrator shall schedule any required public hearings on the application.
3. The zoning administrator shall give proper notice of the public hearing in the following manner:
  - a. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.
  - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to the governing bodies of all townships and municipalities within the county and where the action will affect specific properties, notice shall also be given to:
    - (1) Owners of all affected property.
    - (2) All property owners for property located in incorporated areas within 500 feet of the affected property.
    - (3) All property owners within one-half mile of the affected property in unincorporated areas.
  - c. Written notice of the time, place and purpose of the public hearing shall be provided to the commissioner of the department of natural resources at least ten days prior to the hearing if any of the affected property is within a shoreland management or recreation river district.

- d. For the purpose of giving mailed notice, the current records on file in the office of the county treasurer shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made. Property owners of record shall not include recorded contract for deed vendors.
- e. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record of proceedings.
- f. The planning commission or delegation thereof shall view the property which may be affected by the proposed application prior to the public hearing.

C. *Public hearing.*

- 1. The planning commission shall hold at least one public hearing on the proposed rezoning application.
- 2. The applicant or his representative shall appear before the planning commission in order to answer questions concerning the proposal.
- 3. All proposed changes in zoning use or district boundaries to this ordinance, when requested by the planning commission, shall be reviewed by the county soil and water conservation district, county surveyor, county highway engineer, and any other appropriate county office to determine the adequacy to accommodate the change requested.
- 4. The planning commission and appropriate county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning the appropriateness and relationship to the intent and purpose of this ordinance and the county comprehensive land use plan. See section 5.07 herein.
- 5. The applicant for a rezoning which, in the opinion of the planning commission may result in a material adverse effect on the environment, may be requested by the commission to demonstrate the nature and extent of the effect.
- 6. An accurate record of all testimony shall be kept by the secretary of the planning commission. This record shall include the names of all persons testifying or otherwise participating in the hearing.

D. *Findings.*

- 1. The planning commission shall consider all facts from all sources prior to submitting a recommendation to the county board relating to a proposed rezoning. Its judgment shall be based upon, but not limited to, the following factors, as applicable:
  - a. Does the application conform to the presently adopted future land use plans for the county and adjacent municipalities where applicable?
  - b. Is the proposed rezoning compatible with the present and future land uses in the area of the proposal?  
 What is the present zoning?  
  
 What is the proposed zoning?
  - c. Will the change have a negative effect on the surrounding properties or uses in the following areas?  
 Dust?

_____ Yes	_____ No	_____ N/A
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Noise?

_____ Yes	_____ No	_____ N/A
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Vibration?

_____ Yes	_____ No	_____ N/A
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Odor?

_____ Yes	_____ No	_____ N/A
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Heat?

_____ Yes	_____ No	_____ N/A
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Glare?

_____ Yes	_____ No	_____ N/A
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Lighting?

_____ Yes	_____ No	_____ N/A
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Discharges into the air, water or land?

_____ Yes	_____ No	_____ N/A
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- d. Would the proposed change adversely affect property values of adjacent landowners to an unreasonable degree?
- e. What additional public services would be necessitated and would existing utilities be sufficient to accommodate the proposal?
- f. Have the potential public safety or traffic generation impacts been addressed through controlled access, combined access, frontage road access, or some other means?
- g. Does the change conform to other applicable county ordinances and plans; comply with state and federal laws, rules, and regulations; and is compatible with all other governmental agencies or political subdivisions?

E. *Time limits for rezoning.*

1. *[Generally.]* All rezoning proceedings herein shall be conducted in compliance within the time limitations contained in Minn. Stat. § 15.99. Subject to the following exceptions, the county board must make a decision to approve or deny the application for rezoning within 60 days of the receipt of the completed application by the zoning administrator. Failure to deny an application within 60 days is approval of the request. If an application for rezoning is denied, the reason for the denial must be stated in writing at the time the application is denied.
  - a. The 60-day time limit begins upon the zoning administrator's receipt of a written application for rezoning containing all information required by law or by a previously adopted rule, ordinance or policy of the county. If the zoning administrator receives a written application that does not contain all required information, the 60-day limit starts over only if the zoning administrator sends notice within ten business days of receipt of the application telling the applicant what information is missing.
  - b. A response to an application for rezoning meets the 60-day time limit if the county board or zoning administrator can document that the response was sent to the applicant within 60 days of receipt of the completed application.
2. *Extensions.* Exceptions to the 60-day time limit include extensions for the following reasons:
  - a. State statute, federal law, or court order require a process to occur before final action can take place, and the time periods required by these laws or orders make it impossible to act within the 60-day period. In such cases, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law or order.
  - b. A request requires prior approval from a state or federal agency. In such cases, the deadline of the county board action is extended to 60 days after the required prior approval is granted.
  - c. Prior to the end of the initial 60-day period, the county board or planning commission may direct the zoning administrator to extend the time period by up to 60 days by providing written notice of the extension to the applicant. Said notification must state the reasons for the extension and the anticipated length. Additional extensions may be granted if approved by the applicant.
  - d. Or as agreed to by the applicant and the planning commission, board of adjustment or county board.

F. *Recommendation.* It shall take a concurring vote of a majority of the full planning commission to override a written recommendation of an affected township board of supervisors. The zoning administrator shall report the findings and recommendations of the planning commission to the county board at its next regularly scheduled board meeting. The report shall recommend approval, disapproval or modified approval of the application. Time limitations may be waived for good cause.

G. *Decision.*

1. Upon receipt of the report and recommendations from the planning commission, the county board shall take action on proposed application within 60 days.
2. The county board shall have the option to set and hold a public hearing upon the application as it deems necessary. After the hearing, if any, the county board may adopt the proposal or any part thereof in such form as it deems advisable.
3. The concurring vote of a majority of the full county board shall be necessary for the approval or denial of an application for a rezoning. It shall take a four-fifths vote to override a recommendation of the planning commission.
4. The board shall make written findings in each case and state the reasons for its decision. Unless otherwise stated the board shall be deemed to have adopted the findings of the planning commission.
5. The decision shall be filed with the zoning administrator, who shall:
  - a. Forward written notice of the county board's decision to the applicant.
  - b. File a certified copy of the approved rezoning application with the county recorder and county auditor for record.
  - c. Forward a copy of all rezoning affecting recreation rivers or shoreland management districts to the commissioner of the department of natural resources within ten days of such action.
6. The zoning administrator shall maintain a record of all amendment and rezoning applications considered by the planning commission and county board. Changes to the official zoning maps and directory shall be made as provided by this ordinance.
7. The approved rezoning application shall become effective immediately upon adoption by the county board, by publication or any other requirement as provided by law.
8. All decisions of the county board in considering requests for rezoning as provided by this ordinance shall be final. Any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the state shall have the right to appeal the decision to the county district court on questions of law and fact. Said appeal shall be made within 30 days after the notice of the decision is delivered to the applicant and any other person who otherwise requests notice in writing and provides the zoning administrator with their name and address. Delivery of notice shall be complete upon mailing by first class, United States mail. Any person may waive their right to notice as provided herein.

Sec. 9A.03. - Approval and certification.

- A. In the recreation rivers and shoreland management districts, any change shall be effective only upon the certification of the commissioner of the department of natural resources as provided for in MN Rules, parts 6105.0230 and 6120.3900. The commissioner of the department of natural resources shall have been notified regarding the request at least ten days from the time he receives the notice of the county board decision, communicate to the county either:
1. Certification of approval, with or without conditions; or
  2. Notice of non-approval.

If the county receives neither certification of approval nor notice of non-approval within 30 days, the decision of the board becomes effective.

Sec. 9A.04. - Denial and reconsideration.

Whenever an application for rezoning has been considered and denied by the county board, a similar application affecting substantially the same shall not be considered by the planning commission or county board for a period of one year, unless there has been a substantial change of facts or a change of circumstances warrants it in the opinion of the planning commission.

Sec. 9A.05. - Fees.

To defray administrative costs of processing requests for rezoning of the districts or boundaries, all applications shall be subject to the following fees:

- A. A flat sum fee in an amount set annually by the county board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the county for site inspections, evaluations, legal, engineering, planning consultant assistance, and for any other expenses incurred that are necessary for proper review and consultation to assist the planning commission and county board in its decision-making.

ARTICLE 9B. - AMENDMENTS

Sec. 9B.01. - Amendments.

The regulations, restrictions, districts and boundaries set forth in this ordinance may be amended, supplemented, changed or repealed whenever the public necessity, general welfare or good land use planning requires such. Such amendments shall be issued as a means to implement changes in the goals and policies of the county as reflected in the comprehensive land use plan.

Sec. 9B.02. - Procedure.

The following procedure shall be followed by those persons applying for an amendment to this ordinance:

A. *Application.*

1. An amendment to the provisions or rezoning of the districts of this ordinance may be initiated by:
  - a. A petition from the owner or owners of the affected property within the jurisdiction of this ordinance.
  - b. A recommendation of the planning commission.
  - c. Action by the county board.
2. The applicant shall request the proper form for an amendment petition from the zoning administrator. The application shall contain the following written information:
  - a. Amendment to text.
    - (1) Names and addresses of the petitioner or petitioners.
    - (2) Stated reason for change requested.
    - (3) Statement of compatibility with the county comprehensive land use plan.
    - (4) Text of the portion of the existing ordinance to be amended.
    - (5) Proposed amended text.

- (6) Statement outlining the effects that the proposed amendment may have on the intent and purposes of this ordinance.
  - (7) What changing conditions within the county make the amendment necessary.
  - (8) What error in the existing ordinance would be corrected by the proposed amendment.
  - (9) Signature of petitioner or petitioners.
  - (10) Any other information or exhibits as requested by the planning commission or county board necessary to make findings, recommendations and dispositions on the petition.
- b. The zoning administrator shall have the option of deleting any information requirements determined to be not applicable to the particular application.
3. The completed application shall be filed with the zoning administrator, accompanied by the fee as set by the county board.

**B. *Application processing.***

1. Upon receipt of the completed application, the zoning administrator shall forward a copy of the completed application and attachments to the planning commission.
2. The zoning administrator shall schedule any required public hearings on the application.
3. The zoning administrator shall give proper notice of the public hearing in the following manner:
  - a. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.
  - b. Written notice of the time, place and purpose of the public hearing shall be mailed at least ten days but not more than 30 days prior to the hearing to the governing bodies of all townships and municipalities within the county.
  - c. Written notice of the time, place and purpose of the public hearing shall be provided to the commissioner of the department of natural resources at least ten days prior to the hearing.
  - d. The planning commission or delegation thereof shall view the property which may be affected by the proposed application prior to the public hearing.

**C. *Public hearing.***

1. The planning commission shall hold at least one public hearing on the proposed amendment application.
2. The applicant or his representative shall appear before the planning commission in order to answer questions concerning the proposal.
3. All proposed amendments to this ordinance, when requested by the planning commission, may be reviewed by the county soil and water conservation district, county surveyor, county highway engineer, and any other appropriate county office to determine the adequacy to accommodate the change requested.
4. The planning commission and appropriate county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning the appropriateness and relationship to the intent and purpose of this ordinance and the county comprehensive land use plan. See section 5.07 herein.

5. The applicant for an amendment which, in the opinion of the planning commission may result in a material adverse effect on the environment, may be requested by the commission to demonstrate the nature and extent of the effect.
6. An accurate record of all testimony shall be kept by the secretary of the planning commission. This record shall include the names of all persons testifying or otherwise participating in the hearing.

D. *Findings.*

1. The planning commission shall consider all facts from all sources prior to submitting a recommendation to the county board relating to a proposed amendment. Its judgment shall be based upon, but not limited to, the following factors, as applicable:
  - a. Do the amendments conform to the presently adopted future land use plans for the county and adjacent municipalities where applicable?
  - b. Was there an error or oversight in preparing the original ordinance, which indicates the proposal should have been included at that time?
  - c. Is this change beneficial to the county or is it merely a convenience or benefit to an individual person or parcel?
  - d. Does the amendment conform to other applicable county ordinances and plans; comply with state and federal laws, rules, and regulations; or conflict with any other governmental agencies or political subdivisions?
  - e. Will the amendment have a negative effect on the surrounding properties or uses from dust, noise, vibration, odor, heat, glare, lighting or discharges into the air, water or land?
  - f. Are the proposed amendments compatible to the county's physical, geological, hydrological and other environmental features? The planning commission may require the applicant, at their own expense, to provide sufficient proof from a reliable source(s) that the site's features are compatible to the proposed uses.
  - g. Is there evidence the applicant cannot receive a reasonable return on investment through developing the property with the ordinances currently in effect?

E. *Time limits are not applicable.* Amendments to the zoning ordinance are not subject to the time limits in Minnesota Statutes § 15.99.

F. *Recommendation.* It shall take a concurring vote of a majority of the full planning commission to override a written recommendation of an affected township board of supervisors. The zoning administrator shall report the findings and recommendations of the planning commission to the county board at its next regularly scheduled board meeting. The report shall recommend approval, disapproval or modified approval of the application. Time limitations may be waived for good cause.

G. *Decision.*

1. Upon receipt of the report and recommendations from the planning commission, the county board may take action.
2. The county board shall have the option to set and hold a public hearing upon the application as it deems necessary. After the hearing, if any, the county board may adopt the proposal or any part thereof in such form as it deems advisable.
3. The concurring vote of a majority of the full county board shall be necessary for the approval or denial of an application for an amendment. It shall take four-fifths vote to override a recommendation of the planning commission.
4. The decision shall be filed with the zoning administrator, who shall:

- a. Forward written notice of the county board's decision to the applicant.
  - b. File a certified copy of the approved, amendment, with the county recorder and county auditor for record.
  - c. Refer the decision or order to the county attorney to prepare the amendment of this ordinance, if applicable.
  - d. Forward a copy of all amendments affecting recreation rivers or shoreland management districts to the commissioner of the department of natural resources within ten days of such action.
5. The zoning administrator shall maintain a record of all amendment applications considered by the planning commission and county board. Changes to the Meeker County Zoning Ordinance shall be made as provided by this ordinance.
  6. The amended ordinance shall become effective immediately upon adoption by the county board, by publication on its effect date if so stated or any other requirement as provided by law.
  7. All decisions of the county board in considering requests for amendments provided by this ordinance shall be final.

Sec. 9B.03. - Approval and certification.

Whenever an application for an amendment has been considered and approved by the county board the necessary changes shall be adopted by ordinance.

- A. In the recreation rivers and shoreland management districts such adoption shall be effective only upon the certification of the commissioner of the department of natural resources as provided for in MN Rules, parts 6105.0230 and 6120.3900. The commissioner of the department of natural resources shall have been notified regarding the request at least ten days from the time he receives the notice of the county board decision, communicate to the county either:
  1. Certification of approval, with or without conditions; or
  2. Notice of non-approval.

If the county receives neither certification of approval nor notice of non-approval within 30 days, the decision of the board becomes effective.

Sec. 9B.04. - Denial and reconsideration.

Whenever an application for an amendment has been considered and denied by the county board, a similar application affecting substantially the same shall not be considered by the planning commission or county board for a period of one year, unless there has been a substantial change of facts or a change of circumstances warrants it in the opinion of the planning commission.

Sec. 9B.05. - Annual review.

The planning commission in cooperation with the zoning administrator shall at least once a year prepare and file with the county board a report on the operations of the zoning ordinance as amended, including, when necessary, recommendations as to the enactment of amendments or supplements thereto. This report shall include, but need not be limited to, the study of the following:

- A. Development of property uses.
- B. Nature of population trends.
- C. Commercial and industrial growth, both actual and prospective.

- D. Affect upon the county as a whole in view of the county's comprehensive land use plan and how the ordinance has assisted in implementing the plan.

Sec. 9B.06. - Fees.

To defray administrative costs of processing requests for an amendment of this ordinance, all applications shall be subject to the following fees:

- A. A flat sum fee in an amount set annually by the county board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the county for site inspections, evaluations, legal, engineering, planning consultant assistance, and for any other expenses incurred that are necessary for proper review and consultation to assist the planning commission and county board in its decision-making.

ARTICLE 10. - SITE PLAN

Sec. 10.01. - Site plan required.

A site plan shall be submitted with any application for a land use permit, conditional use permit, interim use permit or variance permit. No such permit shall be issued prior to acceptance of the site plan.

Sec. 10.02. - Procedure.

The following procedure shall be followed in the preparation of site plans:

A. *Preparation.*

1. The person, developer, contractor or builder shall be responsible for preparation of the site plan.
2. The site plan shall contain the following information, unless waived by the zoning administrator, county board, planning commission or board of adjustment when applicable, pertinent to the proposed use of the land:
  - a. Name and address of the developer and property owner.
  - b. Small key (location) map.
  - c. Zoning classification of the land and names of adjoining land owners and zoning classification of adjacent lands.
  - d. Proposed buildings and/or land use.
  - e. Area of land in square feet.
  - f. Survey and engineering information including lot and block or distances with angles, bearings, lengths and legal description of property involved shall be shown on drawings at a scale not to exceed one inch equaling 50 feet and including the following information:
    - (1) Proposed buildings with location dimensions, building area and height.
    - (2) Distance on all sides between buildings and property lines and between buildings.
    - (3) Location, dimensions and area of existing buildings not to be razed.
    - (4) Location and use of all buildings on adjacent lands that are within 50 feet of the property line in question.
    - (5) Existing and proposed contours or spot grades at no more than two-foot intervals.

- (6) Drainage design for roof areas, parking lots and driveways showing area for or method of disposal of surface runoff waters.
- (7) Existing and proposed street curb cut radii and curb cut width.
- (8) Limits and location of proposed or existing streets, cart ways, curbs, sidewalks, easements and rights-of-way.
- (9) Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and drywells.
- (10) Location and approximate diameter of existing trees and other woody-stemmed plantings together with the common names of the plantings.
- (11) Limits and location of plantings or physical structures designed for screening.
- (12) Limits, location and size of retaining walls and the type of material to be used in construction.
- (13) Limits and location of parking lots, driveways, parking bays, outside storage, burning rubbish and garbage areas, loading and unloading areas and surfacing and screening thereof.
- (14) Directions of vehicular traffic flow to, from and within the area, together with traffic control signs and markings.
- (15) Locations, height, candle power and type of all outside lighting including street lighting and sign lighting.
- (16) Locations, size, height and overall dimensions of outside signs.
- (17) Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this ordinance.
- (18) Additional information as deemed necessary by the zoning administrator, planning commission or board of adjustment.

B. *Processing.*

1. *Conditional or interim use site plans.*

- a. At least one copy of the complete site plan shall be filed with the zoning administrator in conjunction with the conditional or interim use permit application. Additional copies of a site plan may be required from the applicant as requested by the zoning administrator or as otherwise required in this ordinance.
- b. The zoning administrator shall forward the site plan and application to the planning commission and to applicable reviewing agencies as instructed by the planning commission.
- c. The planning commission or a delegation thereof shall view the area being considered within the site plan.
- d. The planning commission shall review a site plan for a conditional or interim use permit request and any written comments from reviewing agencies regarding the said site plan and recommend modification or additional information as necessary. Requests for site plan modifications and additional information shall conform to the time limits required in Minnesota Statutes § 15.99.

2. *Site plans.*

- a. At least one copy of the complete site plan shall be filed with the zoning administrator in conjunction with the land use permit application. Additional copies of a site plan may be required from the applicant as requested by the zoning administrator or as otherwise required in this ordinance.

- b. The zoning administrator shall view the area being considered within the site plan if the zoning administrator determines that such viewing is necessary.
  - c. The zoning administrator shall review a site plan for a land use permit request and any written comments from reviewing agencies regarding the said site plan and recommend modification and additional information as necessary. Requests for site plan modifications and additional information shall conform to the time limits required in Minnesota Statutes § 15.99.
3. *Variance site plans.*
- 1. At least one copy of the complete site plan shall be filed with the zoning administrator in conjunction with the variance application. Additional copies of a site plan may be required from the applicant as requested by the zoning administrator or as otherwise required in this ordinance.
    - a. The zoning administrator shall forward the site plan and application to the board of adjustment and to applicable reviewing agencies as instructed by the board of adjustment.
    - b. The board of adjustment or a delegation thereof shall view the area being considered within the site plan.
    - c. The board of adjustment shall review a site plan for a variance permit request and any written comments from reviewing agencies regarding the said site plan and recommend modification and additional information as necessary. Requests for site plan modifications and additional information shall conform to the time limits required in Minnesota Statutes § 15.99.

C. *Compliance required.*

- 1. It shall be the duty of the zoning administrator to ensure that the approved site plan is followed by the owner and/or developer.
- 2. The land area of a site developed pursuant to an approved site plan shall not thereafter be altered in size, and no departure from the approved site plan shall be made without the express written permission of the zoning administrator for land use permits, planning commission and county board for conditional uses or the board of adjustment for variances. The procedure for review and approval or disapproval of significant changes shall be the same as for the initial application.
- 3. No building or site shall be used or occupied until all requirements and provisions of this ordinance and any special conditions as provided by this article have been complied with.

Sec. 10.03. - Bonds.

When applicable, the zoning administrator, planning commission, county board or board [of] adjustment may require performance bonds or certified checks in amounts adequate to insure that development proposed in any site plan submitted is actually completed.

ARTICLE 11. - A-1 AGRICULTURAL PRESERVATION DISTRICT

[Sec. 11.00.] - Intent.

The intent of the A-1 Agricultural Preservation District is to provide a district whose primary purpose is to:

- (1) Maintain, conserve and enhance agricultural land which has historically been tilled;
- (2) Protect the land from unnecessary urban encroachment and control scattered non-farm development;

- (3) Protect and preserve natural resource areas and retain major areas of natural ground cover for conservation purposes;
- (4) Stabilize increases in public expenditures for public services such as roads, road maintenance, snow removal, schools, police and fire protection.

Sec. 11.01. - Residential density options.

- A. Each full quarter-quarter section or government lot may convey therefrom a parcel of land for the purpose of constructing one single-family dwelling. This shall include a quarter-quarter section or government lot:
  - (1) That has a portion conveyed out for township, county, state, or federal right-of-way or essential service facilities; or
  - (2) That has a portion conveyed to a governmental unit and there is no dwelling constructed on the conveyed parcel; or
  - (3) That has a portion conveyed to a public or private cemetery and there is no dwelling constructed on the conveyed parcel; or
  - (4) That has, prior to October 19, 2001, a portion not wider than 70 feet conveyed for the purpose of ingress and egress to an adjoining parcel and there is no dwelling or accessory structure constructed on the conveyed parcel; or
  - (5) That has a portion, not more than four acres, conveyed from a full quarter-quarter section or government lot by adverse possession determined by a court of law and said legal document is recorded in the Meeker County Recorder's Office.
- B. Any full quarter-quarter section or government lot (in the A-1 Agricultural Preservation District) which has any portion of said land placed in a permanent conservation easement which precludes construction of a dwelling or which cannot meet the minimum buildable standards to allow for the construction of a dwelling on a property shall be determined not to have a building eligibility for transfer or construction purposes.
- C. No more than four lots may have a dwelling on any quarter-quarter section or government lot unless the property is rezoned and platted residential or platted in the overlay district and remains zoned A-1 according to the provisions of article 19B and meets the provisions of the Meeker County Subdivision Ordinance.
- D. Additional dwellings per quarter-quarter section or government lot may be constructed by using one of the following options:
  - (1) The procedures outlined in Meeker County's Transfer of Development Rights, article 12A, which outlines how up to three additional single-family dwellings may be permitted by "transferring" the development "rights" of contiguous undeveloped quarter-quarter sections or government lots.
  - (2) A dwelling may be constructed on a lot or tract of land that was transferred from a quarter-quarter section or government lot prior to October 19, 2001, if it is the first recorded transfer. Subsequent transfers are not eligible for this provision.
  - (3) Full quarter-quarter sections and government lots may have two additional building rights besides the one building eligibility that each full quarter-quarter section or government lot is given if they can meet the following criteria:
    - a. This option shall be used one time only for each tract of land that qualifies.
    - b. Each additional building right tract must have an approved conditional use permit.
    - c. A maximum of one acre of tillable land (used for any purpose) can be sold with each additional building right.

- d. Each additional building right tract must have a permanently preserved open space easement of five acres of non-tillable land. ISTS systems are permitted on the permanently preserved open space easement area. The balance of the tract may be planted in trees, shrubs and/or bushes or may be utilized for any other use deemed to be reasonable and appropriate in the discretion of the Meeker County Planning Commission during the conditional use permit approval process.
  - e. The buildable area and the restricted area must be contiguous and follow the site requirements in section 11.06 of this ordinance.
  - f. This building right shall not be transferred to another tract of land. This tract shall not be split or subdivided.
- (4) If an owner of at least 20 acres of land, which lies totally within a single quarter-quarter or government lot, and said land was purchased as a separate parcel after October 19, 2001, then, this owner may sell one additional building right tract if they can meet the criteria in number (3) above.
  - (5) All further subdivisions must be re-zoned and platted according to the Meeker County Zoning Ordinance article 13 (R-1), article 14 (R-2) and the Meeker County Subdivision Ordinance or platted in the overlay district and remains zoned A-1 according to the provisions of article 19B and the Meeker County Subdivision Ordinance.
- E. *Lots of record.* A dwelling may be constructed on a lot or tract of land that was vacant prior to the adoption of this provision of this ordinance (October 19, 2001) with the following provisions:
- a. The dwelling is subject to the site development regulations listed in section 11.06 of this article.
  - b. These provisions apply if an entire lot or tract of land was sold or transferred. This provision does not apply if the lot or tract of land is subdivided and sold after the adoption of this ordinance. The applicant's lot or tract of land must be recorded with the county prior to the adoption of this ordinance, unless the property is rezoned and platted residential and meets the provisions of the Meeker County Subdivision Ordinance.
    - (1) A copy of the document indicating the lot or tract was individually transferred and recorded prior to the adoption of this article must be submitted to the Meeker County Planning and Zoning Office.
    - (2) If applicable, a copy of any document indicating a valid lot or tract of record was individually transferred and recorded after the adoption of this article.
  - c. The lot of record provision may be approved by the zoning administrator if the information submitted to the planning and zoning office meets the requirements of this provision. The applicant must submit the information listed below.
    - (1) A survey, prepared by a licensed land surveyor, indicating the property was recorded on a deed prior to the adoption of this article and is the same parcel as shown in E.b.1 (see above); and
    - (2) Any other information requested by the Meeker County Zoning Administrator; and
    - (3) A site plan according to article 10 of this ordinance; and
    - (4) An approved septic system in accordance to article 22, section 13 (22.13) of this ordinance.

Sec. 11.02. - Permitted uses.

The following uses shall be permitted within the A-1 Agricultural Preservation District subject to the performance standards set forth elsewhere in this ordinance:

- A. Agricultural production uses such as:
  - 1. Field and specialty crops.

2. Farm livestock and livestock products and family processing of the same.
  3. Poultry.
  4. Animals raised for their pelts, meat or sale.
  5. Nursery stock and tree farms.
  6. Garden and field-grown vegetables.
  7. Forest and woodland protection.
  8. Apiaries.
  9. Orchards.
- B. Class A feedlots under 300 animal units.
  - C. Flood control and watershed structures, erosion control structures and farmland drainage systems.
  - D. Parks, recreational areas, wildlife areas, game refuges, forest preserves, public accesses and boat launching facilities owned or operated by governmental agencies.
  - E. Agriculture-related seed and feed sales.
  - F. Family-operated temporary or seasonal roadside produce stands offering for sale produce produced on the premises with adequate off-road parking, not to exceed one stand per farm.
  - G. Essential service facilities and structures, subject to section 22.08.
  - H. Designated historical sites and areas.
  - I. Livestock and livestock structures as an accessory use or building to a residence.
  - J. Churches and town halls.
  - K. Cemeteries and memorial gardens.
  - L. Level 1 home occupation.
  - M. Single-family dwellings including mobile homes except in a Shoreland Management Overlay (SM-O) District.
  - N. Veterinary clinics and associated facilities necessary for animal health care.
  - O. Tiling, sewer and small road contractors' equipment and storage yard.
  - P. On-land disposal from sewage treatment plants.
  - Q. Private access and boat launching facility.
  - R. All used dwellings older than five years moved onto a lot with an inspection conducted by the Meeker County Building Official and one zoning staff member. Said property owner shall make application to Meeker County Planning and Zoning to be permitted to move said used dwelling onto a site. The dwelling shall not be moved onto the proposed site unless the permit is approved by the Meeker County Building Official and Meeker County Zoning Administrator (see section 22.05 for definition).

Sec. 11.03. - Conditional uses.

The following uses may be allowed within the A-1 Agricultural Preservation District subject to the performance standards set forth elsewhere in this ordinance and the issuance of a conditional use permit:

- A. All Class B, B-h, C, C-h, D, and D-h feedlots 300 animal units or more.
- B. Agriculture-related machinery and equipment repair on existing farmsteads when the use is clearly incidental to a bona fide farming operation.

- C. Kennels.
- D. Firearm shooting ranges.
- E. Shooting preserves.
- F. Airports, landing strips and airport facilities.
- G. Vehicle sales and service not to exceed 12,000 square feet.
- H. Small engine repair limited to structures not exceeding a 3,000-square-foot area in total.
- I. Upholstery shop limited to structures not exceeding a 3,000-square-foot area in total.
- J. Electric or plumbing and heating shop limited to structures not exceeding a 3,000-square-foot area in total.
- K. Machine welding shop limited to structures not exceeding a 3,000-square-foot area in total.
- L. Government storage and maintenance facilities.
- M. Recycling facility, subject to the standards in section 22.32 herein.
- N. Section 11.02.N through 11.02.Q shall observe the setbacks for the side yard and rear yard as stated in section 15.04.C and 15.04.D.
- O. Lumber mill and rough lumber processing.
- P. Tower, commercial wireless communications.
- Q. Sewage treatment plants and sewage lagoons.
- R. Family adult day care and adult foster care subject to the standards in section 22.31 herein.
- S. Commercial outdoor recreation areas that are similar to public recreation areas, including, but not limited to, resorts, campgrounds, golf courses, clubhouses, country clubs, ATV trails, or similar activities as determined by the Meeker County Planning Commission.
- T. Sanitary landfills as regulated by the state and county.
- U. Commercial nurseries and greenhouses.
- V. The application of petroleum-impacted soil for treatment by microbioorganisms and long-term disposal per rules and regulations of the Minnesota Pollution Control Agency, or its successors, and further subject to the limitations and controls contained in section 6A.02.D.3, and section 22.06 of this ordinance.
- W. Mini storage buildings.
- X. Open livestock waste lagoon.
- Y. Bed and breakfast facility not exceeding five guest rooms. (See section 23.07.1 for definition.)
- Z. Other uses deemed by the planning commission to be of the same general character of those permitted or allowed by conditional use permit.
- AA. Wind turbines for the generation of wind energy.
- BB. Commercial riding stables.
- CC. Feedlot inspections for already established CUPs. Feedlots established by a CUP before the date of the adoption of this ordinance change, July 24, 2014, may apply to have a condition review of said established application in regards to the yearly inspection requirement. Please note no change of operations, animal unit numbers or manure handling may be proposed under this conditional use permit which changes require a conditional use permit under section 11.03.A.

If, for three consecutive annual inspections, there have been no violations noted by the review, then an inspection shall occur every third year thereafter. If at any subsequent inspection a

violation of this permit is found, inspections will then occur yearly until three consecutive inspections have occurred with no violations. This consecutive inspection review will be retroactive to the three years just prior to the property owner making application to Meeker County for this review.

Note: This does not have an effect upon the mandatory guideline for percentage of feedlot inspections required by the MPCA.

- DD. As per section 22.14.A.1.a of the Meeker County Zoning Ordinance, any project that will result in a substantial alteration of the existing landscape or ground contour, that will change existing drainage patterns and result in significant soil erosion, vegetation destruction or drainage damage to adjoining properties, deprive an adjoining property owner or adequate lateral ground support or destroy the present ground cover resulting in a less beneficial cover for present and proposed development or future uses. Substantial alteration shall mean the extraction, grading or filling of land involving movement of each and material in excess of 1,000 cubic yards, except that the following shall not be considered a substantial alteration:
- (1) Drainage tile installation and related activities such as terracing and/or waterway installation and ditch cleaning in agricultural districts.
  - (2) That excavation, grading and filling normally necessary for the construction and development of a permitted or conditional use.
- EE. Clear cutting of natural vegetation on any lot or parcel of five acres or more as per section 22.28.A.3 of the Meeker County Zoning Ordinance.

Sec. 11.04. - Interim uses.

The following use may be allowed within the A-1 Agricultural Preservation District subject to the performance standards set forth elsewhere in this ordinance and the issuance of an interim use permit:

- A. Temporary second dwellings:
1. A second temporary dwelling may be allowed under one of the following conditions:
    - a. The temporary second dwelling is for a caregiver pursuant to the standards in section 22.30 herein.
    - b. The resident or residents of the temporary dwelling either owns, operates or is principally employed on the existing farm site.
    - c. The resident or residents of the temporary dwelling is a blood relative of an occupant in the existing dwelling.
  2. All temporary second dwellings shall be located on the existing dwelling site and must have a conforming sewer system.
  3. All temporary second dwellings shall have a time limit as outlined in the interim use permit.
  4. To ensure compliance with application requirements, all property owners approved for temporary second dwellings shall submit annually to the zoning office a completed certification form, available at the Meeker County Planning and Zoning Office, indicating the conditions of the permit approval are still in place and that the need for the temporary second dwelling has not changed.
- B. Mineral, sand and gravel extraction.
- C. Temporary or seasonal equipment placement and operations including salvage operations, bituminous plants, circuses, carnivals, race tracks, and rock-fests, music festivals or similar activities as determined by the planning commission.
- D. Migratory labor residences.
- E. Organized group camping facilities.

- F. Concrete and bituminous recycling operations.
- G. Mobile homes in a Shoreland Management Overlay (SM-O) District as defined in article 19A herein, except that none with a maximum width as constructed by the manufacturer of less than 16 feet, and none older than ten years as of the date of the permit application, shall be permitted.
- H. Retreats not to exceed ten guests and five cars. There shall be no on-street parking allowed. Cooking shall be allowed only in the kitchen and not in other rooms.
- I. Placement of recreational camping vehicles as is stated in 11.06.U.
- J. An accessory building to be used for dwelling purposes during construction of the principal dwelling.
- K. A Level 2 home occupation in an accessory building.
- L. Paintball range as per section 22.19.1 of the Meeker County Zoning Ordinance.
- M. Rural tourism business as per section 22.21.2 of the Meeker County Zoning Ordinance.

Sec. 11.05. - Accessory uses.

- A. *Permitted uses.* The following uses may be permitted as accessory uses within the A-1 Agricultural Preservation District subject to the performance standards set forth elsewhere in this ordinance:
  1. Structures designed for the storage of agricultural products and machinery and necessary to the operation of a bona fide farming operation.
  2. Private garage.
  3. Private swimming pool.
  4. Storage sheds.
  5. Livestock, buildings and pens.
  6. Signs.
  7. Accessory buildings or structures and uses customarily incidental to any permitted or conditional use when located on the same property.
- B. *Accessory buildings located in the agriculture and shoreland district.*
  1. Accessory buildings located in both the agricultural preservation and shoreland districts may not exceed 1,040 square feet of total floor area within 300 feet of the ordinary high water level and there shall be no more than two permitted accessory buildings detached from the principal dwelling unit built on said lot or building site within said 300 feet, except as stated in section 22.03.B.3.a.5 for a bona fide farming operation. The above-stated maximum square footage denotes the total square footage for the two permitted detached accessory buildings.
  2. No accessory building shall be used for dwelling purposes except by interim use permit and only during construction of the principal dwelling.

Sec. 11.06. - Site development regulations.

The following minimum requirements shall be observed in the A-1 Agricultural Preservation District except as provided otherwise by this ordinance:

- A. *Height.*
  1. No structure shall hereafter be erected or structurally altered to exceed 30 feet in height, except that:
    - a. No height limitation shall be imposed for agricultural buildings under 150 feet except where hazardous conditions may result (see article 23, section 23.02.15).

- b. Any non-agricultural structure over 30 feet in height shall require a conditional use permit.
  - 1. This provision shall not apply to wind turbines as defined in sections 22.34 and 22.35 of the Meeker County Zoning Ordinance.

B. *Front yard.*

- 1. There shall be a front yard setback for structures from the centerline of all public rights-of-way of not less than:
  - a. 100 feet for township and county roads and a minimum of ten feet from the right-of-way line.
  - b. 130 feet for state and federal highways and a minimum of ten feet from the right-of-way line.
  - c. 200 feet for Minnesota State Highway 15 and a minimum of ten feet from the right-of-way line.

C. *Side yard.* There shall be a side yard structure setback of not less than ten feet.

D. *Rear yard.*

- 1. There shall be a minimum rear yard setback of 40 feet for a dwelling.
- 2. There shall be a minimum rear yard setback of 15 feet for accessory uses.

E. *Lot width.* Every lot or tract shall have a width of not less than 150 feet abutting a public right-of-way and at the front yard setback line. If said lot or tract does not abut a public right-of-way, the lot or tract must have a 50-foot-wide legal access road abutting the centerline of the public road.

F. *Lot depth.*

- 1. Every lot or tract shall have a depth of not less than 250 feet.

G. *Lot size.*

- 1. The minimum lot size is 60,000 [square feet] and shall be large enough to accommodate a dwelling, future accessory buildings, and two individual sewage treatment system sites without any variances.

H. *Erosion control.*

- 1. Erosion control measures shall be implemented and maintained as per section 22.24, Soil Erosion and Sediment Control, of this ordinance.

I. *Recreational river standards (North Fork of the Crow River).*

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	130,000	300	130,000	300

J. *River/stream lot width standards.* The minimum lot size requirements for riparian and non-riparian rivers and streams are controlled by the natural environment standards as shown below and set forth in section 19A.04.A.1 and section 19A.04.A.2.

## Natural Environment

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	100,000	250	130,000	250
Duplex	120,000	300	160,000	400

### K. *Buildable area.*

1. Not more than ten percent of the lot or tract shall be occupied by buildings.
2. All lots established for the construction of a dwelling, excluding lots in a conservation subdivision pursuant to article 19B of this ordinance, shall have a minimum buildable area of 30,000 square feet of contiguous land that is:
  - (1) Above the ordinary high water line;
  - (2) Above the 100-year floodplain elevation;
  - (3) Outside the perimeter of the delineated wetland area;
  - (4) Outside of setback lines; and
  - (5) Outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope.
3. Provision 11.06.K.2 does not apply to those tracts subject to section 4.02 of the Meeker County Zoning Ordinance.

### L. *[Outlots.]* An outlot shall not be considered a buildable lot for a dwelling unless it is replatted and meets the required lot width, depth, and area requirements.

### M. *Setback from feedlots.*

1. A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence (Minnesota Statutes § 394.25) or build for an owner/operator of the feedlot as is defined in section 23.40. According to this provision, all new residential dwellings shall have the following setbacks from existing feedlots:
  - a. Class B, B-h, C and D feedlots: quarter-mile setback.
  - b. Class C-h and D-h feedlots: half-mile setback.
2. No dwelling shall hereafter be erected within 1,000 feet from an existing Class A feedlot with 50 or more animal units in non-shoreland, or ten or more animal units in a shoreland district without first obtaining a signed waiver regarding setback as per section 22.10.G, or being granted a variance to said setback. This provision does not apply to a new residence being built to replace an existing residence or a dwelling being built for an owner/operator of the feedlot as is defined in sections 23.40.1.1 and 23.40.1.2.

3. No new Class A feedlot with 50 or more animal units in non-shoreland or ten or more animal units in a shoreland district shall be constructed within 1,000 [feet] of a non-owner-operator dwelling without first obtaining a signed waiver regarding setback as per section 22.10.G.2, or being granted a variance to said setback.
- N. *Setback from gravel mining operations.* No dwelling shall hereafter be erected within 500 feet from existing gravel mining operations property line without first obtaining a conditional use permit, unless the new residence is built to replace an existing residence.
- O. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.
1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake's ordinary high water level.
- P. *Animal units.*
1. Each residential building site consisting of less than ten acres may have no more than two animal units with the following exceptions:
    - a. Additional animal units may be allowed through a conditional use permit to a maximum of one animal unit per acre up to a maximum ten animal units per site.
    - b. No more than two swine total per site.
    - c. No more than 20 poultry total per site.
    - d. A proposed new animal feedlot or a manure storage area shall not be permitted within a shoreland district, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable.
    - e. Existing animal feedlots or manure storage areas within the shoreland district shall refer to section 22.10.D.4.a through d of this ordinance.
  2. Each residential building site consisting of ten acres or more may have less than 300 animal units on site outside of the shoreland district provided they comply with Meeker County's Feedlot Ordinance (section 22.10).
    - a. A proposed new animal feedlot or a manure storage area shall not be permitted within a shoreland district, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable.
    - b. Existing animal feedlots or manure storage areas within the shoreland district shall refer to section 22.10.D.4.a through d of this ordinance.
  3. The owner of a proposed or existing animal feedlot shall follow all rules and regulations and obtain all permits as is stated in section 22.10 (Feedlots) of the Meeker County Zoning Ordinance.
  4. Bona fide farming operations are exempt from this provision but must comply with Meeker County's Feedlot Ordinance (section 22.10) and register their feedlot with the county feedlot officer and/or their designee.
  5. Any feedlot proposed to be located within 1,000 feet of a non-owner-operator residence shall require an approved conditional use permit.
- Q. *Floodplain development.* No dwelling shall hereafter be erected below Meeker County's 100-year floodplain.

R. *[Split or incomplete tracts.]* When a tract of land is split or the tract of land is less than a complete quarter-quarter section or government lot, a boundary survey drawing and description prepared by a licensed land surveyor shall be submitted with the application.

S. *Tower setbacks.*

1. All new one- or two-family dwelling units and/or property subdivided and/or zoned residential shall maintain a 660-foot setback from any existing tower, or the height of the tower plus ten feet, whichever is larger. These setbacks shall not apply to the reconstruction on an existing dwelling.
2. All new towers shall maintain a 660-foot setback from an existing dwelling. This setback shall not apply to the reconstruction of an existing tower provided the tower does not exceed the present or permitted height.
3. The setback requirements herein may be waived on an individual basis at the discretion of the planning commission or county board as part of the conditional use permit process, but only with the express written consent of the dwelling unit owners and/or adjacent property owners.
4. Please note this provision S does not waive or negate the conditional use permit process.

T. *Setbacks for wind energy facilities.*

<i>Object</i>	<i>Setback Over 100 KW</i>	<i>Setback 100 KW or Less</i>
Non-owner dwelling	1,000 feet	750 feet

U. *Recreational camping vehicles/storage of recreational camping vehicles.* Recreational camping vehicles shall be permitted only:

1. In established recreational camping areas; or
2. Placed for storage on a lot that has an existing building eligibility.
  - a. A recreational camping vehicle, whether occupied or not, shall be permitted on a lot with an existing building eligibility for no more than 30 continuous days.
  - b. If any recreational camping vehicle, whether occupied or not, seeks to remain on a lot with an existing building eligibility for more than 30 continuous days, then the owner of the vehicle must obtain an interim use permit.

V. *Land alteration.*

1. A conditional use permit shall be required for land alteration that results in a substantial alteration of the existing landscape or ground contour. Substantial alteration shall mean the extraction, grading or filling of land involving movement of earth and materials in excess of 1,000 cubic yards except as stated in section 22.14.A.1.a(1) and (2). Land alteration within both the A-1 Agricultural Preservation District and within the shoreland district shall also follow the requirements as stated in section 19A.04.C.

ARTICLE 11A. - CLOSED LANDFILL RESTRICTED (CLR) DISTRICT

[Sec. 11A.00.] - Intent.

The Closed Landfill Restricted (CLR) District is intended to apply to former landfills that are qualified to be under the closed landfill program of the Minnesota Pollution Control Agency (MPCA). The purpose

of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's land management area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, county, city, township), Indian tribal, or private ownership. The Closed Landfill Use Plan - Meeker County Landfill report dated December 28, 2012, or as amended by the Minnesota Pollution Control Agency, is adopted by reference as part of the CLR district.

[Sec. 11A.005.] - Legal description of landfill area.

The south half of the southwest quarter, Section 30, Township 120 North, Range 30 West, County of Meeker, State of Minnesota.

Sec. 11A.01. - Permitted uses.

1. Closed landfill management as identified in the closed landfill plan.
2. Existing buildings and the corresponding existing footprints for those buildings at the time of enactment of this ordinance.

Sec. 11A.02. - Conditional uses.

1. Conditional uses shall be limited to uses that do not damage the integrity of the land management area and that continue to protect any person from hazards associated with the landfill. Any application for a conditional use must be approved by the commissioner of the MPCA and Meeker County. Such approved use shall not disturb or threaten to disturb the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring systems that exists upon the described property, or other areas of the land management area that the commissioner of the MPCA deems necessary for future response actions.
2. Solar collection system.
3. Wind energy conversion systems.
4. Methane gas extraction for commercial use.

Sec. 11A.03. - Accessory uses.

1. Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates under these provisions.

Sec. 11A.04. - Prohibited uses.

1. All other uses and structures not specifically allowed as permitted or conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR district.

Sec. 11A.05. - Performance standards.

A. *Height.*

1. No structure shall hereafter be erected or structurally altered to exceed 30 feet in height. No structure shall be constructed, repaired or removed without the written consent of the Minnesota Pollution Control Agency.

Sec. 11A.06. - Site development regulations.

1. Requirements for site design, setbacks and other regulations related to the uses of the property are those specified by the site development regulations in the A-1 Agricultural Preservation District.

Sec. 11A.07. - Land alterations.

1. No land alterations are permitted without the written consent of the Minnesota Pollution Control Agency.

Sec. 11A.08. - Amendments.

1. All amendments to this district require the approval of the commissioner of the MPCA and Meeker County.

## ARTICLE 12A. - PURCHASE AND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

Sec. 12A.01. - Authorization and purpose.

A. *Statutory authorization.* Pursuant to Minnesota Statutes, chapter 394.25, Meeker County establishes a purchase and transfer of development rights program for the purpose of preserving open space, including natural and scenic areas, and productive agricultural land. The programs policies, rules and official controls are adopted in this ordinance, hereafter known as the Meeker County Purchase and Transfer of Development Rights (PTDR) Program.

B. *Purpose.* This ordinance is adopted for the following purposes:

1. To establish procedures by which development rights are granted, conveyed, applied and recorded.
2. To implement the goals of the Meeker County Comprehensive Plan regarding managing growth and protecting rural areas. This PTDR program addresses the following specific goals and objectives as stated in the Meeker County Comprehensive Plan.
  - a. Conservation of resources. To protect, preserve and enhance the county's resources, including agricultural land, wooded areas, water (both surface water and groundwater), native vegetation, recreational areas, scenic areas and significant historic and archaeological sites.
  - b. Land use planning. To establish a community-based framework as a basis for all decisions and actions related to land use.
  - c. Sustainable development. To provide a better quality of life for all residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency and developing local resources to revitalize the local economy.
  - d. Develop and enforce ordinances that set standards for environmental protection in agricultural and aggregate activities.
  - e. Support providing open space and recreational opportunities.
  - f. Promote the preservation of land and structures that possess scenic, historic or archaeological features.
  - g. Support the acquisition and preservation of wetland areas to be preserved for groundwater recharge, surface water conservation, recreation and wildlife.
  - h. Encourage a balanced and harmonious use of land consistent with natural features and socio-economic factors.
  - i. To serve additional public purposes through open space protection, including stormwater management, and habitat protection.

Sec. 12A.02. - Definitions.

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

*Agricultural land:* Land whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops; grains and feed crops; and other similar uses and activities, including equestrian activities.

*Conservation easement:* As defined in Minnesota Statutes, chapter 84C: a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

*Deed restriction:* A form filed with the recorder's office stating that the landowner consents to not build a residence on a specific quarter-quarter section or government lot. The deed restriction is legally binding and runs perpetually with the property.

*Development:* An activity, which materially alters or affects the existing conditions or use of any land.

*Development rights:* An interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space, in accordance with zoning and other regulations. Development rights can be used, held, terminated or transferred to build an additional residence on a contiguous receiving property.

*Eligible land:* An undeveloped quarter-quarter section or government lot that meets the conditions specified in subsection 3 of this article (section 12A.03).

*Government lot:* A fractional part of a section adjacent to a meander line and/or in some cases on the northerly or westerly sides of a township. These fractional lots may be more or less than 40 acres and are shown on the original government survey plat, which is available at the Meeker County Recorder's Office.

*Open space:* Land used for natural habitat, agriculture and/or scenic views.

*Receiving property:* A parcel that receives a transferred development right from a contiguous undeveloped quarter-quarter section or government lot (referred to as the sending property).

*Sending property:* A parcel that transfers its development right to a contiguous or eligible property (referred to as the receiving property) as outlined in section 12A.05 of this article.

Sec. 12A.03. - Establishment of development rights.

- A. Except as noted below, every quarter-quarter section or government lot as of the effective date of this ordinance within the A-1 Agricultural Preservation District is granted one development right. Development rights can be used, held, terminated or transferred to contiguous properties. Development rights may not be transferred if the land has any one of the following characteristics:
1. Land that has an existing dwelling, either residential or agricultural. In these situations, the development right has been used; or
  2. Land that has an existing commercial use or other non-agricultural use; or
  3. Land that is less than a quarter-quarter section or government lot except parcels that qualify under section 11.01.A.2 that have a conforming buildable site; or
  4. Land that does not have a suitable building site due to a covenant, easement, conservation easement or deed restriction, unless and until such time as said covenant, easement or restriction is dissolved or rescinded; or:
    1. Land that does not have a suitable building site due to natural features, such as but not limited to wetlands, floodplains, high water and steep slopes; or
    2. Land that does not have a conforming building site without a variance.

Sec. 12A.04. - Sending property owners process for terminating or transferring a development right.

- A. *Voluntary nature.* The termination or transfer of development rights will occur only on a voluntary basis. Landowners will not be compelled in any way to either terminate or transfer their development rights. If a transfer occurs, it must be done according to section 12A.04, subsection C and section 12A.05 of this article.
- B. *Value of development right.* The monetary value of a development right is completely determined by the landowner of the development right.
- C. *Landowner's process for terminating or agreeing to transfer a development right.* A development right granted under section 12A.03 of this article may be terminated or transferred through sale or donation to any party subject to the requirements stated below.
  - 1. A survey of the receiving property completed by a licensed land surveyor.
  - 2. Title opinion or title insurance. A title opinion or the title insurance policy issued within 30 days of the transfer of the tract from which the transferable development rights will be conveyed sufficient to determine all owners of the tract and all lienholders; and
    - a. A document from all lienholders approving the transfer of development rights.
  - 3. Deed restriction. The property owner(s), including in all cases the fee owner, of the eligible parcel must sign and record a deed restriction to apply to the specific quarter-quarter section or government lot or a buildable site or eligible parcel according to section 11.01.A.2. The restriction shall limit any further residences, divisions or nonagricultural development on the quarter-quarter section or government lot in accord with the terms of this article, unless it is rezoned. The restriction shall be on a form provided by the zoning administrator and shall include the following information:
    - a. Record fee owner(s) legal name; and
    - b. Legal description of restricted parcel; and
    - c. Agreement description stating the following:
      - (1). The land meets the criteria established in section 12A.03 of this article; and
      - (2). The development right is being either terminated or transferred. If transferred, provide a legal description of the receiving property on the contiguous quarter-quarter section or government lot; and
      - (3). The deed restriction shall limit any further residences, divisions or nonagricultural development on the quarter-quarter section or government lot in accord with the terms of this article; and
    - d. Date and signature of fee owner(s); and
    - e. Date and signature of notary public; and
    - f. Date and signature of zoning administrator.
    - g. Application and handling fees as determined by the Meeker County Zoning Office.
    - h. (Optional) A conservation easement that protects the quarter-quarter section or government lot from most types of non-agricultural development. The specific details can be unique to each conservation easement but shall meet all of the conditions identified in 12A.04, subsection D, of this article.
    - i. The landowner must file the title search, deed restriction and conservation easement (if applicable) with the Meeker County Recorder's Office. The conservation easement (if applicable) may also be required to be held by an additional party as specified in the conservation easement.
    - j. The zoning administrator shall determine whether the provisions of this ordinance have been followed before signing the deed restriction. The zoning administrator may execute the deed restriction before or after delivery of development rights by the sending property

owner. If approved after delivery, the date of transfer shall relate back to the date of delivery between the parties for the purposes of this ordinance.

D. *Conditions of the conservation easement (if applicable).* The owner terminating or transferring a development right may perpetually restrict the use of the property by a conservation easement. The conservation easement shall comply with Minnesota Statutes chapter 84C and shall be in a form approved by Meeker County. The conservation easement shall comply with the following conditions:

1. The conservation easement shall restrict future use of the property to agricultural, habitat and open space uses.
2. The conservation easement shall be held by a qualified unit of government, conservation organization, land trust or similar organization authorized to hold interest in real property (pursuant to Minnesota Statutes, section 84C.01-05) as approved by the Meeker County Board of Commissioners.
3. All owners of the eligible quarter-quarter section or government lot from which the development rights are either terminated or transferred shall execute the conservation easement.

Possible Sending Property	Possible Sending Property	Possible Sending Property
Possible Sending Property	POSSIBLE RECEIVING PROPERTY	Possible Sending Property
Possible Sending Property	Possible Sending Property	Possible Sending Property

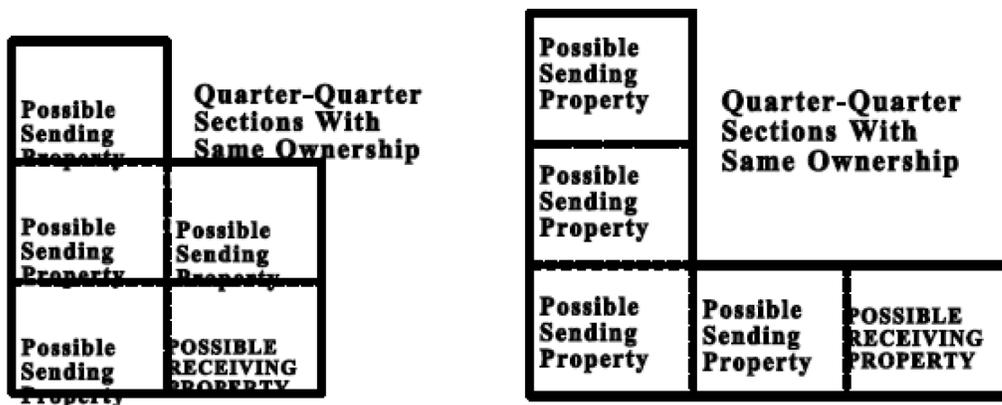
**Quarter-Quarter Sections**

4. All lienholders of the tracts from which transferable development rights are conveyed shall execute a subordination agreement to the conservation easement. Such subordination agreement shall be filed with the Meeker County Recorder.

Sec. 12A.05. - Process for using a transferred development right.

A. The following two options may be used to transfer a development right.

1. Development rights can be used to increase a permitted density on a contiguous quarter-quarter section or government lot (see Figure 1). As a result, each quarter-quarter section or government lot (receiving property has up to eight possible contiguous quarter-quarter sections or government lots (sending properties) for which the development right could be transferred (i.e., the contiguous north, northeast, east, southeast, south, southwest, west and northwest quarter-quarter sections).
2. Development rights can also be used to increase a permitted density on contiguous land that is under the same ownership (see Figures 2 and 3). For example, a person who owns 160 undeveloped acres could transfer their development rights onto one quarter-quarter section or government lot, if all the land is contiguous, under common ownership and is undivided.



- B. The maximum number of development rights that can be transferred onto a quarter-quarter section or government lot is three, therefore limiting each quarter-quarter section or government lot to a maximum of four residential dwellings (i.e., one permitted residential dwelling per quarter-quarter section or government lot and up to three additional transferred rights).
- C. For each development right that is transferred, the said receiving property is entitled to an increase of one additional single-family residential dwelling.
- D. All building sites permitted through a transferred development right are subject to the site regulations of the A-1 Agricultural Preservation District as specified in article 11, section 6 (11.06) of this ordinance.
- E. If a development right is being transferred, the transferee of the receiving property must submit the following materials to the zoning administrator before the development right can be used:
  - 1. A copy of the transfer of development right showing that a development right has been transferred to the proposed building site from a contiguous quarter-quarter section or government lot.
  - 2. A building permit is required. The following information must be included:
    - a. A site plan according to article 10 of this ordinance;
    - b. All information required by the Meeker County Building Official; and
    - c. An approved septic system in accordance to article 22, section 13 (22.13) of this ordinance.
  - 3. If the transfer results in the land being subdivided, the process identified in Meeker County's Subdivision Ordinance must be followed. The subdivision ordinance applies to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale and/or building development, whether immediate or future, including the re-subdivision or re-platting of land or lots (see the Meeker County Subdivision Ordinance for more details).
  - 4. A map showing the location of the proposed building sites quarter-quarter section or government lot (the receiving property) and the quarter-quarter section or government lot from which the development right was transferred from (the sending property) on a standard 8½- by 11-inch sheet of paper.

Sec. 12A.06. - Public acquisition of development rights.

Meeker County may purchase, or accept by gift, a development right subject to the provisions of this ordinance, including the requirements for a recorded deed of transferable development rights and a recorded conservation easement. The transfer must be voluntary and the county may hold, resell, or retire any transferable development right it has acquired.

## ARTICLE 12B. - MEEKER COUNTY HIGHWAY ACCESS MANAGEMENT ORDINANCE

### Sec. 12B.01. - General provisions.

- A. *Title.* This ordinance shall be known as the "Meeker County Highway Access Management Ordinance," except as referred to herein as "this ordinance."
- B. *Purpose.* The board of commissioners recognizes the need for regulation of entrances from adjoining lands to the traveled way of the county state aid highways (hereinafter referred to as "CSAH") and the county road systems under their supervision. The board of commissioners recognizes the need to promote the public safety, efficient flow of traffic, the aesthetic values of the land, and engineering integrity of said road systems. The intent of this ordinance is to permit a reasonable access to the road from abutting lands as is compatible with the principles as set forth in the following:
- C. *Interpretation.* The provisions of this ordinance shall be interpreted to be the minimum requirements necessary to promote and protect the health, safety, and general welfare of the public.
- D. *Statutory authority.* Statutory authorization is pursuant to Minnesota Statutes chapter 160, specifically sections 160.08, subd. 3, 160.18; subds. 1, 2, and 3; and section 160.27, subds. 1—13 (2006), or such other applicable law if this law shall be revised or amended.
- E. *Meeker County Right-of-Way Ordinance for the Management of Public Right-of-Way of Roads Under County's Jurisdiction.* The Meeker County Right-of-Way Ordinance for the Management of Public Right-of-Way of Roads under Meeker County's jurisdiction is adopted herein by reference.

### Sec. 12B.02. - Definitions.

*Access:* A driveway or field entrance.

*Access permit:* A permit issued by the Meeker County Engineer or his/her designee(s) authorizing construction of a driveway within a county right-of-way.

*Developer:* The owner of the land or his/her representative.

*Driveway:* Any private way that provides access to two or fewer residences, business, industry, or other similar appropriate use.

*Field entrance:* Any private way that provides access to an agricultural field for primarily agricultural purposes.

*Right-of-way:* Land in which Meeker County has an interest, including but not limited to by fee title, easement, or plat dedication, wherein said land is primarily intended, directly or indirectly, for public transportation use.

*Stacking distance:* The distance necessary to accommodate a line of stopped vehicles created by a traffic control device.

### Sec. 12B.03. - Administration and enforcement.

- A. *Authority.* The Meeker County Engineer or his/her designee(s) (hereinafter "county engineer") shall administer and enforce the provisions of this ordinance.
- B. *Removal of unpermitted access.* Meeker County may, in the discretion of the county engineer, remove unpermitted accesses from Meeker County right-of-way.
- C. *Violations and penalties.* Any person who violates or fails to comply with any provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be punished to the maximum extent allowed by law. For each day the violation continues, a separate offense shall be declared.

- D. *Additional penalties and fees.* In addition to any other civil or criminal sanctions, access permits issued after construction has been initiated in a county right-of-way shall be subject to double the normal access permit application fees for requiring additional staff time, resources and as a penalty.
- E. *Civil action.* This ordinance may also be enforced by civil court action taken by the Meeker County Attorney after resolution by the Meeker County Board of Commissioners authorizing civil court action.
- F. *Variations.* The Meeker County Board of Commissioners shall have the authority to grant variations from the requirements of this ordinance. Access onto roads which abut the interstate may also need approval of the Federal Highway Administration.
1. Procedure. Requests for variations, as provided within this ordinance, shall be filed with the county engineer on an official application form. The application shall also be accompanied by copies of detailed written and graphic materials fully explaining the proposed change. The county engineer shall refer the application, along with all related materials and information to the Meeker County Board of Commissioners for consideration.
  2. The county engineer, on behalf of the Meeker County Board of Commissioners, shall set the date for a public hearing. Notice of such hearing shall be published in the official newspaper of the county at least ten days prior to the date of the hearing.
  3. A variance to the provisions of this ordinance may be issued to provide relief to the land owner in those cases where the application of the strict letter of this ordinance imposes particular hardship or practical difficulties to the property owner (other than those monetary in nature only) in the use of this land. A variance may be granted only in the event that the following circumstances exist:
    - a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties that result from size, shape, topography, or other circumstances over which the land owners have had no control since the enactment of this ordinance; and
    - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties; and
    - c. That the special conditions or circumstances do not result from the actions of the applicant; and
    - d. The variance requested is the minimum variance which would alleviate hardship; and
    - e. The variance would not be materially detrimental to the purposes of this ordinance; and
    - f. More than economic conditions or circumstances alone shall be considered in the granting of a request.
  4. In considering all requests for a variance, the Meeker County Board of Commissioners shall make a finding of fact as appropriate that the proposed actions will not:
    - a. Unreasonably increase the congestion in the public right-of-way; and
    - b. Unreasonably decrease the safety of the public traveling on the public right-of-way; and
    - c. Be contrary, in any way, to the spirit and intent of this ordinance.
  5. The Meeker County Planning and Zoning staff and Meeker County Board of Commissioners shall have the authority to request additional information from the applicant or to retain expert testimony, with the consent and at the expense of the applicant, if said information is declared necessary in order to review the request or to establish performance conditions.
  6. Within 60 days from the date of the first meeting wherein the request is considered, the Meeker County Board of Commissioners shall make written findings of fact to grant or not grant the application with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the board's records.

7. All decisions by the Meeker County Board of Commissioners in granting variances shall be final except that any aggrieved person shall have the right of appeal within 30 days to the district court after receipt of notice of the decision.
  8. Re-application for the same or substantially the same variance shall not be accepted within six months of denial. Any variance approved but not utilized within 12 months of the date of approval shall become null and void.
  9. The Meeker County Board of Commissioners shall have the authority to require a letter of credit, cash, or other security as would protect the county's interests when it is deemed necessary and appropriate.
- G. *Amendments.* The Meeker County Board of Commissioners may amend, supplement, or repeal provisions of this ordinance after a public hearing has been held. A notice of time, date, place, and purpose of the hearing shall be posted and published in the official newspaper of the county at least ten days prior to the date of the hearing.
- H. *Validity.* Should any section, subdivision, or provision of this ordinance be declared by the courts to be invalid, such decision shall affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.
- I. *Date of effect.* This ordinance shall be in full force and effect after its approval and publication as provided by law.
- J. *Permits.* A permit shall be required for all work that is to be done within Meeker County right-of-way. Permit fees shall be set by the Meeker County Board of Commissioners.

Sec. 12B.04. - Access permit required.

- A. *Access permits.* A written access permit, issued by the county engineer, shall be required before construction, alteration, or change of use of an access, whether a driveway or a field entrance, within any Meeker County right-of-way. Examples of when an access permit is required include:
1. A new access onto a county road or CSAH.  
*Note:* A property split does not necessarily create a right-of-way for a new access for contiguous parcels.
  2. Revised use of, or improvement to an existing access onto a county road or CSAH.  
*Note:* Access permits are granted for specific use. If the land owner proposes to change the current use of an access permit, a new permit is required since the location of a particular driveway may be suited for one use but not another. This includes changing the use of an existing field approach.
  3. Development proposal or plat adjacent to an existing or proposed county road or CSAH.  
*Note:* "Development" includes a change in land use designation, subdivision or land or lot split, or any commercial or industrial use of land.
- B. *Access permit application.* Applications for an access permit must be made in writing on the form provided by the county engineer. Access will not be permitted where the county has acquired controlled access right-of-way. Variances of less than 20 percent of the minimum spacing or other standards may be granted by the county engineer on a case-by-case basis. Variances of greater than 20 percent will need to be approved by the Meeker County Board of Commissioners. Variances shall only be permitted when they are in harmony with the general purposes of the ordinance and to avoid hardship.
- C. *Appeal procedure.*
1. An appeal of a decision by an administrative officer, as in the access permit, shall be filed with the county engineer on an official application form and shall be filed no later than 30 days from

the date of decision. Within 30 days of the receipt of the application for an appeal, and with all supporting materials and information, the county engineer shall refer said application along with said materials and information, to the Meeker County Board of Commissioners for consideration. Failure to provide a completed application may constitute a failure to meet the appeal period requirements.

2. The application shall be accompanied by the following information at a minimum, including but not limited to, the following:
  - a. The particular order, requirement, decision, or determination from which the appeal is taken;
  - b. The name and address of the appellant;
  - c. The grounds for the appeal; and
  - d. The relief requested by the appellant.
3. The appeal stays all proceedings in furtherance of the action appealed from, unless the Meeker County Board of Commissioners, to whom the appeal is taken, certifies that by reasons of the facts stated in the certificate, a stay would cause imminent peril to life or property.
4. The county engineer, on behalf of the Meeker County Board of Commissioners, shall set a date for a hearing of the appeal within 30 days from receipt of the completed application, and give notice to the appellant, the administrative officer from which the appeal is taken, and the public. Public notice shall be provided by publishing in the official newspaper notice at least ten days from the date of the hearing.
5. The Meeker County Board of Commissioners shall consider the appeal and hold such hearing at its next regular meeting. The appellant and the administrative officer from whom the appeal is taken shall appear before the board to answer questions concerning the appeal.
6. Within 60 days from the date of the first hearing the appeal was heard, the Meeker County Board of Commissioners may reverse, confirm, wholly or partly, or modify the order, requirement, decision, or determination appealed. As such, the board shall have all the powers of the administrative officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the board's decision shall be stated in writing.
7. All decisions by the Meeker County Board of Commissioners in hearing said appeal from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person(s) shall have the right to appeal to the district court within 30 days after receipt of notice of the decision.

Sec. 12B.05. - Access permit work and bond.

- A. *Access permit work.* Work shall be completed within the time specified on the access permit, and the completed work must be approved by the county engineer. An access constructed in a manner that does not comply with the standards set out in the access permit will be removed by the county. If the county removes a noncompliant access, the access permit is rescinded and the developer will need to submit another access permit application and bond in accordance with the requirements of the ordinance. The cost of the second access permit will include the cost normally associated with an access permit plus the cost to remove the previous access.
- B. *Bond.* A bond may be required, at the discretion of the county engineer, to insure compliance of an access permit's restrictions and requirements.

Property that is considered for rezoning, for commercial, residential, or industrial use shall be reviewed by the county engineer to ensure that an access compatible to the zoning can be granted.

Sec. 12B.06. - Geometric design.

- A. The design of all new roads intersecting and entrances onto Meeker County roadways shall meet the MnDOT standards.
- B. All accesses onto county rights-of-way shall be aligned to be straight and perpendicular to the centerline of the adjacent country roadway.
- C. All facilities, such as signs, entrance medians, fencing, etc., shall be placed or constructed outside the county right-of-way.
- D. Culverts constructed/placed within county right-of-way, as part of an access, shall be a minimum of 15 inches or a size determined by the Meeker County Department of Public Works, whichever is greater. Plastic pipe will not be used on accesses within the county right-of-way.
- E. Whenever possible, the location of new access points shall be aligned with the street accesses and/or entrances on the opposing side of the roadway to create four-way intersections. Off-set intersections within the spacing criteria are to be avoided.
- F. Whenever possible, access points to commercial areas shall be combined through service roads or common access points.
- G. Wherever possible, access locations shall be directed onto roadways with a lower functional classification or lower traffic volume.
- H. The stacking distance back from an intersection on an arterial or collector will be considered when determining if a new access point will be allowed. A new full access will be allowed within a fully developed left turn lane, right turn lane, or bypass lane.
- I. A right in/right out access may be required for safety and traffic flow purposes if other access options are not consistent with public safety and traffic flow.

Sec. 12B.07. - Turn lanes and bypass lanes.

- A. A developer shall install right turn lanes on the county road or CSAH at their expense at all subdivisions and public roads, or any entrance serving commercial or industrial property that is estimated to generate over 100 right turns per day.
- B. A left turn bypass lane may be required if warranted by MnDOT's Road Design Manual.
- C. Turn lanes and/or bypass lanes may be required if other similar accesses along the same segment of the roadway already have turn lanes and/or bypass lanes.
- D. Turn lanes and bypass lanes shall be signed and constructed to Meeker County standards.
- E. If turn lanes or bypass lanes cannot be constructed due to limitations in right-of-way, the developer shall be required to pay an amount determined by the county engineer, pursuant to state standards, to be adequate to cover the cost of such items.

ARTICLE 13. - R-1 SUBURBAN RESIDENTIAL DISTRICT

[Sec. 13.00.] - Intent.

The intent of the R-1 Suburban Residential District is to provide a district with the primary purpose of:

- (1) Allowing low density residential development as an orderly expansion of existing urban residential development where urban services can be readily extended and provided;
- (2) Encourage low density residential development in existing unincorporated communities; and
- (3) Provide a district that will allow low density residential development and on-lot utilities in natural environment areas and which will retain the environmental quality of the natural area.

Sec. 13.01. - Permitted uses.

The following uses shall be permitted within the R-1 Suburban Residential District subject to the performance standards set forth elsewhere in this ordinance:

- A. One single-family detached dwelling with a minimum width of 24 feet and 800 square feet on a permanent foundation.
- B. Parks, recreation areas, wildlife areas, game refuges and forest preserves owned or operated by a government agency.
- C. Essential services, subject to section 22.08.
- D. Historic sites and markers.
- E. Agricultural production excepting livestock.
- F. Level 1 home occupation.
- G. Apiaries.
- H. All used dwellings older than five years moved onto a lot with an inspection conducted by the Meeker County Building Official and one zoning staff member. Said property owner shall make application to Meeker County Planning and Zoning to be permitted to move said used dwelling onto a site. The dwelling shall not be moved onto the proposed site unless the permit is approved by the Meeker County Building Official and the Meeker County Zoning Administrator. (See section 22.05 for definition.)

Sec. 13.02. - Conditional uses.

The following uses may be allowed within the R-1 Suburban Residential District subject to the performance standards set forth elsewhere in this ordinance:

- A. Churches.
- B. Golf courses, clubhouses, country clubs or swimming pools.
- C. Single-family detached residential subdivisions.
- D. Manufactured home park subdivisions.
- E. Manufactured home parks.
- F. Duplex, triplex, and quads.
- G. More than two detached accessory building of any type.
- H. Cemeteries and memorial gardens.
- I. Recreation-oriented commercial uses such as resorts and campgrounds.
- J. Essential service structures, subject to section 22.08.
- K. Manufactured homes except that none with a maximum width as constructed by the manufacturer of less than 16 feet, and none older than ten years as of the date of the permit application, shall be permitted.
- L. Any personal tower, antenna or personal tower and antenna connected or mounted together exceeding 40 feet in total vertical height as measured from ground level. The total height of a personal tower, antenna or personal tower and antenna connected or mounted together on a building shall include the vertical height of the said tower, antenna or connected tower and antenna and the vertical height of the building to ground level from where the said tower, antenna or connected tower and antenna is mounted to the building.
- M. Family adult day care and adult foster care subject to the standards in section 22.31 herein.
- N. Other uses deemed by the planning commission to be of the same general character of those permitted or allowed by conditional use permit.

Sec. 13.02.1. - Interim uses.

The following use may be allowed within the R-1 Suburban Residential District subject to the performance standards set forth elsewhere in this ordinance and the issuance of an interim use permit:

- A. Bed and breakfast business not exceeding five guest rooms. (See section 23.07.1 for definition.)
- B. Retreats not to exceed ten guests and five cars. There shall be no on street parking allowed. Cooking shall be allowed only in the kitchen and not in other rooms.
- C. A recreational camping vehicle that will be placed on a lot at least 30 days during the season from April 1 through October 31, inclusive.
- D. A Level 2 home occupation in an accessory building.
- E. Other uses deemed by the planning commission to be of the same general character of those permitted or allowed by interim use permit.
- F. An accessory building to be used for dwelling purposed during construction of the principal dwelling.

Sec. 13.03. - Accessory uses.

- A. *Permitted uses.* The following uses may be permitted as accessory uses within the R-1 Suburban Residential District subject to the performance standards set forth elsewhere in this ordinance:
  - 1. Private swimming pool, if completely enclosed within a chain link or similar fence having a minimum height of five feet.
  - 2. The total combined square footage of the two permitted accessory buildings in the suburban residential district may not exceed the following accessory building sizes listed below. The total square footage area of all floors with a ceiling height of seven feet or more shall not exceed the maximum square footage as stated herein.

Parcel Size	<i>Maximum Building Area</i>	<i>Maximum Sidewall Height</i>
Less than 20,000 sq. ft.	1,040 square feet	14 feet
20,000 sq. ft.—0.99 acres	1,600 square feet	16 feet
1—2.49 acres	2,400 square feet	16 feet
2.5—4.99 acres	3,200 square feet	16 feet
5—9.99 acres	4,000 square feet	16 feet
10+ acres	No size limitation	

- a. Please note the above-listed maximum size accessory buildings denote the combined total allowed square footage for the permitted two detached accessory buildings allowed on a site. The maximum allowed square footage is subject to all setbacks, the maximum

allowed 25 percent of impervious surface coverage and all building standards set forth in the Meeker County Zoning Ordinance of 1992.

- b. No accessory building shall be used for dwelling purposes except by interim use permit and only during construction of the principal dwelling.
  - c. In addition to the two permitted accessory buildings detached from the principal dwelling unit, each parcel may have one storage building that is 200 square feet or less in total area and shall meet the requirements as stated in section 22.03.A.9 of this ordinance.
3. Accessory buildings or structures and uses customarily incidental to any of the above-listed uses when located on the same property.

**B. *Number of accessory buildings.***

1. No more than two permitted accessory buildings detached from the principal dwelling unit shall be built on a lot or building site. A private garage attached to a principal dwelling does not reduce the number of detached accessory buildings permitted on a lot or building site.
2. In addition to the permitted two accessory buildings detached from the principal dwelling unit, each parcel may have one storage building that is 200 square feet or less in total area and shall meet the requirements as stated in section 22.03.A.9 of this ordinance.

Sec. 13.04. - Site regulations.

The following minimum requirements shall be observed in the R-1 Suburban Residential District, except as provided otherwise by this ordinance:

**A. *Height.***

1. No building shall hereafter be erected or structurally altered to exceed 30 feet in height.

**B. *Front yard.***

1. For lots located in a residential zoned district there shall be a front yard setback of not less than 35 feet from the road right-of-way for all structures. If the property is adjacent to a state or federal highway the setback shall be 130 feet from the road centerline. For properties adjacent Minnesota State Highway 15 the setback shall be 200 feet from the road centerline and a minimum of ten feet from the right-of-way line.

**C. *Side yard.***

1. There shall be a side yard structure setback of not less than ten feet on each side of a building.

**D. *Rear yard.***

1. There shall be a minimum rear yard setback of 40 feet for a dwelling.
2. There shall be a minimum rear yard setback of 15 feet for accessory uses.

**E. *Erosion control.***

1. Erosion control measures shall be implemented and maintained as per section 22.24, Soil Erosion and Sediment Control, of this ordinance.

**F. *Minimum lot area and width standards.*** The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications listed below: Each lot must contain at least 30,000 contiguous square feet of buildable area, except natural environment and natural sensitive lakes shall have 40,000 contiguous square feet of buildable area. Provision 19A.04.A.1 does not apply to those tracts subject to section 4.02 of the Meeker County Zoning Ordinance.

1. Lakes.

a. Natural sensitive.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	175,000	350	200,000	350

b. Natural environment.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	100,000	250	130,000	250
Duplex	120,000	300	160,000	400

c. Recreational development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	50,000	150	100,000	200
Duplex	80,000	225	120,000	325

d. General development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	30,000	125	80,000	200

Duplex	40,000	180	120,000	325
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2. Sewered lots.

a. Recreational development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	50,000	150	50,000	150

b. General development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
	30,000	125	50,000	150

3. Non-shoreland lots.

	Area	Width		
Single	50,000	150		

4. All lots platted using the conventional subdivision method must be a minimum of two times the above-listed required lot area and 1½ times the above-listed lot width. All riparian lots platted using the conventional subdivision method on the R.D. and G.D. lakes must be zoned R-1. All G.D. and R.D. conventional subdivisions shall have a minimum 35-foot buffer from the OHWL. All N.E. and N.S. conventional subdivisions shall have a minimum 75-foot buffer from the OHWL.
5. All lots established for the construction of a dwelling, excluding lots in a conservation subdivision pursuant to article 19B of this ordinance, shall have a minimum lot area of 30,000 square feet of contiguous land that is (1) above the ordinary high water line, (2) that is above the 100-year floodplain elevation, (3) that is outside the perimeter of the

delineated wetland area, and (4) outside of setback lines, and (5) that is outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope.

6. Recreational river (North Fork of the Crow River).

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	130,000	300	130,000	300

7. River/stream lot width standards. The minimum lot size requirements for riparian and non-riparian rivers and streams are controlled by the natural environment standards as set forth in section 19A.04.A.1 and section 19A.04.A.2. The lot width standards for single and duplex residential developments for the river/stream classifications are:

	Agricultural	Tributary
Single	200	200
Duplex	300	300

8. Setbacks listed for tributary streams shall apply to all tributaries within the recreational district for the North Fork of the Crow River.

G. *Lot width.* Every lot or tract shall have a width of not less than 150 feet abutting on a public right-of-way and at the front yard setback line except riparian lots or tracts with a minimum width of 125 feet on lakes classified as a general development and except that any lot or tract abutting a cul-de-sac may have a minimum width of 50 feet abutting the public right-of-way.

H. *Lot depth.*

1. Every lot or tract shall have a depth of not less than 200 feet.
2. No lot shall have a depth of greater than four times its maximum width.

I. *Lot area.*

1. Every lot or tract shall contain an area of not less than 50,000 square feet except riparian lots or tracts with a minimum width of 125 feet on lakes classified as general development may contain an area of not less than 30,000 square feet. These lakes are Francis, Spring, Washington, Minnie Belle, West Ripley and Koronis.

J. *Lot coverage.*

1. Not more than 25 percent of the lot or tract shall be occupied by buildings, hard-surfaced patios, driveways and walkways or other impervious surfaces.

- K. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.
  - 1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake ordinary high water level.
- L. *[Outlots.]* An outlot shall be considered an un-buildable lot for a dwelling unless it is replatted and meets the required lot width, depth and area requirements.
- M. *Tower setbacks.* All new one- or two-family dwelling units and property subdivided and zoned residential shall maintain a 660-foot setback from any existing tower, or the height of the tower plus ten feet, whichever is larger. These setbacks shall not apply to the reconstruction on an existing dwelling.
- N. *Wind energy facility setbacks.*

<i>Object</i>	<i>Setback Over 100 KW</i>	<i>Setback 100 KW or Less</i>
Non-owner residence	1,000 feet	750 feet

ARTICLE 14. - R-2 RURAL RESIDENTIAL DISTRICT

[Sec. 14.00.] - Intent.

The intent of the R-2 Rural Residential District is to provide a district with the primary purpose of:

- (1) Allowing large lot residential development and on-lot utilities where urban services cannot be economically extended; and
- (2) Accommodating low-density residential development in areas not conducive to or not being utilized for intensive agricultural purposes.

Sec. 14.01. - Permitted uses.

The following uses shall be permitted within the R-2 Rural Residential District subject to the performance standards set forth elsewhere in this ordinance:

- A. One single-family detached dwelling with a minimum width of 24 feet and 800 square feet on a permanent foundation.
- B. Parks, recreation areas, wildlife areas, game refuges and forest preserves owned or operated by a government agency.
- C. Essential services, subject to section 22.08.
- D. Historic sites and markers.
- E. Agricultural production excepting livestock.
- F. Truck gardens, nurseries and greenhouses.
- G. Cemeteries and memorial gardens.
- H. Churches.
- I. Level 1 home occupation.
- J. Apiaries.

- K. Orchards.
- L. All used dwellings older than five years moved onto a lot with an inspection conducted by the Meeker County Building Official and one zoning staff member. Said property owner shall make application to Meeker County Planning and Zoning to be permitted to move said used dwelling onto a site. The dwelling shall not be moved onto the proposed site unless the permit is approved by the Meeker County Building Official and the Meeker County Zoning Administrator. (See section 22.05 for definition.)

Sec. 14.02. - Conditional uses.

The following uses may be allowed within the R-2 Rural Residential District subject to the performance standards set forth elsewhere in this ordinance and the issuance of a conditional use permit:

- A. Golf courses, clubhouses, country clubs or swimming pools in conjunction with a golf course.
- B. Single-family detached residential subdivisions.
- C. Manufactured home park subdivisions.
- D. Recreation-oriented commercial uses such as resorts and campgrounds.
- E. More than two detached accessory buildings of any type.
- F. Essential service structures, subject to section 22.08.
- G. Manufactured homes except that none with a maximum width as constructed by the manufacturer of less than 16 feet, and none older than ten years as of the date of the permit application, shall be permitted.
- H. Duplex, triples, and quads.
- I. Any personal tower, antenna or personal tower and antenna connected or mounted together exceeding 40 feet in total vertical height as measured from ground level. The total height of a personal tower, antenna or personal tower and antenna connected or mounted together on a building shall include the vertical height of the said tower, antenna or connected tower and antenna and the vertical height of the building to ground level from where the said tower, antenna or connected tower and antenna is mounted to the building.
- J. Family adult day care and adult foster care subject to the standards in section 22.31 herein.
- K. Other uses deemed by the planning commission to be of the same general character of those permitted or allowed by conditional use permit.

Sec. 14.02.1. - Interim uses.

The following use may be allowed within the R-2 Rural Residential District subject to the performance standards set forth elsewhere in this ordinance and the issuance of an interim use permit:

- A. Bed and breakfast business not exceeding five guest rooms. (See section 23.07.1 for definition.)
- B. Retreats not to exceed ten guests and five cars. There shall be no on street parking allowed. Cooking shall be allowed only in the kitchen and not in other rooms.
- C. A recreational camping vehicle that will be placed on a lot at least 30 days during the season from April 1 through October 31, inclusive.
- D. Family-operated temporary or seasonal roadside produce stand with adequate off-road parking, not to exceed one stand per residence.
- E. A Level 2 home occupation in an accessory building.
- F. Animals or fowl not exceeding the equivalent of two animal units (see section 14.04.K).

- G. Other uses deemed by the planning commission to be of the same general character of those permitted or allowed by interim use permit.
- H. An accessory building to be used for dwelling purposes during construction of the principal dwelling.

Sec. 14.03. - Accessory uses.

A. *Permitted uses.* The following uses may be permitted as accessory uses within the R-2 Rural Residential District subject to the performance standards set forth elsewhere in this ordinance:

- 1. Private swimming pool, if completely enclosed within a chain link or similar fence having a minimum height of five feet.
- 2. The total combined square footage of the two permitted accessory buildings in the rural residential district may not exceed the following accessory building sizes listed below. The total square footage area of all floors with a ceiling height of seven feet or more shall not exceed the maximum square footage as stated herein:

<i>Parcel Size</i>	<i>Maximum Building Area</i>	<i>Maximum Sidewall Height</i>
Less than 20,000 sq. ft.	1,040 square feet	14 feet
20,000 sq. ft.—0.99 acres	1,600 square feet	16 feet
1—2.49 acres	2,400 square feet	16 feet
2.5—4.99 acres	3,200 square feet	16 feet
5—9.99 acres	4,000 square feet	16 feet
10+ acres	No size limitation	

- a. Please note the above-listed maximum size accessory buildings denote the total combined allowed square footage for the permitted two detached accessory buildings allowed on a site. The maximum allowed square footage is subject to all setbacks, the maximum allowed 25 percent of impervious surface coverage and all building standards.
  - b. No accessory building shall be used for dwelling purposes except by interim use permit during construction of the principal dwelling.
  - c. In addition to the two permitted accessory buildings detached from the principal dwelling unit, each parcel may have one storage building that is 200 square feet or less in total area and shall meet the requirements as stated in section 22.03.A.9 of this ordinance.
3. Accessory buildings or structures and uses customarily incidental to any of the above-listed uses when located on the same property.

B. *Number of accessory buildings.*

1. No more than two permitted accessory buildings detached from the principal dwelling unit shall be built on a lot. A private garage attached to a principal dwelling does not reduce the number of detached accessory buildings permitted on a lot.
2. In addition to the permitted two accessory buildings detached from the principal dwelling unit, each parcel may have one storage building that is 200 square feet or less in total area and shall meet the requirements as stated in section 22.03.A.9 of this ordinance.

Sec. 14.04. - Site regulations.

The following minimum requirements shall be observed in the R-2 Rural Residential District, except as provided otherwise by this ordinance:

A. *Height.*

1. No building shall hereafter be erected or structurally altered to exceed 30 feet in height.

B. *Front yard.*

1. For lots located in a residential zoned district there shall be a front yard setback of not less than 35 feet from the road right-of-way for all structures. If the property is adjacent to a state or federal highway the setback shall be 130 feet from the road centerline. For properties adjacent Minnesota State Highway 15 the setback shall be 200 feet from the road centerline and a minimum of ten feet from the right-of-way line.

C. *Side yard.* There shall be a side yard structure setback of not less than ten feet.

D. *Rear yard.*

1. There shall be a minimum rear yard setback of 40 feet for a dwelling.
2. There shall be a minimum rear yard setback of 15 feet for accessory uses.

E. *Erosion control.*

1. Erosion control measures shall be implemented and maintained as per section 22.24, Soil Erosion and Sediment Control, of this ordinance.

F. *Minimum lot area and width standards.* The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications listed below: Each lot must contain at least 30,000 contiguous square feet of buildable area, except natural environment and natural sensitive lakes shall have 40,000 contiguous square feet of buildable area. Provision 19A.04.A.1 does not apply to those tracts subject to section 4.02 of the Meeker County Zoning Ordinance.

1. Lakes.

a. Natural sensitive.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	175,000	350	200,000	350

b. Natural environment.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	100,000	250	130,000	250
Duplex	120,000	300	160,000	400

c. Recreational development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	50,000	150	100,000	200
Duplex	80,000	225	120,000	325

d. General development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	30,000	125	80,000	200
Duplex	40,000	180	120,000	325

2. Sewered lots.

a. Recreational development.

	Riparian Lots		<i>Non-Riparian Lots</i>	
	Area	<i>Width</i>	<i>Area</i>	<i>Width</i>

Single	50,000	150	50,000	150
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b. General development.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
	30,000	125	50,000	150

3. Non-shoreland lots.

	Area	Width		
Single	50,000	150		

4. All lots platted using the conventional subdivision method must be a minimum of two times the above-listed required lot area and 1½ times the above-listed lot width. All riparian lots platted using the conventional subdivision method on the R.D. and G.D. lakes must be zoned R-1. All G.D. and R.D. conventional subdivisions shall have a minimum 35-foot buffer from the OHWL. All N.E. and N.S. conventional subdivisions shall have a minimum 75-foot buffer from the OHWL.
5. All lots established for the construction of a dwelling, excluding lots in a conservation subdivision pursuant to article 19B of this ordinance, shall have a minimum lot area of 30,000 square feet of contiguous land that is (1) above the ordinary high water line, (2) that is above the 100-year floodplain elevation, (3) that is outside the perimeter of the delineated wetland area, and (4) outside of setback lines, and (5) that is outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope.
6. Recreational river (North Fork of the Crow River).

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	130,000	300	130,000	300

7. River/stream lot width standards. The minimum lot size requirements for riparian and non-riparian rivers and streams are controlled by the natural environment standards as set forth in section 19A.04.A.1 and section 19A.04.A.2. The lot width standards for single and duplex residential developments for the river/stream classifications are:

	Agricultural	Tributary
Single	200	200
Duplex	300	300

8. Setbacks listed for tributary streams shall apply to all tributaries within the recreational district for the North Fork of the Crow River.
- G. *Lot width.* Every lot or tract shall have a width of not less than 150 feet abutting on a public right-of-way and at the front yard setback line except riparian lots or tracts with a minimum width of 125 feet on lakes classified as a general development and except that any lot or tract abutting a cul-de-sac may have a minimum width of 50 feet abutting the public right-of-way.
- H. *Lot depth.*
1. Every lot or tract shall have a depth of not less than 200 feet.
  2. No lot shall have a depth of greater than four times its maximum width.
- I. *Lot coverage.* Not more than 25 percent of the lot or tract shall be occupied by buildings, hard-surfaced patios, driveways and walkways or other impervious surfaces.
- J. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.
1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake ordinary high water level.
- K. *Animal units.*
1. Each residential building site may have no more than two animal units with an approved interim use permit. Of the permitted two animal units there shall be no more than two swine total per site and no more than 20 poultry total per site.
- L. *[Outlots.]* An outlot shall be considered an unbuildable lot for a dwelling unless it is replatted and meets the required lot width, depth and area requirements.
- M. *Tower setbacks.* All new one- or two-family dwelling units and property subdivided and zoned residential shall maintain a 660-foot setback from any existing tower, or the height of the tower plus ten feet, whichever is larger. These setbacks shall not apply to the reconstruction on an existing dwelling.
- N. *Wind energy facility setbacks.*

Object	Setback Over 100 KW	Setback 100 KW or Less
Non-owner residence	1,000 feet	750 feet

## ARTICLE 15. - C-1 COMMERCIAL DISTRICT

### [Sec. 15.00.] - Intent.

The intent of the C-1 Commercial District is to provide a district with the primary purpose of:

- (1) Accommodating certain commercial activities not compatible with the predominantly retail uses of the urban areas; and
- (2) Grouping together those uses which require accessibility to roadways to function successfully at standards which will not impair the traffic-carrying capabilities of those roadways.

### Sec. 15.01. - Permitted uses.

The following uses shall be permitted within the C-1 Commercial District subject to the performance standards set forth elsewhere in this ordinance:

- A. Florists shops, plant nurseries and garden supplies sales.
- B. Building materials sales.
- C. Radio, television, motor and appliance repair shops and showrooms.
- D. Electrical, heating, plumbing and air conditioning shops and showrooms.
- E. Restaurants and drive-ins.
- F. Upholstery shops.
- G. Hotels, motels, motor lodges and resorts.
- H. Equipment rental, sales and service.
- I. Contractors offices and storage yards less than 50,000 square feet per yard.
- J. Veterinary clinics or offices with no outside kennels.
- K. Miniature golf courses or driving ranges.
- L. Drive-in movie theaters.
- M. Historic buildings and museums.
- N. Manufactured homes and travel trailers sales.
- O. Gasoline filling stations and/or vehicle and body repair.
- P. Farm implement sales and repair.
- Q. Seed, fertilizer, feed and petroleum products sales.
- R. Agricultural related equipment sales and service.
- S. Wholesale businesses with no outdoor storage.
- T. Essential services, subject to section 22.08.
- U. Radio and television studios and towers.
- V. Office buildings of any type.
- W. Vehicle sales and service lots and garages.

### Sec. 15.02. - Conditional uses.

The following uses may be allowed within the C-1 Commercial District subject to the performance standards set forth elsewhere in this ordinance and the issuance of a conditional use permit:

- A. Light manufacturing, production, processing, servicing, repair, testing, or storage of goods or products which conform to the performance standards of this ordinance and which in the opinion of the planning commission shall not be injurious or offensive to surrounding land uses by reason of air pollution, noise, vibration, odor, glare, fire and explosion hazards, etc., including, but not limited to:
  - 1. Warehousing and storage facilities and buildings.
  - 2. Machine and welding shops.
  - 3. Tool and die and metal fabricating shops.
  - 4. Small wood and metal products manufacture.
  - 5. Gas, oil, liquefied petroleum and bottled gas storage operations and bulk plants.
  - 6. Truck terminals and warehousing, with a maximum of ten tractor/trailer units allowed on premises at any one time.
- B. Any similar commercial establishment not specifically stated, implied or regulated elsewhere in this article, as determined by the planning commission.
- C. Any commercial structure for use accessory to the principal use provided that the accessory structure shall:
  - 1. Not exceed 30 percent of the gross floor space of the principal building.
  - 2. Not reduce parking and loading spaces as required.
  - 3. Meet all setback requirements of this ordinance.
- D. Essential service structures, subject to section 22.08.
- E. Bars, lounges, clubs, lodges, and dance halls.
- F. Tower, commercial wireless communication.
- G. Shopping and entertainment malls.
- H. Other uses deemed by the planning commission to be of the same general character as those permitted and conditional uses listed above.

Sec. 15.03. - Accessory uses.

The following uses may be permitted as accessory uses within the C-1 Commercial District subject to the performance standards set forth elsewhere in this ordinance:

- A. Off-street parking and loading.
- B. Signs and billboards.
- C. Any commercial structure for use accessory to the principal use provided that the accessory structure shall:
  - 1. Not exceed 30 percent of the gross floor space of the principal building.
  - 2. Not reduce parking and loading spaces as required.
  - 3. Meet all setback requirements of this ordinance.
- D. Accessory buildings or structures and uses customarily incidental to the uses permitted in this article.

Sec. 15.04. - Site regulations.

The following minimum requirements shall be observed in the C-1 Commercial District, except as provided otherwise by this ordinance:

A. *Height.*

1. No building shall hereafter be erected or structurally altered to exceed 30 feet in height.
2. Side yard setbacks (front, rear and side) shall be increased by one foot from the required side yard setback for each one foot of building height over 20 feet as measured at the normal setback line.

B. *Front yard.*

1. There shall be a front yard setback from the centerline of all public rights-of-way of not less than:
  - a. 100 feet for township and county roads and a minimum of ten feet from the right-of-way line.
  - b. 130 feet for state and federal highways and a minimum of ten feet from the right-of-way line.
  - c. 65 feet for a service road immediately adjacent to and parallel to another road and a minimum of ten feet from the right-of-way line.

C. *Side yard.*

1. There shall be a side yard having a width of not less than 20 feet on each side of a building.
2. No building shall be located closer than 100 feet from any side lot line abutting a lot in a residential district or 50 feet from any side lot line abutting a lot in an agricultural district, but must be 100 feet from an existing dwelling on an abutting lot.

D. *Rear yard.*

1. There shall be a rear yard having a depth of not less than 40 feet.
2. No building shall be located closer than 100 feet from the rear lot line abutting a lot in a residential district or 50 feet from the rear lot line abutting a lot in an agricultural district, but must be 100 feet from an existing dwelling on an abutting lot.

E. *Lot width.* Every lot or tract shall have a width of not less than 100 feet abutting a public right-of-way and at the front yard setback line.

F. *Lot depth.* No lot or tract shall have a depth greater than three times the lot width.

G. *Lot area.* Every lot or tract shall contain an area of not less than 20,000 square feet if served by public sewer or 40,000 square feet if private on-site sewer.

H. *Lot coverage.* Not more than 50 percent of the lot or tract shall be occupied by buildings.

I. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.

1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake ordinary high water level.

## ARTICLE 16. - C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

[Sec. 16.00.] - Intent.

The intent of the C-2 Neighborhood Commercial District is to provide a district with the primary purpose of:

- (1) Allowing retail, service, and general commercial uses in the existing small unincorporated urban communities in the county; and
- (2) Satisfying those basic shopping and service needs which occur daily or frequently within the community.

Sec. 16.01. - Permitted uses.

The following uses shall be permitted uses within the C-2 Neighborhood Commercial District subject to the performance standards set forth elsewhere in this ordinance:

- A. Florists shops, plant nurseries and garden supplies sales.
- B. Building materials sales.
- C. Radio, television, motor and appliance repair shops and showrooms.
- D. Electrical, heating, plumbing and air conditioning shops and showrooms.
- E. Restaurants and drive-ins.
- F. Upholstery shops.
- G. Equipment rental, sales and service.
- H. Vehicle sales and service lots and garages.
- I. Gasoline filling stations.
- J. Seed, fertilizer, feed and petroleum products sales.
- K. Antique stores.
- L. Clothing and apparel shops.
- M. Grocery stores and bakeries.
- N. General and hardware stores.
- O. Variety, gift, jewelry or novelty stores.
- P. Locksmiths.
- Q. Offices of any type.
- R. Billiard and pool halls and bowling alleys.
- S. Postal stations.
- T. Essential services, subject to section 22.08.
- U. Hotels, motels, motor lodges and resorts (50 units or less).

Sec. 16.02. - Conditional uses.

The following uses may be allowed within the C-2 Neighborhood Commercial District subject to the performance standards set forth elsewhere in this ordinance and the issuance of a conditional use permit:

- A. Apartments located above the ground floor of retail and commercial businesses.
- B. Bars, lounges, clubs, lodges, and dance halls.
- C. Mini storage buildings.
- D. Other uses deemed by the planning commission to be of the same general character as those permitted and conditional uses listed above.

Sec. 16.03. - Accessory uses.

The following uses shall be permitted accessory uses within the C-2 Neighborhood Commercial District subject to the performance standards set forth elsewhere in this ordinance:

- A. Off-street parking and loading.
- B. Signs and billboards.
- C. Accessory buildings or structures and uses customarily incidental to the uses permitted in this article.

Sec. 16.04. - Site regulations.

The following minimum requirements shall be observed in the C-2 Neighborhood Commercial District except as provided otherwise by this ordinance:

- A. *Height.*
  - 1. No building shall hereafter be erected or structurally altered to exceed 30 feet in height.
  - 2. Side yard setbacks shall be increased by one foot from the required side yard setback for each one foot of building height over 15 feet as measured at the normal setback line.
- B. *Front yard.*
  - 1. There shall be a front yard setback from the centerline of all public rights-of-way of not less than:
    - a. 100 feet for township and county roads and a minimum of ten feet from the right-of-way line if no building on adjacent lots.
    - b. 130 feet for state and federal highways and a minimum of ten feet from the right-of-way line if no building on adjacent lots.
    - c. 65 feet for a service road immediately adjacent to and parallel to another road and a minimum of ten feet from the right-of-way line if no building on adjacent lots.
    - d. Additional setback requirements, see section 3.11.E.
- C. *Side yard.* There shall be a side yard setback having a width of not less than ten feet. Where a building abuts upon a lot in any residential district, a 15-foot side yard shall be required. If the highest point of the building wall at the normal setback line is over 15 feet, that side yard setback shall increase by one foot for every one foot over 15 feet of wall height.
- D. *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet.
- E. *Lot width.* Every lot or tract shall have a width of not less than 50 feet abutting a public right-of-way.
- F. *Lot depth.* Every lot or tract shall have a depth of not less than 100 feet.
- G. *Lot area.* Every lot or tract shall contain an area of not less than 20,000 square feet if served by public sewer or 40,000 square feet if private on-site sewer.
- H. *Lot coverage.* Not more than 50 percent of the lot or tract shall be occupied by buildings.
- I. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.
  - 1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake ordinary high water level.

ARTICLE 17. - I-1 GENERAL INDUSTRY DISTRICT

[Sec. 17.00.] - Intent.

The intent of the I-1 General Industry District is to provide a district whose primary purpose is to:

- (1) Allow limited industrial development adjacent to existing urban areas or on major transportation routes;
- (2) Encourage development that is compatible with surrounding or abutting districts;
- (3) Encourage development in areas where adequate public utilities and transportation facilities are available; and
- (4) Provide for development standards that will not impair the value and enjoyment of surrounding land uses because of air pollution, noise, vibrations, odors, glare, fire and explosion hazards, etc.

Sec. 17.01. - Permitted uses.

The following uses shall be permitted within the I-1 General Industry District subject to the performance standards set forth elsewhere in this ordinance:

- A. Any production, processing, assembly, manufacturing, cleaning, servicing, repair, testing or storage of goods or products, including, but not limited to:
  1. Warehousing and storage facilities and buildings.
  2. Cartage and express facilities and buildings.
  3. Lumberyards and building materials storage yards.
  4. Farm implement, storage yards, repair shops and service facilities.
  5. Contractors office and storage yards.
  6. Machine, welding and boiler shops.
  7. Tool and die and metal fabricating shops.
  8. Assembly of articles or merchandise previously manufactured elsewhere.
  9. Wood or metal products manufacture.
  10. Government storage and maintenance yards.
  11. Truck terminals and warehousing.
- B. Agricultural production uses.
- C. Wholesale business establishments.
- D. Commercial radio, television and microwave transmitting and receiving stations and towers.
- E. Public utility and service uses and structures.

Sec. 17.02. - Conditional uses.

The following uses may be allowed within the I-1 General Industry District subject to the performance standards set forth elsewhere in this ordinance and the issuance of a conditional use permit:

- A. Any use involving the production, processing, assembly, manufacturing or storage of goods, products or materials which may be injurious or offensive to surrounding land uses by reason of air pollution, noise, vibration, odor, glare, fire and explosion hazards, etc., including, but not limited to:
  1. Manufacture of cement, lime, gypsum, plaster, concrete, and brick and concrete products or sales.
  2. Extraction, processing or storage of sand, gravel, stone or other minerals.
  3. Creosote treatment, asphalt plants and bituminous plants.

4. Junkyards, salvage yards or used auto and tractor parts, etc.
5. Gas, oil, liquefied petroleum and bottled gas storage operations and bulk plants.
6. Meat packing or processing and animal slaughtering including chicken or turkey processing.
7. Forge or foundry works.
8. Explosive storage and manufacture.
9. Paint, oil, shellac, varnish or turpentine manufacture.
10. Storing, curing and tanning of raw, green or salted hides or skins.
11. Refuse and garbage disposal, sanitary landfills, recycling centers, solid waste recovery or rendering plants.
12. Fertilizer manufacture, mixing and storage operations.
13. Feed mills, grain elevators, commercial grain storage and drying, and hatcheries.
14. Agricultural product processing.
15. Monument works.
16. Essential service facilities and structures, subject to section 22.08.
17. Tower, commercial wireless communications.
18. Any production, processing, assembly, manufacturing, cleaning, servicing, repair, testing or storage of goods or products deemed similar by the planning commission and county board to those permitted and conditional uses.

Sec. 17.03. - Accessory uses.

The following uses may be permitted as accessory uses within the I-1 General Industry District subject to the performance standards set forth elsewhere in this ordinance:

- A. Off-street parking and loading.
- B. Signs and billboards.
- C. Accessory buildings or structures and uses customarily incidental to the uses permitted in this article.

Sec. 17.04. - Site regulations.

The following minimum requirements shall be observed in the I-1 General Industry District except as provided otherwise by this ordinance:

- A. *Height.*
  1. No building shall hereafter be erected or structurally altered to exceed 45 feet in height.
  2. Setbacks (front, rear and side) shall be increased by one foot for each one foot of building height over 15 feet.
- B. *Front yard.*
  1. There shall be a front yard setback from the centerline of all public rights-of-way of not less than:
    - a. 100 feet for township and county roads and a minimum of ten feet from the right-of-way line.
    - b. 130 feet for state and federal highways and a minimum of ten feet from the right-of-way line.

- c. 65 feet for a service road immediately adjacent and parallel to another road and a minimum of ten feet from the right-of-way line.

C. *Side yard.*

1. There shall be a side yard having a width of not less than 50 feet on each side of a building.
2. No building shall be located closer than 100 feet from any side lot line abutting a lot in a residential district or 50 feet from any side lot line abutting a lot in an agricultural district, but must be 100 feet from an existing dwelling on an abutting lot.

D. *Rear yard.*

1. There shall be a rear yard having a depth of not less than 50 feet.
2. No building shall be located closer than 100 feet from any rear lot line abutting a lot in a residential district or 50 feet from any rear lot line abutting a lot in an agricultural district, but must be 100 feet from an existing dwelling on an abutting lot.

E. *Lot width.* Every lot or tract shall have a width of not less than 200 feet abutting a public right-of-way and at the front yard setback line.

F. *Lot depth.*

1. No lot or tract shall have a depth greater than three times the lot width.
2. Every lot or tract shall have a depth of not less than 200 feet.

G. *Lot area.* Every lot or tract shall have an area of not less than 50,000 square feet.

H. *Lot coverage.* Not more than 50 percent of the lot or tract shall be occupied by buildings.

I. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.

1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake ordinary high water level.

## ARTICLE 18. - UE-O URBAN EXPANSION MANAGEMENT OVERLAY DISTRICT

### [Sec. 18.00.] - Intent.

The intent of the UE-O Urban Expansion Management Overlay District is to provide a district with primary purpose of:

- (1) Conserving for a period of time, land for agricultural and other open space land uses;
- (2) Allowing limited urban growth adjacent to incorporated communities which will not adversely disrupt future development patterns and the provision of services;
- (3) Deferring that development where it is not economically feasible to extend the necessary urban services;
- (4) Preventing unplanned leap-frog development inconsistent with the county and/or affected communities' future land use plans; and
- (5) Providing a process whereby an orderly transition from rural to urban uses can be achieved in a manner mutually beneficial to the county and the city.

### Sec. 18.01. - District boundaries.

The urban expansion overlay district boundaries shall be established by the county in consultation with each municipality's governing and planning bodies. Designation of said lands shall be dependent on the adopted future land use plans of the county and affected community.

It is intended that the status of all areas within this district be reviewed jointly by the appropriate planning bodies as necessary, but at least every three years. Upon completion of this review, each of the planning bodies shall recommend to their respective governing bodies those changes deemed necessary or appropriate. Recommendations for changes may include the following:

- A. The addition or removal of certain lands from the UE-O Urban Expansion Management Overlay District.
- B. The rezoning of lands to a more appropriate zoning district.
- C. The annexation of certain lands to the adjacent municipality.
- D. The amendment of one or more various requirements or sections of land use plans and policies and/or related ordinances.

Sec. 18.02. - Additional regulations.

The following additional regulations shall apply in the UE-O Urban Expansion Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. *Joint powers review.* All proposed developments within the UE-O Urban Expansion Management Overlay District necessitating action by the county planning commission, board of adjustment, or county board shall be submitted to the incorporated community and appropriate township(s) for review and comment prior to any action. The proposal shall be submitted to the affected public entity(ies) at least ten days prior to the meeting at which the proposal will be considered. All review and comments by the affected entity to the county shall be in writing and submitted to the county zoning administrator.
- B. *Structure location.* All structures shall be so located on each parcel so that when the parcel is further subdivided or the surrounding lands are subdivided and further developed, said structure shall be compatible to the maximum extent possible. The following factors shall be considered:
  - 1. Orientation of structure in relation to existing and proposed streets.
  - 2. Direction and depth of sanitary sewer lines in relation to possible municipal hook-up.
  - 3. Any other factor considered to be pertinent by the zoning administrator or other county authority of a site-specific nature.

ARTICLE 19A. - SM-O SHORELAND MANAGEMENT OVERLAY DISTRICT

[Sec. 19A.00.] - Statutory authorization and policy.

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, chapter 103F.201 et seq., Minnesota Regulations, parts 6120.2500—6120.3900, and is consistent with Minnesota Statutes, sections 103f.301-345, and Minnesota Rule 6105.0010—6115.0250 and 6105.1000—6115.1110, and the Management Plan for the Crow River, hereafter referred to as Minnesota Rule 6105.1040 and the planning and zoning enabling legislation in Minnesota Statutes, chapter 394.

The uncontrolled use of shorelands of Meeker 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 all shorelands of public waters and also control bluffland and river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical and scientific values of the Crow River in Meeker County. 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 and assumed by Meeker County.

[Sec. 19A.005.] - Definitions.

- A. "Buildable area" is contiguous land that is:
  - (1) Above the ordinary high water line;
  - (2) Above the 100-year floodplain elevation;
  - (3) Outside the perimeter of the delineated wetland area; and
  - (4) Outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope.
- B. "Clustering" or "clustered" means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make the most efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.
- C. "Common interest community" means 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.
- D. "Common open space" means 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 it does not include an area of 25 feet around each structure or any impervious surface.
- E. "Condominium" means 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. Said units need to be connected to municipal sewer and water.
- F. "Conservation subdivision." See article 19B.
- G. "Conventional subdivision" means a pattern of subdivision development that permits the division of land in the standard subdivision form where lots are spread evenly throughout a parcel land. The lots shall be at least double the lot sizes in area permitted in section 19A.04.A.1 and the lot widths shall be at least 1½ the lot widths permitted in section 19A.04.A.1 of the Meeker County Zoning Ordinance. This subdivision shall follow the Meeker County Subdivision Ordinance and Minnesota Statutes chapter 505 relating to subdivision platting.
- H. "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.
- I. "Impervious surface" means 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. Examples include rooftops, sidewalks, decks, patios, driveways, paved parking lots, storage areas, and concrete, asphalt or gravel roads.

- J. "Shared-interest community" means contiguous 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 three weeks 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.
- K. "Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Sec. 19A.01. - General provisions.

- A. *Jurisdiction.* The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in section 19A.03 of this ordinance. Pursuant to Minnesota Regulations, parts 6120.2500—6120.3900, no lake, pond, or flowage less than ten 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.
- B. *Enforcement.* The zoning administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to section 19A.02.A of this ordinance.

Sec. 19A.02. - Administration.

A. *Permits required.*

1. A permit is required for the construction of structures or structure 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 19A.04.C of this ordinance. Application for a permit shall be made to the zoning administrator on the forms provided. The application shall include the necessary information so that the zoning administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
2. A permit authorizing an addition to an existing structure shall stipulate that the on-site sewage treatment system must be inspected and an identified nonconforming sewage treatment system, as defined by section 19A.04.I, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

- B. *Certificate of zoning compliance.* The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in section 19A.02.A 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 19A.01.B of this ordinance.

C. *Variances.*

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

year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

2. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance required in section 19A.02.D below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

D. *Notifications to the department of natural resources.*

1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

Sec. 19A.03. - Shoreland classification system and land use districts.

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

- a. Natural sensitive lakes are unique water bodies such as shallow or land-locked lakes that support or have supported significant aquatic plant, fish or wildlife populations. They may be surrounded by public land, numerous constraints to development, or surface water recreation. Constraints may include hydric soils, erodible land, rare, endangered, or special concern species, shallow depths, high density of submergent or emergent aquatic vegetation, etc. These lakes currently have low development, and they are especially vulnerable to the consequences of development.
- b. Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, or unsuitable soils. These lakes usually have little existing development or surface water recreational use.
- c. Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. Moderate levels of recreational use and existing development often characterize them. 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.
- d. General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second

and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.

- e. Agricultural river segments are located in well-roaded, intensively cultivated areas of the western and southern regions of the state. Cultivated crops are the predominant land use, with some pasture and occasional feedlots, small municipalities, and small forested areas. Residential development is not common, but some year-round residential use is occurring within commuting distances of major cities. Some intensive recreational use occurs on these river segments in particular areas, but overall recreational use of these waters and adjacent lands is low. Although potential exists for additional development and recreation, water quality constraints are competing land use, particularly agriculture, will inhibit expansions.
  - f. Tributary river segments consist of watercourses mapped in the protected waters inventory that have not been assigned another river class. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.
  - g. Recreational river (the North Fork of the Crow River in Meeker County) has been designated by the Wild and Scenic Rivers Act. Recreational rivers may have had limited diversion, ditching, or impoundments. Adjacent lands may have limited residential development, and be more fully developed for agricultural uses. Recreational rivers are used for various recreation including canoeing, hunting and fishing and are still capable of being managed so as to further the purposes of the Wild and Scenic Act. The public waters of Meeker County have been classified below consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Meeker County, Minnesota. The shoreland area for the water bodies listed in sections 19A.03.A.1 and 19A.03.A.2 shall be as defined in section 23.111 and as shown on the official zoning map. The shoreland district for the North Fork of the Crow River land use district is fully described in Minnesota Rule 6105.1100.
1. *Lakes.*
- a. Natural sensitive lakes.

	Protected Waters Inventory I.D. #
Andrew Nelson (West Andrew Nelson)	101
Belle	171
Birch	55
Coombs	113
Unnamed (Dahls)	200
East Andrew Nelson	73
Emma	201
Fallon	45

Half Moon	144
Harden	112
Harold	137
Helga	199
Hoosier	116
Horseshoe	151
Hurley	54
Jewitt (Jewett)	44
King	153
Little Spring	36
Collins (Sections 23 & 24, T118N, R29W)	17
Lund	192
Lydia	206
Mary	143
Maynard	24
Miller	194
Minnesota	140
Moe	179
Boo (Sections 35 & 36, T119N, R29W)	37
Mud (Sections 13 & 24, T120N, R29W)	40
Mud (Section 16, T118N, R30W)	59

Mud (Sections 2, 3, 10 & 11, T119N, R30W)	71
Mud (Sections 7, 8 & 18, T120N, R30W)	85
Mud (Sections 15 & 22, T118N, R31W)	121
Mud (Sections 19, 24 & 25, T117N, R31W & R 32W)	152
Mud (Sections 2, 11 & 12, T120N, R32W)	196
N. Buckley (Rush)	69
Peterson	198
Pigeon (Sections 7, 1 & 12, T121N, R31W & R32W)	155
Pipe	110
Popple	173
Porter	57
Powers	48
Rice	87
Sather	178
Sioux	60
Stevens	77
Thoen	154
Turtle	74
West (Section 11, T121N, R32W)	202
West Hanson	136
Whitney	205

Wilcox	193
Youngstrom	138
(Unnamed)	6
	7
	9
	33
	18
	20
	34
	39
	43
	47
	93
	97
	103
	115
	117
	122
	124
	125
	126

	128
	132
	139
	148
	149
	150
	163
	189
	316

b. Natural environment lakes.

	Protected Waters Inventory I.D. #
Atkinson	114
Butternut	5
Byron	4
Casey	80
Chicken	133
Darwin	76
East Lake Ripley	134A
Eighty Acre	58

Evenson	118
Goose	127
Greenleaf	62
Hart	29
Hoff	106
Hope	183
Little Mud	96
Little Wolf	19
Long (Sections 23 & 24, T118N, R30W)	66
Long (Sections 1, 2, 14, 15, 22, 23, 25 & 26, T119N, R32W)	177
Madsen	146
Maple	1
Pigeon (Sections 7, 8 & 17, T118N, R29W)	8
Rohrbeck	100
Round	89
Schoolhouse	47-56
Sellards	35
Spencer	14
Star	129
Stone	131

Thompson	159
Towers	142
Willie	61
Wolf	16
(Unnamed)	104
	176
	235
	234

c. Recreational development lakes.

	Protected Waters Inventory I.D. #
Arvilla (Arville)	47-23
Belle	49
Betty (Betsy)	42
Big Swan	38
Clear	95
Dunns	82
Erie (Ernie)	64
Unnamed (Grove)	191
Jennie	15

Little Swan	25
Long (Sections 14, 15, 22 & 23, T119N, R29W)	47-26
Manuella	50
Richardson	88
Round	102
Stella	68

d. General development lakes.

	Protected Waters Inventory I.D. #
Francis	2
Minnie Belle	119
Spring	32
Washington	46
West Ripley	134B

- e. The majority of the area of the following lakes is in an adjacent county but also contains shoreland in Meeker County.

The following lakes are listed in Division of Waters, Soils and Minerals Bulletin No. 25, with a county other than Meeker, but do have shorelands in Meeker County:

County	Lake Number	Lake Name	Classification
Wright	296	Beaver Dam	NS
McLeod	49	Belle Lake	RD

Renville	13	Boon	NS
McLeod	115	Cedar	NS
Wright	293	Collinwood	RD
Stearns	200	Koronis	GD
Wright	297	Scott	NE
Wright	295	Swan	NS
Wright	298	Union	RD
Wright	294	--	NS

2. *Rivers and streams.*

a. *Recreational river (wild and scenic river program).*

	Legal Description
North Fork Crow	From Lake Koronis spillway, Section 3, T121N, R32W, to border of Meeker and Wright Counties

b. *Agricultural rivers.*

	Legal Description
Middle Fork Crow	From county road bridge, Section 31, T121N, R32W, to confluence with North Fork Crow, Section 32, T121N, R31W
South Fork Crow	From border of Meeker and Kandiyohi Counties to border of Meeker and McLeod Counties

c. *Tributary streams.*

	Legal Description
All other protected watercourses shown on the DNR Meeker County Protected Waters Inventory (PWI) map list.	

All protected watercourses in Meeker County shown on the protected waters inventory map for Meeker County, a copy of which is hereby adopted by reference, not given a classification in items a and b above shall be considered "tributary."

B. *Land use district descriptions and criteria for designation.* The shoreland district for the North Fork of the Crow River land use district is fully described in Minnesota Rule 6105.1100.

The land use districts in section 19A.03.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 (when available) and the following criteria, considerations, and objectives:

1. General considerations and criteria for all land uses:
  - a. Preservation of natural areas.
  - b. Present ownership and development of shoreland areas.
  - c. Shoreland soil types and their engineering capabilities.
  - d. Topographic characteristics.
  - e. Vegetative cover.
  - f. In-water physical characteristics, values, and constraints.
  - g. Recreational use of the surface water.
  - h. Road and service center accessibility.
  - i. Socioeconomic development needs and plans as they involve water and related land resources.
  - j. The land requirements of industry, which, by its nature, requires location in shoreland areas.
  - k. The necessity to preserve and restore certain areas having significant historical or ecological value.

C. *Land use district descriptions.* The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the official zoning map for the shorelands of this county. These land use districts are in conformance with the criteria specified in Minnesota Regulation, part 6120.3200, subp. 3, unless a stricter use is indicated:

P	Per mitt ed use s
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C	Con diti onal use s
N	Pro hibi ted use s

1. Land use districts for lakes.

a. Residential District (R-2) - Uses.

	General Development Lakes	Recreational Development Lakes	Natural Environment Lakes	Natural Sensitive Lakes
Single residential	P	P	P	P
Semipublic	C	C	C	C
Parks and historic sites	C	C	C	C
Extractive use	C	C	C	C
Duplex residential	C	N	N	N
Triplex residential	C	N	N	N
Quad residential	C	N	N	N

b. High Density Residential District (R-1) - Uses.

	<i>General</i>	<i>Recreational</i>	<i>Natural</i>	<i>Natural</i>
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	<i>Development Lakes</i>	<i>Development Lakes</i>	<i>Environment Lakes</i>	<i>Sensitive Lakes</i>
Single residential	P	P	P	P
Surface water oriented commercial	C	C	C	C
Semipublic	C	C	C	C
Parks and historic sites	C	C	C	C
Duplex residential	C	C	C	N
Triplex residential	C	C	N	N
Quad residential	C	C	N	N

c. Agricultural Use District - Uses.

	<i>General Development Lakes</i>	<i>Recreational Development Lakes</i>	<i>Natural Environment Lakes</i>	<i>Natural Sensitive Lakes</i>
Single residential	P	P	P	P
Commercial	P	P	C	C
Industrial	C	C	N	N
Public, semipublic	P	P	C	C
Extractive use	C	C	C	C
Parks and historic sites	C	C	C	C

2. Land use districts for rivers and streams.

a. Residential District (R-1) - Uses.

	Agricultural	<i>Tributary</i>
Single residential	P	P
Semipublic	C	P
Parks and historic sites	C	P
Extractive use	C	C
Duplex residential	C	C
Triplex residential	N	N
Quad residential	N	N

b. High Density Residential (R-2) - Uses.

	Agricultural	<i>Tributary</i>
Single residential	P	P
Surface water oriented commercial	C	C
Semipublic	C	C
Parks and historic sites	C	C
Duplex residential	C	C
Triplex residential	N	N
Quad residential	N	N

Forest management	P	P
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c. Agricultural.

	Agricultural	<i>Tributary</i>
Commercial	C	C
Conservation subdivision	C	C
Industrial	N	C
Public, semipublic	C	C
Extractive use	C	C
Parks and historic sites	C	C

d. Recreational River - Uses (North Fork of the Crow River).

	Agricultural	<i>Tributary</i>
(1) Governmental campgrounds, subject to management plan specifications.		P
(2) Private campgrounds, subject to management plan specification.		C
(3) Public access, road access type with boat launching facilities subject to management plan specifications.		P
(4) Public accesses, trail access type, subject to management		P

plans specifications.		
(5) Temporary docks.		P
(6) Other governmental open space recreational uses, subject to management plan specifications.		P
(7) Other private open space recreational uses, subject to management plans specifications.		C
(8) Agricultural uses.		P
(9) Single-family residential uses.		P
(10) Forestry uses.		P
(11) Essential services.		P
(12) Sewage disposal systems.		P
(13) Private roads and minor public streets.		P
(14) 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.		P
(15) Signs not visible from the river that are not specified in (14).		P
(16) Governmental resource management for improving fish and wildlife management areas, nature areas, and accessory roads.		P

(17) Underground mining that does not involve surface excavation in the land use district.		C
(18) Utility transmission power lines and pipelines, subject to the provision of section 19A.04.G.		C
(19) Public roads, subject to the provisions in section 19A.04.D.4.		C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.

D. *Use and upgrading of inconsistent land use districts.*

1. The land use districts adopted in article 19A, as they apply to shoreland areas, and their delineated boundaries on the official zoning map, are not consistent with the land use district designation criteria specified in section 19A.03.B herein. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the official zoning map or to modify the boundary of an existing land use district shown on the official zoning map.
2. 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 section 19A.03.B 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 section 19A.03.B of this ordinance. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2½ miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.
3. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the board of adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the official zoning map, the Meeker County Board shall make this decision.
4. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The Meeker County Board will direct the zoning administrator to provide such additional information for this water body as is necessary to satisfy items 1 and 2.
5. The Meeker County Board 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 19A.03.B.

Sec. 19A.04. - Zoning and water supply/sanitary provisions.

A. *Minimum lot area and width standards.* The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications listed below: Each lot must contain at least 30,000 contiguous square feet of buildable area, except natural environment and natural sensitive lakes shall have 40,000 square feet of buildable area. Provision 19A.04.A.1 does not apply to those tracts subject to section 4.02 of the Meeker County Zoning Ordinance.

1. *Lakes.*

a. *Natural sensitive.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	175,000	350	200,000	350

b. *Natural environment.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	100,000	250	130,000	250
Duplex	120,000	300	160,000	400

c. *Recreational development.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	50,000	150	100,000	200
Duplex	80,000	225	120,000	325

d. *General development.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	30,000	125	80,000	200
Duplex	40,000	180	120,000	325

2. Sewered lots.

a. *Recreational development.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	50,000	150	50,000	150

b. *General development.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	30,000	125	50,000	150

3. All lots platted using the conventional subdivision method must be a minimum of two times the above-listed required lot area and 1½ times the above-listed lot width. All riparian lots platted using the conventional subdivision method on the R.D. and G.D. lakes must be zoned R-1. All G.D. and R.D. conventional subdivisions shall have a minimum 35-foot buffer from the OHWL. All N.E. and N.S. conventional subdivisions shall have a minimum 75-foot buffer from the OHWL.

4. Recreational river (North Fork of the Crow River).

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	130,000	300	130,000	300

5. River/stream lot width standards. The minimum lot size requirements for riparian and non-riparian rivers and streams are controlled by the natural environment standards as set forth in section 19A.04.A.1 and section 19A.04.A.2. The lot width standards for single and duplex residential developments for the river/stream classifications are:

	<i>Agricultural</i>	<i>Tributary</i>
Single	200	200
Duplex	300	300

6. Setbacks listed for "tributary streams" shall apply to all tributaries within the recreational district for the North Fork of the Crow River.
7. Additional special provisions.
- a. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in sections 19A.04.A.1—19A.04.A.3, provided the following standards are met:
- (1) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - (2) A guest cottage and a garage attached to a guest cottage must not cover more than 1,400 square feet of land surface and must not exceed 15 feet in height. A maximum of 700 square feet of the above-mentioned square footage may be livable area and a guest cottage may be allowed to have an attached garage that does not cover more than 700 square feet of land surface and does not exceed 15 feet in height; and
  - (3) A guest cottage may not be constructed on a basement and the total square footage area of all floors with a ceiling height of seven feet or more shall not exceed the maximum square footage as stated above; and
  - (4) A guest cottage and a garage attached to a guest cottage shall be considered a detached accessory building and the square footage shall be included in calculating the maximum allowed accessory building square footage on a lot.
  - (5) 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.

- b. Storage of recreational camping vehicles and watercraft. No more than one recreational camping vehicle, as defined in section 23.97, and one watercraft, as defined in section 23.134, may be stored outside for another person on each lot. An unoccupied recreational camping vehicle and watercraft stored outside may remain no longer than 30 continuous days on a lot unless owned by the lot owner. Storage of a recreational camping vehicle shall only be permitted on a lot that has an existing dwelling on it. A recreational camping vehicle shall not be considered or utilized as an accessory, structure or facility.
- c. Occupied and/or unoccupied recreational camping vehicles, while not considered structures, shall be placed where they meet all structure setbacks or are no closer to any lot line or road than the existing dwelling, whichever is less, except in permitted recreational camping areas.

B. *Placement, design, and height of structures.*

- 1. *Placement of structures on lots.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining platted tracts within 600 feet of both side lot lines of a proposed building site, structure setbacks for the primary dwelling may be altered without a variance when the primary residential dwelling is placed at or greater than the average setback of the foundation of the residential dwellings on said tracts. Said new dwelling shall be located not closer than 50 feet to the ordinary high water level or at the actual averaged setback, whichever is greater, provided the proposed building site is not located in the shore or bluff impact zone and said dwellings utilized to establish the average were not granted a variance to allow for a lesser setback to the ordinary high water level. For properties in said averaging area without a primary dwelling constructed on them, the full structure setback for the appropriate lake class shall be used in establishing the average setback. Proposed structures shall be drawn on the site plan, along with structures on adjoining lots. Structures shall be located as follows:

- a. *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.\**

	Setbacks*		
Classes of Public Waters	Structures	Sewage Treatment System	
		Lots Platted Before Dec. 1, 2005	Lots Platted After Dec. 1, 2005
Lakes			
Natural sensitive	200	150	200
Natural environment	150	150	150
Recreational development	100	75	100
General development	75	50	75
Rivers			

Recreational	200	150	150
Agriculture and tributary	100	100	100
Other			
All other basins or waterways shown on the DNR protected waters inventory map	50	50	50

\*One water-oriented accessory structure designed in accordance with section 19A.04.B.2 of this ordinance may be set back a minimum distance of ten feet from the ordinary high water level.

- b. *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body:

Setback from:	<i>Setback (in ft.)</i>
(1) Unplatted cemetery	50
(2) Right-of-way line of federal or state highway	50
(3) Top of bluff in the shoreland district	30
(4) Right-of-way line of private roads or streets including cartways not otherwise classified herein and additional setback requirements in section 3.11.E	25
(5) Paver stone areas which are no more than 200 square feet. No paver stone area shall be installed on a greater than 2:1 slope from the ordinary high water level. Only one impervious area shall be allowed within the shore impact zone of any property. Any additional hard surface must be outside of the shore impact zone for the lake class on which it is proposed. All lots must comply, unless granted a variance, with the maximum allowed 25 percent impervious surface coverage	10

requirement for a property within the shoreland district.	
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- c. *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- d. *Uses without water-oriented needs.* Commercial, industrial, public and semi-public 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.

2. *Design criteria for structures.*

- a. *Water-oriented accessory structures.* No water-oriented accessory structures are allowed in recreational river districts. All other lots may have one water-oriented accessory structure not meeting the normal structure setback in section 19A.04.B.1 of this ordinance. To preserve the water quality and aesthetic integrity of Meeker County lakes and rivers, a water-oriented accessory structure must comply with the following provisions.
  - (1) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet.
  - (2) Detached decks must not exceed eight feet above grade at any point.
  - (3) The setback of the structure or facility from the ordinary high water level must be at least ten feet on general development and recreational development lakes and 50 feet on natural environment and natural sensitive lakes.
  - (4) 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.
  - (5) The roof may not be used as a deck nor be enclosed or used as a storage area.
  - (6) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- b. *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
  - (1) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
  - (2) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities. No structure may be placed in floodway portions of the floodplain.

- (3) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
  - c. *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:
    - (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties.
    - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties.
    - (3) Canopies or roofs are not allowed on stairways, lifts, or landings.
    - (4) Stairways, lifts, and landings shall be constructed above the ground on posts or pilings and built in a manner that ensures control of soil erosion.
    - (5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
    - (6) Residential lots shall have no more than one lift and one stairway.
    - (7) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, chapter 1341. Filling, grading and excavating to achieve such facilities shall be limited to no more than ten total cubic yards in shore or bluff impact areas.
  - d. *Decks.* Attached and detached decks one foot or greater off grade and/or 250 square feet or more must meet the structure setback standards. Attached decks that do not meet setback requirements from public waters may be allowed with a variance or with the averaging provision. Detached decks less than one foot off grade and less than 250 square feet in area may be constructed no closer to the ordinary high water level of any lake than at the shore impact zone line for the classification of said lake, unless a variance has been granted. This provision does not include stair switchbacks or landings that are the same width as the stairs. All other structure setbacks and site regulations must be followed.
  - e. *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.
  - f. *Steep slopes.* The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation. No structure may be placed on any slope greater than 13 percent on the North Fork of the Crow River (recreational river in the state wild and scenic rules).
3. *Height of structures.* All structures in residential districts, except churches and non-residential agricultural structures, must not exceed 30 feet in height.

C. *Shoreland alterations and restorations.* Alterations of natural vegetation and topography shall be controlled by local governments to prevent erosion into public waters, fix nutrients, infiltrate rainwater runoff, preserve shoreland aesthetics, and historic values, prevent bank slumping, limit direct and indirect impacts on water quality, and protect fish and wildlife habitat. Local governments shall also adopt controls governing the restoration of the shore impact zone to correct previous vegetation and landscape alterations. Vegetation removal necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities shall be exempt from the standards in this subpart and separate permit requirements for grading and filling. However, the grading and filling conditions of this subpart must be met for issuance of permits for structures and sewage treatment systems. Public roads and parking areas, as regulated by section 19A.04.D, and public swimming areas are exempt from the provisions of this part. Removal or alterations of natural vegetation, for agricultural uses as provided for in subpart 19A.04.F.2, shall be allowed according to the following standards:

1. *Vegetation alterations.*

- a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by section 19A.04.D of this ordinance are exempt from the vegetation alteration standards that follow. If vegetative screening, assuming summer leaf -on conditions, is substantially reduced, a restoration plan may be required at the time of permit issuance or at subsequent inspection.
- b. Removal or alteration of vegetation, except for agricultural uses as regulated in sections 19A.04.F.2 and 19A.04.F.3, respectively, is allowed subject to the following standards:
  - (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located. Vegetation clearing and removal of ground cover, including leaf litter and the forest floor duff layer, within the shore and bluff impact zones and on steep slopes greater than 18 percent shall not be allowed.
    - (a.) In shore and bluff impact zones and/or on steep slopes on general development and recreational development lakes, 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 landing, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities.
    - (b.) For platted subdivisions developed on natural environment lakes, natural sensitive lakes, recreation rivers, agricultural rivers, tributary rivers, an area 75 feet landward of the shoreline, measured from the OHWL shall be a no-mow zone, except for a path perpendicular to the shoreline no more than 50 feet wide. The path shall be indicated on the preliminary plat and site plan. There shall be no clearing of trees, except if damaged or dead, but those trees must be replaced according to 19A.04.C.1.a. At least 50 percent of the tree restoration must be in the no-mow zone. The mowed path shall be maintained in vegetative cover. The no-mow zone shall be maintained in trees, shrubs, native grasses, and herbaceous plants other than grass and/or forbs. This provision shall not apply to plats made before December 1, 2005.
    - (c.) Lots shall be permitted to establish a view corridor not to exceed 50 feet or one-half the lot width, whichever is less and must meet the following provisions.
      1. Prior to vegetative removal regulated by this section or prior to establishing a view corridor on a riparian lot, the property owner shall complete a vegetative alteration plan and submit it to Meeker County Planning and Zoning for approval.

2. Except Box Elder, the removal of exotic species such European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted as a portion of an approved vegetation management plan.
    - (d) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
    - (e) Along rivers, existing shading of water surfaces is preserved.
    - (f) The above provisions are not applicable to the removal of trees, limbs, branches that are dead, diseased, or pose safety hazards or for vegetation which are considered a noxious species.
  - (2) Restoration may be required for vegetation, which has been removed inconsistent with the criteria listed above or is inconsistent with an approved vegetation management plan.
2. *Topographic alterations/grading and filling.*
- a. 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 separate approval or the issuance of a conditional use 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.
  - b. Public roads and parking areas are regulated by section 19A.04.D of this ordinance.
  - c. Notwithstanding items a and b above, a conditional use permit will be required for:
    - (1) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones.
      - a. Prior to commencing said project photographs shall be provided to Meeker County Planning and Zoning of all properties proposing a project to move and/or bring in up to five cubic yards of material but less than ten cubic yards to be moved for the project.
    - (2) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
    - (3) No portion of a project requiring a conditional use permit due to cubic yards of material moved and/or brought in within the shoreland district may be commenced until said permit is approved by the Meeker County Board of Commissioners.
  - d. An application for a conditional use permit to move more than ten cubic yards of material on steep slopes or within shore of bluff impact zones and/or more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones must include the following:
    1. A survey completed by a licensed land surveyor showing existing elevations and proposed finished elevations;
    2. An erosion control plan;
    3. Total cubic yards of material proposed to be brought in and/or moved on site;
    4. Finished height of all walls measured from grade to cap; and
    5. Engineering completed by a licensed structural engineer licensed in the State of Minnesota for any walls that are four feet or taller.
  - e. The following considerations and conditions must be adhered to during the issuance of land use permits, conditional use permits, variances and subdivision approvals:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated by a certified wetland delineator to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
  - (a) Sediment and pollutant trapping and retention.
  - (b) Storage of surface runoff to prevent or reduce flood damage.
  - (c) Fish and wildlife habitat.
  - (d) Recreational use.
  - (e) Shoreline or bank stabilization.
  - (f) 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, the Meeker County SWCD (for Wetland Conservation Act compliance) or the United States Army Corps of Engineers. The applicant will be so advised.

- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope.
- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
- (8) Fill or excavated material must not be placed in bluff impact zones.
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner of the Minnesota DNR under Minnesota Statutes, section 103G.245.
- (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties. Plans to place fill or excavated material on steep slopes, including the construction of walkout basements, shall develop a plan for continued slope stability and must not create finished slopes of 30 percent or greater. Final grades must provide for gravity surface drainage without the use of subsurface tile lines, pumps or other fabricated means except that the use of foundation drainage is permitted.
- (11) Placement of natural rock riprap, shall comply with regulations adopted pursuant to Minnesota Statutes, sections 103G.245 and 103G.405. Natural rock riprap shall only be used for the correction of an established erosion problem that cannot be controlled through the use of native vegetation, slope stabilization using mulch, biomat, or similar means. Riprap used for aesthetic purposes or for terracing natural slopes shall be prohibited within the shore and bluff impact zones. Placement of natural rock riprap

including associated grading of the shoreline and placement of a filter blanket is permitted if the finished slope does not exceed three feet horizontal to one foot vertical. Riprap placed above (landward) the ordinary high-water mark must be limited to ten cubic yards. A conditional use permit is required for more extensive rock riprap or grading and/or filling. Rock riprap shall not exceed a vertical height of more than ten feet above the OHWL. Fieldstone is preferred over quarry rock and may be prescribed in a conditional use.

- (12) Ice ridge repair is permitted if the shoreline is restored to its original cross section and alignment of the lakebed, or if the repairs fit the DNR no permit required guidelines for DNR protected waters.
  - f. All topographic depressions drained by agricultural surface intake tiles must be made a part of the stormwater management plan and be utilized as stormwater retention basins, maximizing storage to the greatest possible extent.
  - g. Connections to public waters. Excavations where the intended purpose is connection to public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters. (Statutes 103G.245 and 103G.405.)
  - h. 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 of DNR pursuant to Minnesota Statutes section 105.42.
  - i. Shoreline recreation facilities for lots. For residential lots, 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, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors. Controlled access lots must be developed for new subdivisions where direct riparian access is not appropriate due to the presence protected vegetation, wetlands, or other critical fish or wildlife habitat. Boating facilities shall be located adjacent to the deepest water available. Only one dock shall be allowed per residential lot in the subdivision. Shoreline recreation facilities shall not be designed for use by non-riparian lots.
- D. *Placement and design of roads, driveways and parking areas.*
1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. A county road engineer must provide documentation that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
  2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
  3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of section 19A.04.C.2 of this ordinance must be met and grading, filling and excavating must be limited to ten cubic yards in shore and bluff impact areas.
  4. Public roads in recreational river areas shall be consistent in permits as may be required by Minnesota Statutes section 105.42, a conditional use permit shall be required for any construction or reconstruction of new public roads within the Crow River land use district(s).

Such construction or reconstruction shall be subject to the standards and criteria of Minnesota Rule 6105.0170. A conditional use permit is not required for minor public streets, which are streets intended to serve primarily as an access at abutting properties. Public roads include township, county, and municipal roads and highways, which serve or are designed to serve flows of traffic between communities or other traffic generating areas.

E. *Stormwater management.* The following general and specific standards shall apply:

1. *General standards.*

- a. Minnesota Rule 6105.0160, subpart 4, prohibits the draining or filling of any wetlands within the wild and scenic district. In all shoreland areas, when possible, existing natural drainage ways, 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.
- d. Construction shall use best management practices, such that by design achieve the maximum extent practicable, a reduction of 80 percent of the sediment load carried in runoff on an average annual basis until the construction site has undergone final stabilization. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period to prevent their transport by runoff into the lake.
- e. After construction, best management practices shall be designed, installed and maintained to control total suspended solids, peak discharge, and infiltration. To the maximum extent practicable, runoff of total suspended solids shall be reduced 80 percent, based on an average annual rainfall, as compared to no runoff management controls. Peak runoff discharge rates shall be reduced to the maximum extent practicable to the pre-development conditions for the two-year, 24-hour design storm applicable to the site. Developments are required to have best management practices so that the post-development infiltration volume is at least 75 percent of the pre-development infiltration volume. All developments shall contain the 100-year, 24-hour storm event within the development comparable to the natural, pre-development condition. Best management practices include porous pavement, filter strips, swales, infiltration basins, disconnected impervious areas, rain gardens and other conservation designs.

2. *Specific standards.*

- a. Impervious surface coverage of lots must not exceed 25 percent of the lot area except as stated in article 19B, Conservation Subdivision Ordinance.
- b. When constructed facilities are used for stormwater management, documentation must be provided by an engineer, soil and water conservation district specialist or hydrologist 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 and tile with a diameter of 15 inches or larger draining into public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

F. *Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses.*

1. *Standards for commercial, industrial, public and semipublic uses.*

- a. Surface water-oriented commercial uses and industrial, public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
- (1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - (2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
  - (3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - (a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
    - (b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
    - (c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
    - (d) 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.

2. *Agriculture use standards.*

- a. General cultivation farming, orchards, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 75 feet from the ordinary high water level.
- b. Animal feedlots must meet the following standards:
- (1) *Location restrictions.* Except as provided in items (a), (b), and (c), a new animal feedlot or a manure storage area must not be constructed within shoreland.

- (a) An animal feedlot or a manure storage area located in shoreland meeting the requirements of MN Rule 7020.0300, subpart 15, item B; and
    - (b) That has been unused for less than ten years and is a pollution hazard may resume operation after applying for and obtaining an interim permit under MN Rule 7020.0405, subpart 1, item C; or
    - (c) That has been unused for ten years or more must not resume operation.
  - (2) *Shoreland expansion limitations.* An existing animal feedlot or manure storage area located in shoreland may not expand to a capacity of 1,000 animal units or more or the manure produced by 1,000 animal units or more. An existing animal feedlot or a manure storage area expanding in shoreland shall not locate any portion of the expanded animal feedlot or the manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or the manure storage area.
- 3. *Forest management standards.* The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-Point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management Best Management Practices in Minnesota.
- 4. *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.
- G. *Utility transmission lines.* All utility transmission crossings of land within the Crow River land use district(s) shall require a conditional use permit. The construction of such transmission services shall be subject to the standards and criteria of Minnesota Rule 6105.0170. No conditional use permit shall be required for high voltage transmission lines under control of the public utilities commission pursuant to Minnesota Statutes, section 116 C.61.
- H. *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 county-wide. The following additional evaluation criteria and conditions apply within shoreland areas.
  - 1. *Evaluation criteria.* A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
    - b. The visibility of structures and other facilities as viewed from public waters if limited.
    - c. The site is adequate for water supply and on-site sewage treatment.
    - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
  - 2. *Conditions attached to conditional use permits.* The Meeker County Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
    - a. Increased setbacks from the ordinary high water level.

- b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

I. *Water supply and sewage treatment.*

- 1. *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- 2. *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
  - a. Publicly-owned sewer systems must be used where available.
  - b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, Individual Sewage Treatment Systems Standards, chapter 7080, and all future amendments, along with other related state agency rules referenced in Minnesota Rules chapter 7080, a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
  - c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in section 19A.04.B.1 of this ordinance.
  - d. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 19A.05 of this ordinance.

Sec. 19A.05. - Nonconformities.

- A. All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this 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. *Nonconforming lots of record located within the shoreland district.* A nonconformity, except as otherwise provided by law, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire 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, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire 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 the damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
  - 2. *Existing nonconforming lots in shoreland areas.* This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width and which were designed and platted according to the shoreland rules adopted by Meeker County on December 6, 1972. Meeker

County shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of conforming uses and structures in the shoreland areas according to this article.

- a. 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:
    1. All structure and septic system setback distance requirements can be met;
    2. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connect to a public sewer; and
    3. The impervious surface coverage does not exceed 25 percent of the lot.
  - b. In a group of two or more contiguous lots of record, before December 6, 1972, under a common ownership, an individual lot must be considered a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
    1. 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;
    2. 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;
    3. Impervious surface coverage must not exceed 25 percent of each lot; and
    4. Development of the lot must be consistent with an adopted comprehensive plan.
  - c. A lot subject to section 19A.05.A.2.b not meeting the requirements of section 19A.05.A.2.b must be combined with the one or more contiguous lots so they equal one or more conforming lot as much as possible.
  - d. Notwithstanding section 19A.05.A.2.b, contiguous nonconforming lots of record in the 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 section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
  - e. If evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increases setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
  - f. 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 size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.
  - g. Except all lots designed and platted according to the shoreland rules adopted by Meeker County on December 6, 1972, and the Statewide Standards for Management of Shoreland Areas dated July 3, 1989.
- B. Additions/expansions to nonconforming structures.
1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of section 19A.04 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to section 19A.02.C.

2. Decks. Decks must meet the structure setback standards. Decks that do not meet setback requirements from public waters may be allowed with a variance or with the averaging provision.

C. Nonconforming sewage treatment systems.

1. A sewage treatment system not meeting the requirements of section 19A.04.I.2 of this ordinance must be upgraded, at a minimum, at any time a land transfer occurs or when 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 systems improper setback from the ordinary high water level. For the purpose of this section, a land transfer occurs when a certificate of real estate value is required to be filed or when a transfer of ownership interest in a corporation, partnership, cooperative or other entity results in a change in possession or use rights to a parcel of property or structure located thereon. Contiguous lots within the shoreland district in common ownership shall be considered one property for the purposes of the SSTS requirements. For properties requiring either an SSTS upgrade or a new SSTS system if said property owner owns sufficient land, whether it be contiguous or separated by a road, said land shall be utilized for the purpose of installing a conforming SSTS system.
  - a. Existing sewer information shall be on forms (sewer information data forms) furnished by the county. Inspections shall be valid for three years, except that where a new on-site system has been installed; the information shall be valid for five years unless an imminent health threat, as defined in Minn. Stat. § 115.55, subd. 5a, is identified.
2. Meeker County will require upgrading or replacement of any nonconforming system identified through a program of education, inspection or examination of records within a reasonable period of time, which will not exceed three years from proper notification. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F.201, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

Sec. 19A.06. - Subdivision/platting provisions.

- A. *Land suitability.* Each lot created through subdivision authorized under section 19A.07 of this ordinance must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the Meeker County Planning Commission shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. Each lot created must have a suitable building site capable of construction of a primary dwelling without filling or requiring variance.
- B. *Consistency with other controls.* Subdivisions must conform to all official controls of Meeker 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 19A.04.B and 19A.04.I can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of section 19A.04.A, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

- C. *[Sufficient information required for determination.]* Sufficient information must be submitted by the applicant for the Meeker County Planning Commission to make a determination of land suitability. The information shall include at least the following:
1. Topographic contours at two-foot intervals from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.
  2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats.
  3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.
  4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
  5. Location of 100-year floodplain areas, floodway districts, and the regulatory flood protection elevation from existing adopted maps or data.
  6. A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- D. *Dedications.* When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- E. *Platting.* All subdivisions that create two or more lots or parcels that is 2½ 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.
- F. *[Controlled access lots.]* Controlled access lots, or parcels of land intended or used to provide accesses to public waters for owners of riparian lots within platted subdivisions, shall be allowed where direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Controlled access lots shall not be allowed where it is intended to provide riparian access for owners of non-riparian lots or parcels. Where allowed controlled access lots shall meet or exceed the following standards:
1. All controlled access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the controlled access lot. Controlled access lots shall also comply with all of the dimensional standards in part 6120.3300, subp. 2a and 2b. Where more than six watercraft are to be docked, moored or given over-water storage, the width of the lot shall be increased by 25 percent for each watercraft in excess of six.
  2. Controlled access lots must be jointly owned by all purchasers of riparian lots within a platted subdivision.
  3. The controlled access lots shall be suitable for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors.
  4. Permitted activities may include watercraft launching, loading, storage, beaching, mooring, or docking area, but shall not include residential or commercial uses. A single dock and boat-launching ramp may be permitted and no member shall own or use an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served. Controlled access lots may include other outdoor recreational activities that do not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of such

activities include swimming, sunbathing, or picnicking. Covenants governing controlled access lots shall limit the total number of vehicles allowed to be parked and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities shall be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

5. Controlled access lots shall meet or exceed the shoreland vegetation buffer standards in part 6120.3300, subp. 4.
  6. The impervious surface coverage for controlled access lots must not exceed 20 percent of lot area.
- G. *[Outlots.]* An outlot shall not be considered a buildable lot for a dwelling unless it is replatted and meets the required lot width, depth and area requirements.

Sec. 19A.07. - Certification.

- A. Certain land use decisions that directly affect the use of land within the designated land use districts and involve any of the following actions must be certified by the commissioner:
1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
  2. Granting a variance from a provision of this ordinance, which related to the zoning dimension provisions of section 19A.05 of this ordinance and any other zoning dimension provisions established in Minnesota Rule 6105.1040.
  3. Approving a plat that is inconsistent with the local land use ordinance.
- B. Certification procedure.
1. 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 local ordinance shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
  2. Meeker County shall notify the commissioner if its final decision on the proposed action within ten days of the decision.
  3. The action becomes effective when and only when either:
    - a. The final decision taken by Meeker County has previously received certification of approval from the commissioner; or
    - b. Meeker County receives certification of approval after its final decision; or
    - c. 30 days have elapsed from the day the commissioner received notice of the final decision, and the Meeker County has received from the commissioner neither certification of approval nor notice of non-approval; or
    - d. The commissioner certifies his approval within 30 days after conducting a public hearing.
- C. In case the commissioner gives notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or the chief executive officer of Meeker County may within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearings not made within 30 days, the notice of non-approval becomes final.
1. The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks' published notice.

2. The hearing will be conducted in accordance with Minnesota Statutes § 105.44, subdivisions 5 and 6 (1971) as amended.
3. The commissioner shall either certify his approval or disapproval of the proposed action within 30 days of the hearing.

APPENDIX A. - CONSIDERATIONS FOR TOWNSHIP ZONING

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

- For the purposes of Minnesota Regulations, parts 6120.2500 to 6120.3900, shoreland management controls adopted by townships will only be considered to be consistent with county controls if they cover the same full range of shoreland management provisions covered by the county controls, contain dimensional standards at least as restrictive as those in the county controls, and do not allow land uses in particular areas that are not allowed under the county's official controls.
- The township must demonstrate to the county board that their proposed ordinance and administration is at least as restrictive as the county's prior to final adoption by the township. This will include, at a minimum, that the township has the staff necessary to administer the ordinance, has sufficient building permit application and certification forms and procedures, and an enforcement mechanism to enforce the ordinance should violations occur.
- Townships must provide for administration and enforcement of shoreland management controls at least as effective as county implementation. Townships that adopt shoreland controls must provide the notifications in section 3.4 of the sample ordinance to the commissioner or the commissioner's designee and to the zoning official of the county.
- After adequate shoreland management controls are adopted by a township, property owners must only obtain necessary permits and approvals as required in the township shoreland management controls. Property owners do not have to obtain similar permits or approvals under the county's shoreland controls.

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

APPENDIX B. - ORDINANCE CERTIFICATION CHECKLIST

ORDINANCE CERTIFICATION CHECKLIST  
(CITY/COUNTY NAME)

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

1. \_\_\_\_\_ Date of published hearing notice.
2. \_\_\_\_\_ Date of postmark of hearing notice to Commissioner of the Department of Natural Resources/area hydrologist.
3. \_\_\_\_\_ Date of hearing(s).  
\_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_ Date of ordinance adoption.

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

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

\_\_\_\_\_  
 \_\_\_\_\_

_____	
Signature of Clerk/Auditor	

ARTICLE 19B. - CONSERVATION SUBDIVISION OVERLAY DISTRICT

[Sec. 19B.00.] - Intent.

This overlay district is created to serve as a buffer between agricultural areas and the ordinary high water level of public waters to provide for low density residential development in areas especially unsuited to long term agricultural uses, and to allow limited residential development which will not be provided with an urban level of services.

Sec. 19B.01. - Applicability.

- A. This overlay district applies to all land zoned A-1 pursuant to article 11 of this ordinance with the shoreland management district (article 19A) that is within 1,320 feet of the ordinary high water level of public waters denoted in article 19A as defined in this ordinance, except rivers or streams as defined in section 19A.03.A.2.
  1. The developer may add adjacent land to the conservation subdivision plat beyond the 1,320 feet from the ordinary high water level of the public waters denoted in article 19A of this ordinance, but the area of land beyond the 1,320 [feet] cannot be used to calculate the density for the subdivision.
  2. The additional land beyond the 1,320 feet from said ordinary high water level, which is included in the subdivision, must be included and maintained under section 19B.12, Open Space Ownership and Management.
  3. The additional land added to the subdivisions beyond the 1,320 feet must be owned by the owner of the proposed subdivision.
- B. In the event any provision of this overlay district conflicts with any other provision of this ordinance, this article shall apply.
- C. Existing feedlots registered before December 1, 2005, are exempted from section 19B.01.B.

- D. All areas proposed to be subdivided, as allowed by article 19B shall follow the Meeker County Subdivision Ordinance and MN Statutes 505 relating to subdivisions and platting.
  - 1. All private roads and driveways serving the lots in the subdivision and surface water drainage requirements must be installed before the final plat is approved.
  - 2. All construction and payment for the improvements shall follow the requirements in article VI of the Meeker County Subdivision Ordinance.
- E. In the event this provision does not apply to your property, an alternate option may be conventional subdivisions as are defined in section 19A.005.G.

Sec. 19B.02. - Permitted uses.

- A. One single-family dwelling.
- B. Level 1 home occupations.
- C. Essential services facilities subject to section 22.08.

Sec. 19B.03. - Conditional uses.

- A. Manufactured homes except that none with a maximum width as constructed by the manufacturer of less than 16 feet, and none older than ten years as of the date of the permit application.
- B. A used dwelling older than five years moved onto a lot (see section 22.05 for definition).
- C. Any personal tower, antenna or personal tower and antenna connected or mounted together exceeding 40 feet in total vertical height as measured from ground level. The total height of a personal tower, antenna or personal tower and antenna connected or mounted together on a building shall include the vertical height of the said tower, antenna or connected tower and antenna and the vertical height of the building to ground level from where the said tower, antenna or connected tower and antenna is mounted to the building.
- D. Family adult day care and adult foster care subject to the standards in section 22.31 herein.
- E. Any more than two detached accessory buildings on a site.

Sec. 19B.04. - Interim uses.

- A. Family-operated temporary or seasonal roadside produce stands offering for sale produce produced in the premises with adequate off-road parking, not to exceed one stand per site.
- B. Horticultural uses (not to include retail or selling on site).
- C. Other uses deemed by the planning commission to be of the same general character of those permitted or allowed by interim use permit.

Sec. 19B.05. - Prohibited uses.

- A. All other uses not listed as permitted, interim, accessory or conditional shall be prohibited.

Sec. 19B.06. - Accessory uses.

- A. Private swimming pool, if completely enclosed within a chain link or similar fence having a minimum height of five feet.
- B. Storage sheds.
  - 1. The total combined square footage of the two permitted accessory buildings in the agricultural residential district may not exceed 2400 square feet with a maximum sidewall height of 16 feet except within 300 feet of any ordinary high water level the maximum square footage of an accessory building shall be 1,040 square feet with a maximum sidewall height of 14 feet. The

total square footage area of all floors with a ceiling height of seven feet or more shall not exceed 2,400 square feet. The maximum allowed square footage is subject to the lot impervious surface coverage as defined in section 19B.07.C.

2. Number of accessory buildings.
  - a. No more than two permitted accessory buildings detached from the principal dwelling unit shall be built on a lot or building site. A private garage attached to a principal dwelling does not reduce the number of detached accessory buildings permitted on a lot or building site.

Sec. 19B.07. - Site regulations.

The following minimum requirements shall be observed in the conservation subdivision overlay district, except as provided otherwise by this ordinance:

- A. *Height.*
  1. No building shall hereafter be erected or structurally altered to exceed 30 feet in height.
- B. *Setback and yard dimensions.*
  1. Private roads shall use the following setback requirements. Front yard: minimum 25 feet from the right-of-way line of a private road or street.
  2. Public roads, including county, state and township roadways, shall have a minimum front yard setback of 80 feet from the centerline of the road.
  3. Two hundred feet for Minnesota State Highway 15 and a minimum of ten feet from the right-of-way line.
  4. Side yard: minimum of ten-foot side yard setback for all structures.
  5. Back yard: minimum ten-foot rear yard setback for all structures.
- C. *Impervious area.*
  1. The maximum impervious area coverage for each building lot is not more than 25 percent for a conservation subdivision.
- D. *Lot area regulations.*

	<i>Riparian Lots</i>		<i>Non-Riparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Natural sensitive				
Single	175,000	350'	200,000	350'
Natural environment				
Single	100,000	250'	130,000	250'
Recreational development				
Single	50,000	150'	100,000	200'

General development				
Single	30,000	125'	80,000	200'

E. *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.*

1. *Lakes class.*

	Structures	<i>Sewer Systems on Lots Created or Platted After Dec. 1, 2005</i>	<i>Sewer Systems on Lots Created or Platted Before Dec. 1, 2005</i>
Natural sensitive	200	200	150
Natural environment	150	150	150
Recreational development	100	100	75
General development	75	75	50

2. *Additional setbacks.*

	Structures	<i>Sewer Systems on Lots Created or Platted After Dec. 1, 2005</i>	<i>Sewer Systems on Lots Created or Platted Before Dec. 1, 2005</i>
Top of bluff	30		

F. *Dwelling unit or site density evaluation.* Proposed new or expansion to existing developments must be evaluated using the following procedures and standards:

1. The project parcel must be divided into tiers by locating lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward (see distance table in section 19B.08).

Sec. 19B.08. - Shoreland tier dimensions (feet).

GD and RD - first, second, & third tiers	267
GD and RD lakes - fourth tier	All remaining lots are a
NE & NS - first & second tiers	400
NE & NS - third tier	All remaining lots are a

- A. The buildable area within each tier is next calculated. Buildable area is defined as contiguous land that is:
  - (1) Above the ordinary high water line;
  - (2) Above the 100-year floodplain elevation;
  - (3) Outside the perimeter of the delineated wetland area and;
  - (4) Outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope.
- B. This area is then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units/sites. In areas with overlapping tiers due to close proximity of public waters to each other, topographic divides shall be used to determine which shoreland standard would apply, and in those areas where the topographic divide cannot be determined, the more restrictive rules for the area shall be used.
- C. Any unused square footage in a partial tier (which does not have a building eligibility) may be moved back to the next full tier to be used in calculating density. The remainder square footage from an entire tier after density has been calculated cannot be moved. Please note the square footage for an entire tier cannot be moved back.

Sec. 19B.09. - Conservation subdivision density calculation.

The density calculation for developments is as follows:

- A. The buildable area within each tier is divided by the single residential lot size standard using the area for the shoreland class in part 19B.07.D. This calculation determines the maximum number of dwelling units or sites authorized for each tier. Allowable densities may be transferred from any tier to any other tier further from the shoreland water body or watercourse, but must not be transferred to any other tier closer. Structures that straddle tiers shall be rated as part of the tier closer to the ordinary high water level.
- B. All area used to determine buildable area shall be included in the platted acreage.

Sec. 19B.10. - Development criteria.

Developments shall conform to all of the following criteria:

- A. The design of all developments within the shoreland shall incorporate all of the following:
  - 1. Building lots shall be no less than one-half acre and no more than one acre.
  - 2. Developments shall contain open space meeting all of the following criteria.
- B. At least 50 percent of the total project area must be permanently preserved as common open space. Common open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries, etc. A shoreland vegetation buffer plan designed and implemented meeting standards in section 19A.04.C to meet buffer requirements.
- C. Open space may include outdoor recreational facilities for use by owners of the dwelling units/sites.
- D. The shore and bluff impact zones, based on structure setbacks in section 19B.07.E, shall be included as common open space. New developments, and redevelopments or existing developments shall meet vegetation standards in section 19A.04.C no impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings. For conservation subdivisions when first tier lots are platted, there shall be one access corridor, if there are more than five first tier lots then there may be one additional access corridor to the shore impact zone common open space for use by all members of the owners association. The width of access corridor shall not exceed 50 feet, and access corridors shall be in upland areas.

- E. Common open space shall not include commercial facilities.
- F. The appearance of common open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of permanent easements, public dedication and acceptance, or other equally effective and permanent means. For permanent easements, a willing party for receiving easements must be declared; otherwise a party may be assigned pursuant to Minnesota Statutes § 375.18, subp. 12.
- G. Common open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  - 1. Centralization and design of facilities and structures must be done according to the following standards:
    - a. Conservation 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, conservation subdivisions shall either be established dedicated areas for individual sewage treatment systems or establish centralized water supply and sewage treatment systems to serve the entire subdivision.
    - b. Dwelling units/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: elevation above the surface water features, and maximum height. The site design must incorporate the use of looped roads ways versus cul-de-sacs, use of pervious surfaces, maximum road setbacks for house-fronts, and preservation of trees, unique resources, and scenic vistas.
    - c. For conservation subdivisions, first tier lots shall not extend any closer to the OHWL than the structure setback.
    - d. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors. Boating facilities shall be located adjacent to the deepest water available. The number of spaces provided for continuous mooring, or docking of watercraft shall not exceed one for each authorized dwelling unit or site in the first tier. Individual docks shall not be allowed. If the water body does not have a public access boat launching facility, launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units/sites located in other tiers, and their watercraft shall not be stored in the open space.
    - e. Parking areas, and other facilities must meet or exceed structure setbacks in section 19B.07.E, and 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.
- H. Erosion control and stormwater management for developments must meet the standards in section 19A.04.E. For conservation subdivisions, the impervious surface coverage for lots shall be no greater than 25 percent. Erosion control and stormwater management shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest pollution control agency's stormwater best management practices manual, approved by the local government and effectively implemented.

Sec. 19B.11. - Additional open space requirements.

- A. Vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited.

- B. Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited.
- C. Beaching of motorized watercraft or parking of vehicles shall be prohibited.
- D. Dumping, storage, processing, burning, burying or landfill of solid or other wastes shall be prohibited.
- E. All outlots designated for use as ingress/egress access shall be owned in fee title, either in whole or by an equal percentage, by the owner or owners of the lot or lots that it provides ingress/egress access to. All outlots designated as common open space(s) shall be owned as an equal percentage by all lot owners within the conservation subdivision. A non-profit homeowner's association shall hold a permanent conservation easement on all of the common open space, including the outlots used as ingress/egress access to the building lots.

Sec. 19B.12. - Open space ownership and management.

- A. Homeowner's association. A permanent conservation easement shall be held by the homeowner's association on all outlots designated within a conservation subdivision. Said homeowner's association shall be established and mandatory for all developments established under article 19B.
  - 1. Membership in the homeowner's association is mandatory for all purchasers of homes in the development and their successors. An individual may hold fee title to the land while a non-profit homeowner's association holds a conservation easement for the common open space.
- B. The homeowner's association shall be a formerly constructed non-profit corporation consisting of the property owners and/or residents of the development for the purposes of owning, maintaining, and preserving the common open space(s). The subdivider shall submit the following with respect to the homeowner's association:
  - 1. The homeowner's association bylaws, guaranteeing the continued maintenance of the open space(s) and the declaration of covenants, conditions and restrictions of the homeowner's association, which shall be submitted for approval to the county as part of the information required for the preliminary plat.
  - 2. The homeowner's association bylaws and declaration of covenants, conditions, and restrictions of the homeowner's association shall contain the following information:
    - a. The legal description of the common land;
    - b. The restrictions placed upon the use and enjoyment of the lands;
    - c. That the county shall be entitled to the enforcement of any and all restrictions and compliance with article 19B, Meeker County Zoning Ordinance, Meeker County Comprehensive Land Use Plan, and all other state and local rules, regulations and laws; and
    - d. Assessment and enforcement for the common land shall be at the expense of the homeowner's association, including but not limited to, the upkeep and maintenance of the common space, real estate taxes, and insurance premiums;
    - e. A mechanism provided for resolving all disputes between and among owners and associations members;
    - f. The conditions and timing of the transfer of ownership and control of land to the homeowner's association shall take place upon approval of the final plat by the county board and transfer to the homeowner's association; and
    - g. Any other matter the developer or county shall deem appropriate.
  - 3. Maintenance plan. Every development established under article 19B must include a plan that provides evidence of a means to properly manage and maintain the common space long-term,

including any stormwater facilities. The plan shall be approved by the planning commission prior to final plat approval. The plan shall do the following:

- a. Designate the ownership of the open space in accordance with the entire article 19B involving homeowner's associations;
  - b. Establish necessary regular and periodic operation and maintenance responsibilities;
  - c. Estimate staffing needs, insurance requirements, and other associated costs and define the means of funding the same on an on-going basis;
  - d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis from the subdivider's application for the development, which shall describe:
    1. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;
    2. The proposed end state for each common open space area, and the measures proposed to achieve the end state;
    3. Proposed restoration measures, including measures for correcting increasingly destructive conditions such as erosion, and measures for restoring historic features;
    4. The operations needed for maintaining the stability of the resources, including mowing schedules, weed control, planting schedules, clearing and clean-up; and
    5. At the county's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common open space for a maximum of one year prior to the final plat's approval.
4. Enforcement of the maintenance. In the event that the homeowner's association fails to maintain all or any portion of the common open space(s) in reasonable condition as provide in article 19B of this ordinance, the homeowner's association plan, then the county board may take the following action:
- a. Provide written notice to the homeowner's association owners setting forth the manner in which the organization has failed to maintain the common areas in reasonable condition or as required.
    1. Such notice shall also set forth the nature of the corrections required and the time within which the corrections shall be made.
  - b. Upon failure to comply within the time specified, the homeowner's association, or any successor organization, shall be considered in violation of this ordinance.
  - c. Upon violation of this ordinance, the bond or escrow, if any, may be forfeited, and any permits may be revoked or suspended. The county may enter the premises and take corrective action.
  - d. The costs of corrective action by the county shall be assessed ratable, in accordance with the tax assessments, against the properties that have the right of enjoyment of the common areas, and shall become a lien on said properties. The county, at the time of entering upon such common space for the purpose of maintenance, shall file notice of such lien in the office of the county recorder upon the properties affected by such lien.
  - e. Management plans may be amended by the homeowner's association only upon the approval of the planning commission and county board.
5. Commercial uses shall be prohibited for noncommercial developments.
6. Shoreland vegetation shall be preserved, restored and maintained according to the approved shoreland buffer plan. The loss of vegetation shall be replaced in kind.

Sec. 19B.13. - Additional site regulations.

A. *Buildable lots.*

1. All conservation subdivision buildable lots shall be 100 percent buildable area that is:
  - (1) Above the ordinary high water line;
  - (2) Above the 100-year floodplain elevation;
  - (3) Outside the perimeter of the delineated wetland area;
  - (4) Outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope; and
  - (5) Located outside the structure setback from the ordinary high water level.
2. Provision 19B.13.1 does not apply to those tracts subject to section 4.02 of the Meeker County Zoning Ordinance.

B. *Impervious lot coverage.*

1. Not more than 25 percent of the lot or tract shall be occupied by buildings, hard-surfaced patios, driveways and walkways or other impervious surfaces.

C. *Setback from ditches.* Subject to the following exception, no buildings, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.

1. *Exception.* A property owner may plant trees to within 16½ feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake ordinary high water level.

D. *[Outlots.]* An outlot shall not be considered a buildable lot for a dwelling unless it is replatted and meets the required lot width, depth and area requirements.

E. *Tower setbacks.*

1. Tower facilities shall not be allowed in the shoreland district.
2. All new one- or two-family dwelling units and/or property subdivided and/or zoned residential shall maintain a 660-foot setback from any existing tower, or the height of the tower plus ten feet, whichever is larger. These setbacks shall not apply to the reconstruction on an existing dwelling.
3. All new towers shall maintain a 660-foot setback from an existing dwelling. This setback shall not apply to the reconstruction of an existing tower provided the tower does not exceed the present or permitted height.
4. Please note this provision E does not waive or negate the conditional use permit process.

F. *Wind energy facility setbacks.*

<i>Object</i>	<i>Setback Over 100 KW</i>	<i>Setback Under 100 KW</i>
Residence	750 feet	300 feet
Project boundary	5 rotor diameters	5 rotor diameters
Public roads (from right-of-way)	300 feet	1 times height (max.)
Other structures	1.25 times their height	1.25 times height (max.)

\*Wind energy facilities shall not be allowed in the shoreland district.

\*\*Additionally, the setback requirements for owner residences may be waived on an individual basis at the discretion of the planning commission or county board, but only with the specific written consent of the owners of the property.

\*\*\*These setbacks shall not apply to the reconstruction of an existing dwelling.

## ARTICLE 20. - RR-O RECREATION RIVER MANAGEMENT OVERLAY DISTRICT

[Sec. 20.00.] - Intent.

The intent of the RR-O Recreation River Management Overlay District is to provide a district with the primary purpose of preserving and protecting the North Fork of the Crow River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values. This shall be accomplished by controlling bluffland and riverland development in a manner consistent with MN Statutes, sections 103F.301—103F.345, MN Rules, parts 6105.0100-6105.0250, and the management plan for the North Fork of the Crow River in MN Rules, parts 6105.1000—6105.1130.

Sec. 20.01. - River designation.

The North Fork of the Crow River in Meeker County has been designated as a "recreational river" according to guidelines established by the department of natural resources, for the purposes of managing certain lands nearby. The RR-O Recreational River Management Overlay District is identified on the official zoning map and in MN Rules, parts 6105.1000—6105.1130. In case of conflict between the zoning map and the legal descriptions in MN Rules, part 6105.1100, the latter shall prevail.

Sec. 20.02. - Permitted uses.

The following uses shall be permitted within the RR-O Recreational River Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. All uses allowed as permitted uses in the applicable basic zoning districts, unless expressly prohibited.
- B. Governmental campgrounds, subject to management plan specifications.
- C. Public accesses, road access type with boat launching facilities subject to management plan specifications.
- D. Public accesses, trail access type, subject to management plan specifications.
- E. Temporary docks.
- F. Other governmental open space recreational uses, subject to management plan specifications.
- G. Agricultural uses.
- H. Single-family residential uses.
- I. Forestry uses.
- J. Essential services.
- K. Sewage treatment systems.
- L. Private roads and minor public streets.
- M. 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.

- N. Signs not visible from the river that are not specified.
- O. Governmental resource management for improving fish and wildlife habitat, wildlife management areas, nature areas, accessory roads.

Sec. 20.03. - Conditional uses.

The following uses may be allowed within the RR-O Recreational River Management Overlay District subject to the performance standards set forth elsewhere in this ordinance and upon issuance of a conditional use permit:

- A. All uses allowable as a conditional use in the applicable basic zoning district, unless expressly prohibited.
- B. Private campgrounds, subject to management plan specifications.
- 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 MN Rules, parts 6105.0170 and 6105.0180.
- F. Public roads, subject to the provisions in MN Rules, parts 6105.0190 and 6105.0200.

Sec. 20.04. - Accessory uses.

The following uses shall be permitted as accessory uses within the RR-O Recreational River Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. All uses allowed as accessory uses in the applicable basic zoning districts.
- B. Temporary docks.

Sec. 20.05. - Prohibited uses.

The following uses are considered incompatible with the management objectives for the RR-O Recreational River Management Overlay District and are expressly prohibited from locating therein:

- A. Sanitary landfills.
- B. Junkyards.
- C. Airports, airport facilities or landing strips.
- D. More than one dwelling unit per lot.
- E. All other uses not allowed as permitted or conditional.

Sec. 20.06. - Site regulations.

The following minimum requirements shall be observed in the RR-O Recreational River Management Overlay District, except as provided otherwise by this ordinance:

- A. *Height.*
  - 1. No building shall hereafter be erected or structurally altered to exceed the height as specified in the basic zoning district except that:
    - a. No nonagricultural building shall exceed 30 feet in height.
- B. *Front yard.* There shall be a front yard setback from the right-of-way line of all public rights-of-way of not less than that distance necessary to meet the required front yard setback of the basic zoning district.

- C. *Side yard.* There shall be a side yard having a width of not less than that amount necessary to meet the side yard requirement of the basic zoning district.
- D. *Rear yard.*
  - 1. There shall be a rear yard having a depth of not less than that amount necessary to meet the rear yard requirement of the basic zoning district, except that;
  - 2. No rear yard shall have a depth of less than the following distances:
    - a. 200 feet from the ordinary high water mark.
    - b. 20 feet from the bluffline.
- E. *Lot width.*
  - 1. Every lot or tract shall have a width of not less than that width necessary to meet the lot width requirement of the basic zoning district, except that;
  - 2. The lot width for lots abutting the North Fork of the Crow River shall be:

a. Width at right-of-way line	150 feet
b. Width at front yard setback line	200 feet
c. Width at ordinary high water mark	200 feet

- F. *Lot depth.* Every lot or tract shall have a depth of not less than that depth necessary to meet the lot depth requirements of the basic zoning district.
- G. *Lot area.*
  - 1. Every lot or tract shall contain an area of not less than that area necessary to meet the lot area requirements of the basic zoning district; except that;
  - 2. The lot area for lots abutting the North Fork of the Crow River shall not be less than the following:
    - a. Two acres above the ordinary high water mark.
- H. *Lot coverage.*
  - 1. Buildings and other impervious surfaces shall not occupy more than that percentage of the total area as allowed in the basic zoning district, except that not more than 30 percent of the total lot area shall be covered for lots abutting the North Fork of the Crow River.

Sec. 20.07. - Additional regulations.

The following additional regulations shall apply to those lands in the RR-O Recreational River Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. *Excessive slope.* No structure shall be placed on any slope greater than 13 percent unless:
  - 1. Adequate natural vegetation screening is planted and maintained.
  - 2. Unless the individual sewage system can be installed so as to comply with this ordinance.
- B. *Structure elevation.* The elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and shall

be consistent with the statewide standards and criteria for management of floodplain areas of Minnesota.

- C. *Road and railroad crossings.* No construction, reconstruction, removal or abandonment of any road or railroad crossing over the North Fork of the Crow River shall be commenced unless a permit, as established in MN Statutes, section 103G.245, is secured from the department of natural resources.
- D. *Public road work.* Any construction of new public roads, or the reconstruction of any existing public roads shall be subject to:
  - 1. The application and issuance of a conditional use permit.
  - 2. The standards and criteria for construction of new public roads, or the reconstruction of existing public roads pursuant to MN Rules, parts 6105.0190 and 6105.0200.
- E. The vegetative cutting provisions contained in this ordinance apply to the following areas:
  - 1. On lands within 100 feet of the ordinary high water mark of the North Fork of the Crow River.
  - 2. On lands 20 feet landward of the bluffline of the North Fork of the Crow River.
- F. Grading and filling in of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner consistent with this ordinance. Additionally:
  - 1. No grading or filling shall be permitted if it is not accessory to a permitted or conditional use.
  - 2. Drainage or filling of wetlands determined to be Types III, IV or V by the U.S. Department of the Interior shall be prohibited.
- G. Excavation of material from, or filling in the North Fork of the Crow River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner of natural resources pursuant to MN Statutes, section 103G.245.
- H. All major essential service crossings of land shall require a conditional use permit and be subject to the performance standards as provided in this ordinance.

## ARTICLE 21. - CR-O CLEARWATER RIVER WATERSHED MANAGEMENT OVERLAY DISTRICT

[Sec. 21.00.] - Intent.

The intent of the CR-O Clearwater River Watershed Management Overlay District is to denote a district with the primary purpose of:

- (1) Recognizing that the Clearwater River Watershed District Board of Managers has certain powers and authority to regulate certain activities related to the water resources of the district;
- (2) Coordinating the requirements of this ordinance as administered by the county with the requirements of the adopted rules and regulations of the Clearwater River Watershed District; and
- (3) Expediting permit procedures as required by this ordinance with those procedures required by the Clearwater River Watershed District.

Sec. 21.01. - District boundaries.

The Clearwater River Watershed Management Overlay District boundaries shall be those boundaries as established pursuant to Minnesota Statutes, sections 112.36—112.39. The CR-O Clearwater River Watershed Management Overlay District is identified on the official zoning map.

Sec. 21.02. - Permitted uses.

The following uses shall be permitted within the CR-O Clearwater River Watershed Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. All uses allowed as permitted uses in the applicable basic zoning districts.

Sec. 21.03. - Conditional uses.

The following uses may be allowed within the CR-O Clearwater River Watershed Management Overlay District subject to the performance standards set forth elsewhere in this ordinance and upon issuance of a conditional use permit:

- A. All uses allowable as conditional uses in the applicable basic zoning district.

Sec. 21.04. - Accessory uses.

The following uses shall be permitted as accessory uses within the CR-O Clearwater River Watershed Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. All uses allowed as accessory uses in the applicable basic zoning districts.

Sec. 21.05. - Site regulations.

The following minimum requirements shall be observed in the CR-O Clearwater River Watershed Management Overlay District, except as provided otherwise by this ordinance:

- A. All height, yard, width, depth, area and lot coverage requirements of the applicable basic zoning district shall be observed.

Sec. 21.06. - Additional regulations.

The following additional regulations shall apply in the CR-O Clearwater River Watershed Management Overlay District subject to the performance standards set forth elsewhere in this ordinance:

- A. *Permits.* A permit shall or may be required from the board of managers for certain uses of water or for performing certain works within the watershed district boundaries.
  - 1. Permits from the watershed district board of managers may be required for:
    - a. Work which requires a permit to be issued by the department of natural resources or the pollution control agency if such work is related to the water resources of the district.
    - b. Work which requires a permit from a county, township or municipality if such work is related to the water resources of the district and is located within a shoreland area.
    - c. Work which includes excavating or filling in, or adjacent to, any wetland, body of water or drainageway within the district (excluding road maintenance).
  - 2. Permits from the watershed district board of managers shall be required for:
    - a. Any drain tile or drainage ditch that drains directly or indirectly into any public waters within the district.
    - b. Any bridge, culvert or drain across any natural drainageway, lake or wetland within the district.
    - c. Any alteration of a private or legal drainage system within the district.
    - d. Drainage or filling of any wetland or pond within the district.

## ARTICLE 22. - PERFORMANCE STANDARDS

Sec. 22.01. - Purpose.

The performance standards established in this section are designed to encourage high standards of development while protecting the public health of county residents, protect the quality and quantity of water resources, conserving the natural and scenic beauty of the county and minimizing environmental pollution. The standards are designed to prevent and eliminate those conditions, which cause blight and provide assurance that neighboring land uses will be compatible. 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.

Before any land use permit is approved, the zoning administrator shall determine whether the proposed use will conform to the applicable performance standards. The developer and/or landowner shall supply all data deemed necessary to demonstrate such conformance. The county board of commissioners shall be responsible for enforcing the standards.

Sec. 22.02. - Access, access drives and driveways.

A. *Building access.*

1. Every building erected, moved or structurally altered shall be on a lot or parcel having direct physical access for emergency vehicles along the frontage of the lot or parcel from an existing dedicated public roadway or an existing private roadway approved by the county board or township board.

B. *Access drives.*

1. Access drives/driveways onto any public road shall require a review and approval and/or a permit by the road authority. Access drives/driveways onto county roads shall require a review by the county engineer. The county engineer shall determine the appropriate location, size and design of such access drive and may limit the number access drives in the interest of public safety and efficient traffic flow. Access drives/driveways onto township roads shall be approved by the appropriate township board. Access drives/driveways onto state highways shall be reviewed and approved by the state district highway engineer. It is the responsibility of the property owner to obtain said approval from the proper road authority and provide documentation to Meeker County Planning and Zoning prior to being issued a permit in which a new access/driveway is necessary.

Sec. 22.03. - Accessory buildings and uses.

Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon a lot or tract of land, provided they comply with the following regulations:

A. *All districts.*

1. Two accessory buildings may be constructed or developed on a lot prior to construction of the dwelling.
2. No accessory building shall be used for dwelling purposes except by interim use permit during construction of the principal dwelling.
3. In case an accessory building is attached to the principal building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this ordinance as applicable to the principal building.
4. All accessory buildings shall be sited on the same lot or tract.
5. A detached accessory building shall not be located in any required front or side yard except as provided otherwise by this ordinance.
6. An accessory building shall not be closer than five feet to the principal building.
7. A detached accessory building on a corner lot shall not project beyond the front yard setback requirement of the principal building.

8. A mobile/manufactured home or any parts of them, a semi-trailer or any parts of them, a shipping container or any parts of them and/or a recreational vehicle or any parts of them shall not be used as an accessory building or to construct an accessory building.
9. One detached storage building may be constructed and/or moved onto the site without a permit, provided it does not exceed ten feet in height, and has 200 square feet or less of floor area. This detached storage building may be as close as five feet from the side lot line but must meet all the other required setbacks, including front yard, rear yard, ordinary high water line, bluff, wetland, etc., as stated in the Meeker County Zoning Ordinance.

B. *Residential and shoreland districts.*

1. No accessory building shall be located in the minimum side or rear lot line setbacks in said district.
2. Detached accessory buildings shall not:
  - a. Exceed 20 feet in height.
  - b. Occupy more than 30 percent of the area of any rear yard.
  - c. Be used as a dwelling, except by interim use.
3. No private garage, storage, or accessory building shall:
  - a. No detached private garage, storage, or accessory building shall exceed the following total combined maximum square footage for the permitted two accessory buildings. The total square footage area of all floors with a ceiling height of seven feet or more shall not exceed the maximum square footage as stated herein.

<i>Parcel Size</i>	<i>Maximum Building Area</i>	<i>Maximum Sidewall Height</i>
Less than 20,000 sq. ft.	1040 square feet	14 feet
20,000 sq. ft.—0.99 acres	1600 square feet	16 feet
1—2.49 acres	2400 square feet	16 feet
2.5—4.99 acres	3200 square feet	16 feet
5—9.99 acres	4000 square feet	16 feet
10+ acres	No size limitation	

1. The above-listed maximum size accessory buildings denote the total combined allowed square footage for the permitted two detached accessory buildings allowed on a site. The maximum allowed square footage is subject to all setbacks, impervious surface coverage standards and all building standards set forth in the Meeker County Zoning Ordinance of 1992.

2. In addition to the two permitted accessory buildings detached from the principal dwelling unit, each parcel may have one storage building that is 200 square feet or less in total area and shall meet the requirements as stated in section 22.03.A.9 of this ordinance.
3. Contain an access door or other opening exceeding 14 feet in height.
4. Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location.
5. Farm storage bins or farm equipment storage building adjacent to a farm building site shall be exempt from section 22.03.B, provided said structure is located at least 300 feet from the ordinary high water level of all public water basins.
6. Commercially zoned property in a shoreland district shall be exempt from section 22.03.B, provided said structure is located at least 300 feet from the ordinary high water level of all water basins.

C. *Commercial and industrial districts.*

1. Accessory buildings and uses may occupy any of the lot area which the principal building is permitted to occupy.
2. No accessory building shall exceed the height of the principal building except by conditional use permit.
3. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front or side yards setbacks in the I-1 district.

Sec. 22.04. - Auto service stations.

The following standards shall be applicable to auto and truck service stations in all districts:

- A. A surface water drainage system, subject to approval by the county engineer, shall be constructed.
- B. The developed area site other than that taken up by a structure or planting, shall be surfaced with a dust-free material approved by the planning commission.
- C. Each service station shall have at least two driveways.
- D. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service.
- E. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands.
- F. All areas utilized for the storage or disposal of trash, debris, discarded parts and similar items shall be fully screened.
- G. When adjacent to residential zoned property, there shall be a screening fence.

Sec. 22.05. - Building relocation.

An inspection by the Meeker County Building Official along with one zoning staff member and an approved building relocation permit from Meeker County Planning and Zoning shall be required for all permanent relocation of structures to be used as a dwelling which have been constructed more than five years previous, except new structures moved from the manufacturer's construction site. Any conditions deemed necessary by the Meeker County Building Official or Meeker County Zoning Administrator regarding the condition and placement of the structure shall be appropriate to be placed on that application as conditions of approval. An interim use permit shall be required for all temporary relocation of structures to be used as temporary dwellings. All persons shall obtain such permit before rising,

holding up or moving any building to be used as a dwelling. An application for such a permit shall include the following:

- A. The origin and destination of the building to be moved.
- B. Photographs showing all sides of the building to be moved.
- C. Site plan of the lot on which the structure is to be relocated including proposed location of the structure, dimensions of the lot and the setback distances.
- D. Map indicating surrounding land uses and location of structures.
- E. The route over which it is to be moved and the time during which it shall be moved.
- F. Any such building or structure shall conform to all the provisions of this ordinance in the same manner as a new building or structure. If, at the discretion of the Meeker County Assessor or his/her designee, it is determined that the relocation of the building would substantially depreciate the value of the buildings or lots surrounding the lot upon which it is to be moved, then the permit shall be denied.

Sec. 22.06. - Disposal of petroleum-contaminated soils.

- A. Applicant shall comply with all requirements of the Minnesota Pollution Control Agency and shall have obtained their permit, subject to county approval, prior to any public hearing held in conjunction with the conditional use permit application.
- B. Applicant shall, along with a completed application, also submit to the zoning administrator at the time of application:
  1. A detailed site plan on a minimum scale of one inch to 100 feet and contoured at two-foot levels showing the proposed disposal site and the area surrounding same for a distance of 2,000 feet, which plan shall show, at a minimum:
    - a. Specific location of all buildings and labeling same.
    - b. Specific location of all surface waters including lakes, rivers, streams, ditches, ponds and wetlands as defined by the Minnesota Department of Natural Resources.
    - c. Specific location of proposed disposal site.
    - d. Detailed plans of the disposal site and locations of any dams, berms or other drainage controls.
    - e. Current use of the property and brief description of general history of past use.
    - f. Locations of all access points to underground water including wells and sandpoints, together with their depth.
    - g. Locations of all borings and test sites.
  2. Baseline test data prior to the application for the following areas:
    - a. All wells in the site plan area for levels of contaminants.
    - b. If there are no wells in the site plan area less than 40 feet in depth, at least one sample shall be drawn from the disposal site at 40 feet.
    - c. Soil borings on site at the rate of one for every five acres for groundwater levels and contaminants in the groundwater. Two tests shall be conducted prior to application, one in April and one in November.
      - (1) Soil borings will also test soil types and contaminants, including topsoil depth and types.

- d. All testing done hereunder shall be performed by an independent laboratory or testing service certified by the Minnesota Pollution Control Agency (MPCA) and shall be conducted in accordance with MPCA rules and regulations regarding methodology.
  - e. All test data and results shall be provided to the Meeker County Zoning Administrator along with the application.
3. Copies of any MPCA permits or applications therefore in the possession of the applicant.
  4. A resume of the applicant and any related individuals or businesses reciting their financial viability, their past history of engaging in the business of disposal of hazardous or solid waste and an operational plan for the site. Included shall be a listing of prior MPCA permits received or denied.
- C. *Minimum site characteristics.* To be eligible for a conditional use permit, a proposed site for the disposal or treatment of petroleum-contaminated soil must meet the following minimum characteristics:
1. The outermost boundaries must be located a minimum of 1,000 feet from any open body of water including lakes, rivers, streams, ditches, ponds or wetlands.
  2. The outermost boundaries must be located a minimum of 1,000 feet from any open tile, open well or sandpoint casing, or septic or drainage system.
  3. Said minimum outermost boundaries may be reduced by making specific application therefore to the members of the planning commission, and after specific recommendation by the planning commission as part of the conditional use permit herein.
  4. Minimum depth for groundwater at the site shall be six feet, or ten feet in sandy soils as the governing body requires.
  5. The site shall be diked or bermed in such a manner that there will be no surface runoff and/or run-on during heavy rains equal to a "25-year" rain.
- D. When applying petroleum-impacted soils to approved sites, the following minimum requirements shall apply to all conditional use permits granted hereunder:
1. For each approved site, the maximum number of individual leak sites that may be treated is ten and the maximum amount of soil that may be deposited is 2,000 cubic yards.
  2. Once soil has been used for disposal of petroleum-contaminated soils, it may not be reused for the same purpose. Soil may be used to treat petroleum-contaminated soil only once.
  3. Application of the soils shall be at a maximum rate of two inches, unless lower levels are recommended by MPCA.
  4. All application sites shall be tilled at least every two weeks during the growing season through September 1, thereafter a cover crop shall be administered if possible to prevent wind erosion.
  5. Application and tilling may only occur between sunrise and sunset. No application may be performed during the remaining hours.
  6. Only petroleum-impacted soils may be treated. No industrial or other hazardous wastes may be disposed of or treated pursuant to this section.
  7. Contaminated soils must be applied as soon as possible after delivery to the disposal site. Stockpiling of contaminated soil will only be allowed when field conditions prevent spreading. All stockpiled soils must be set on and covered by at least six mil plastic. All tears must be repaired immediately.
  8. Stockpiling of contaminated soils is not permitted between November 1 and the following April 1.

9. All plots where contaminated soil is placed must be mapped and a log kept of the test results of the contaminated soils, its origin and the amounts placed. A copy of said log and map shall be forwarded to the county zoning administrator within five working days of the application.
  10. All spreading shall be accomplished using methods approved by the planning commission and capable of providing uniform spreading at the required level.
  11. Upon completion of the treatment process, all rock four inches in diameter or greater, and all other foreign material shall be removed from the soil.
- E. *Testing.* Before, during and after application, representatives of the county may conduct whatever soil and water testing they deem proper. Said testing shall be conducted by persons selected by the county through its zoning administrator. Applicant shall reimburse the county for the cost of said testing; making payment within five days of demand either before, during or after testing is conducted. Failure to allow testing, or to pay for same upon demand, shall be cause for immediate suspension of the conditional use permit at the option of the zoning administrator. Thereafter, said permit may be revoked by the county in accordance with the conditions herein.
1. Testing by the county under the provisions herein may continue until such time as the soil's original baseline levels have been achieved.
  2. Applicant shall notify county ten working days in advance of the date and time contaminated soil is scheduled for delivery to a disposal site. County may conduct testing of the soil prior to application to determine its content. If testing shows discrepancy between soils and MPCA permits or certificates of origin, the disposal of the soil may be immediately halted until the discrepancies are rectified.
  3. Applicant shall forward all test results it is required to take by MPCA regulations to the zoning administrator within five days of receipt. Test results conducted by Applicant must be accompanied by a chain of custody document showing who took the sample, where it was taken from, when it was taken, and who analyzed it.
- F. *Performance bond and insurance.*
1. No application for a conditional use permit shall become effective until such time as the applicant posts a bond, surety, or letter of credit (collectively referred to as "bond") in favor of the county guaranteeing that the applicant will follow all federal, state, and local laws, rules and regulations in the application, treatment, and disposal of petroleum-contaminated soils. In the event the applicant shall fail to perform as required, the county may, at its sole discretion, complete performance of proper disposal and testing and make claim against said bond for reimbursement of any costs connected therewith. The minimum amount of said bond shall equal the sum of \$25,000.00 or an amount as determined by and at the discretion of the planning commission and approved by the county board during the public hearing process that is based on the size and scope of the project. Said bond shall remain in effect for a period of two years after disposal. Said bond shall be in a form approved by the county attorney.
  2. No application for a conditional use permit shall become effective until such time as the applicant procures a policy of liability insurance in favor of the county. Said liability insurance shall be payable to county in the event applicant is responsible for treating and cleaning any soil or water contamination resulting from the disposal of petroleum-impacted soil. Additionally, any private citizen may make claim against said liability policy, subject to first priority in governmental agencies, for any damages incurred as a result of said contamination. The amount of said insurance policy shall be \$1,000,000.00. The county shall be named beneficiary on the policy, and shall be notified directly by the insurer of any cancellation or failure to make premium payments. Said policy shall remain in effect for a period of four years after disposal.
  3. Cancellation of either the bond or insurance policy shall result in the immediate revocation of the conditional use permit. The county shall have the option of continuing to make premiums for the bond or insurance, at its sole discretion, in the event of cancellation, which costs shall be recoverable from the applicant, bond, or policy.

- G. *[Recording.]* Applicant shall record with the county recorder every conditional use permit issued hereunder within five days of the granting of the permit. Said recording shall constitute notice of the use of the property as a decontamination site.
- H. *Access to site.* County authorities are hereby granted access to the disposal site whenever they deem necessary.
- I. *[Fee.]* The fee for a conditional use permit of this type shall be the sum of \$1,000.00.
- J. *[Disposal of hazardous waste, etc.]* No person may dispose of any hazardous waste or petroleum-impacted soils unless the terms of this ordinance are complied with. In the event of a violation, the county zoning administrator or his designees may order an immediate suspension of the conditional use permit and shall notify the planning commission of his recommendation to revoke, reinstate or modify the conditional use permit.
1. Once suspended, no further disposal of contaminants may continue without approval from the zoning administrator.
  2. Applicant may appeal the decision to suspend the conditional use permit to the planning commission, then to the county board, if necessary. Pending appeals, the conditional use permit shall be suspended.
  3. Once suspended, and after a violation is found to exist after hearing, the conditional use permit may be reinstated, revoked or amended after recommendation of the planning commission and subsequent action of the county board.
  4. Hearings before the planning commission shall be held within 30 days of the suspension of the permit. A decision must then be rendered within 15 days. A hearing before the county board must be scheduled within 30 days of the decision rendered by the planning commission, with a decision due within 15 days of the hearing. At the hearings, applicant will be allowed the opportunity to present evidence in support of his position, as will other interested parties in the discretion of the commission or board.
  5. In the event of contamination that is in need of immediate response, the zoning administrator is empowered to arrange for and commence corrective action immediately, with all costs being the responsibility of the applicant and subject to the claim against the bond.
- K. *Severability.* In the event any of the provisions of this ordinance are deemed unenforceable, said ruling shall not affect the remaining terms.
- L. *[Term.]* The term of a conditional use permit herein is specifically limited to two years from date of issue. Thereafter, an application for renewal to continue application of petroleum-impacted soil must be made in the same manner as the original application. A new application may be made or the original application updated with the required information.
- M. *[Expiration, suspension, revocation.]* In the event a conditional use permit expires, is suspended or revoked, applicant must still perform whatever measures are necessary to ensure completion of the soil disposal on soil that has previously been placed on site, as well as continue testing requirements.
- N. *[Previous violations.]* In addition to the considerations contained herein and in article 6A of this ordinance, the prior history of the applicant or any person or entity involved in the disposal process relating to compliance with federal, state and local laws relating to disposal of hazardous or solid waste is a consideration in the granting or denial of the conditional use permit. A conditional use permit may be denied solely due to previous violations by said parties.
- O. *Exception to conditional use requirement.*
1. Regardless of what other provisions of this ordinance require, a conditional use permit shall not be required, and disposal of petroleum-contaminated soils shall be a permitted use in A-1 classified land as indicated in this paragraph.

2. The treating site cannot accept more than 1,500 cubic yards of contaminated soil per one quarter section of land and must be no closer than one-quarter mile to any other land treatment site.
3. During disposal and treatment, all requirements of the Minnesota Pollution Control Agency shall be complied with, including those contained in Guidance Documents 11, and 24-28, issued in May 1992, and their successors.
4. All soil to be disposed of and/or treated hereunder shall originate in Meeker County.

Sec. 22.07. - Drive-in businesses.

A conditional use permit shall be required for development and construction of any drive-in business in any district. An application for such a permit shall include the following information.

- A. Location and legal description of proposed site.
- B. Name and address of developer and owner of the property.
- C. Map indicating surrounding land uses and location of structures.
- D. Floor plans and elevation drawings of the proposed building.
- E. Site plan of the lot on which the structure will be built showing all proposed developments and meeting the following requirements:
  1. The entire developed area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage. The drainage shall be approved by the county engineer.
  2. The site plan shall clearly indicate suitable storage containers for all waste materials. All commercial refuse containers shall be screened.
  3. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.
  4. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property and any public street.
  5. The design of any structure shall be compatible with other structures in the surrounding area.
  6. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within 200 feet of any residential zoning district.
  7. No service shall be rendered, deliveries made or sales conducted within the required front yard. Customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
  8. No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.
  9. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within 50 feet of intersecting street curb lines.
  10. A fence or screen of acceptable design not over six feet in height or less than four feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line. In the case of a drive-in theater, a solid fence not less than eight feet in height and extending at least to within two feet of the ground may be required to be constructed around the property.

11. The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.
  12. Each food or beverage drive-in business shall place refuse receptacles at all exits.
- F. The following additional regulations shall apply to drive-in businesses:
1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, an indoor food and beverage service seating area.
  2. The hours of operation shall be set forth as a condition of the conditional use permit for drive-in business.
  3. Each drive-in business serving food may have outside seating.

Sec. 22.08. - Essential services.

Essential service facilities shall be regulated according to the procedures described herein. Required maintenance or rebuilding of any essential service facility, when such maintenance or rebuilding does not change, expand the capacity or change the capability of the existing facility, shall be exempt from the regulation of this section.

- A. Applications for locating any essential service line or essential service structure in any zoning district shall require a conditional use permit prior to any condemnation action or construction in addition to being governed by the following procedures. Pipelines as defined in Minnesota Statutes 116I.06, Subdivision 3 (1979 supplement) shall conform to procedures identified in 116I.02-.05 in addition to this section. No conditional use permit shall be required for high voltage transmission lines under the control of the environmental quality board pursuant to Minnesota Statutes, section 116C.61. No conditional use permit shall be required if the essential services are included in an application for a plat, in which case the plat application shall be subject to this section. No conditional use permit shall be required if the essential service has a maximum capacity of serving two dwellings, subject to maintaining all performance standards as set forth herein.
1. The applicant shall file an application in duplicate with the zoning administrator on forms provided by the county. The application shall include such maps indicating location, alignment and type of service proposed, together with the status of any applications made or required to be made under state or federal law to any state or federal agency. The application shall provide 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. The application, in the case of pipelines other than water, shall outline a contingency plan including steps to be taken in the event of a failure, leak or explosion occurring during operation of the pipeline. The operator of the pipeline shall demonstrate its capability and readiness to execute the contingency plan. The county planning commission shall have 60 days from the date of initial completed application to accept, reject or modify the application.
  2. One set of the above information shall be furnished to the county engineer, who shall review the information and forward his comments and recommendations to the county planning commission and county board of commissioners.
  3. The maps and accompanying data shall be submitted to the county planning commission for review and recommendations regarding the relationship to urban growth, land uses, drainage facilities, highways and recreation and park areas.
  4. Following such review, the planning commission shall make a report of its findings and recommendations on the proposed essential service line and essential service structures and shall file such report with the county board of commissioners.
  5. Upon receipt of the report of the planning commission on the essential service line or structures, the county board shall consider the application, maps and accompanying data

and shall indicate to the applicant its approval, disapproval or recommend modifications considered desirable to carry out the intent of this section.

6. The following conditions and standards are established as minimum requirements in the construction of essential service lines and facilities.
  - a. All drainage facilities and patterns shall be repaired to preconstruction condition as soon as possible after construction.
  - b. Rocks, slash and other construction debris shall be removed from each individual section of land where construction takes place within 30 working days of the commencement of major essential service construction on that individual section of land. "Section of land" is defined as a numbered section as defined by the government land survey or a portion thereof. For purposes of this section, working days are defined as all days except days between November 15 and April 15 or any day when more than one-half inch of precipitation has fallen.
  - c. Shelterbelts, windbreaks, fences and vegetation shall be restored to preconstruction condition with the following exceptions.
    - (1) Shelterbelt and windbreak replacement shall be replaced with transplant nursery stock to preconstruction density and may allow for operation and maintenance of essential service lines.
    - (2) 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 a minimum of 16½ feet in width from the top of the ditch spoil banks on each side of the ditch.
  - d. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
  - e. Essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements, access to agricultural fields or the economical operation of an existing operating farm.
  - f. Where proposed essential service lines are located in or traverse the recreation river district, the standards and criteria of MN Rules, parts 6105.0170 and 6105.0180 shall apply.
  - g. Minimum standards: See table in this section.
7. Waiver of depth requirement. In any easement granting right-of-way for a pipeline over agricultural land, the grantor of the easement may waive the minimum depth of cover with respect to all or part of the pipeline to be buried under that land. Such waiver of the minimum depth of cover 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 has read and understood the waiver and is signed by the grantor.
8. Variances. Variances from standards established may be granted upon showing that:
  - a. A depth or height less than that required is reasonably necessary to allow transition from this county to a bordering county.
  - b. A variance is reasonably necessary to allow for a transition in depth from agricultural land for which a variance has been granted to adjoining parcels of land or rights-of-way.
  - c. A variance is reasonably necessary for the installation of necessary essential service structures or appurtenances and the variance is for the immediate vicinity of the essential service structure.

No variance shall be granted so as to allow the essential service line to be placed at a depth less than the minimum depth established in this section for drainage facilities or the right-of-way of roads.

9. Inspections. The board may require that a qualified inspector be on the site of installation of essential service lines or structures. The board will establish a fee schedule for inspections consistent with applicable state laws and county policies. Before beginning construction, a person proposing to construct a pipeline other than a water pipeline shall pay an inspection fee to the county treasurer. The fee shall be an amount for each mile or fraction of a mile of pipeline that will be constructed in the county and shall be established by the county board of commissioners. With respect to pipelines the following shall apply:
    - a. The county board shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this ordinance.
    - b. The inspector shall promptly report to the county board any failure or refusal to comply with the provisions of this section and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply.
    - c. During on-site inspections, the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims 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.
- B. Permits. Permits granted shall be valid for one year and all conditions of this section shall be complied with within a one-year period unless otherwise specified.

Sec. 22.09. - Exterior storage.

Open storage of materials shall be regulated as follows:

A. *Residential districts.*

1. All materials and equipment not stored within a building shall be fully screened so as not to be visible from adjoining properties except for the following:
  - a. Recreational equipment or watercraft owned by a person leasing, renting or owning real estate. Also one additional recreational camping vehicle as defined in section 23.97 and one additional watercraft as defined in section 23.134 not owned by person leasing, renting or owning real estate may be parked on said lot.
  - b. Construction and landscaping materials and equipment temporarily being used on the premises, unless such materials and equipment is associated with a home occupation of the said premises. Material and equipment associated with a home occupation shall conform to the provisions set forth in section 22.12 of this ordinance.
  - c. Agricultural equipment and materials if used or intended for use on the premises.
  - d. Off-street parking of passenger automobiles and pick-up trucks.
2. Unless otherwise provided in this ordinance, motor vehicles, recreational camping vehicles, watercraft and trailer, or trailers of any kind or type without current license shall not be parked or stored except in a completely enclosed building.
3. No commercial vehicles or equipment exceeding 9,000 pounds gross weight shall be parked, stored or otherwise contained in a residential district unless in a completely

enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.

- B. *Commercial and industrial districts.* Open storage of materials in any required front, side or rear yard shall be prohibited. Any other outdoor storage shall be screened so as not to be visible from any class of residential district.
- C. *All districts; bulk storage.* All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids in excess of 2,500 gallons, shall require a conditional use permit in order that the county board may have some assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. The county board shall require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity to 115 percent of the largest tank capacity. Any existing storage tank that, in the opinion of the county board, constitutes a hazard to the public safety, shall discontinue operations within five years following enactment of this ordinance.
- D. *Existing storage compliance.* Existing uses shall comply with the above provisions within 12 months following enactment of this ordinance. The county board may require a conditional use permit for any exterior storage if it is demonstrated that such storage is or may become a hazard to the public health, safety, convenience, morals or has a depreciating effect upon nearby property values, or impairs scenic views or constitutes threat to living amenities.

#### Sec. 22.10. - Feedlots.

Every animal feedlot located, enlarged, constructed or operated after the effective date of this ordinance shall comply with the requirements of this section.

##### A. *Intent and purpose.*

1. The production of farm animals and other agricultural products is an important part of the history, environment, and economy of Meeker 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 water 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 Meeker 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.

2. At all times, all animal feedlots, manure storage areas, structures, facilities and manure application sites in the county shall be operated and maintained in a manner consistent with their registration, feedlot construction short-form permit, interim feedlot permit, conditional use permit, variance, state disposal system permit, national pollution discharge elimination system permit, this ordinance, Minnesota Rules chapter 7020; or successor rules, and Minnesota Statutes section 116.07 subd. 71; or successor statutes.

##### B. *Administration.*

1. *County feedlot officer.* This section of the ordinance shall be administered by the Meeker County Planning and Zoning Office (at the discretion of the Meeker County Board of Commissioners and the Meeker Soil and Water Conservation District Board of Supervisors) with the assistance of the Meeker Soil and Water Conservation District. The Meeker County Board of Commissioners shall appoint a county feedlot officer to discharge the duties of this department.
2. *Duties and powers.* The Meeker County Feedlot Officer and/or their designee shall have the following duties and powers:
  - a. Administer and enforce the Meeker County Feedlot Ordinance (section 22.10).
  - b. Receive applications and/or registration material and issue construction short form permits and interim feedlot permits.
  - c. Receive and forward applications for state administered permits together with county recommendations to the MPCA.
  - d. 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.
  - e. Consult with SWCD, NRCS, MPCA and private consultants as necessary to ensure construction standards are followed on manure handling and runoff control structures.
  - f. Maintain records of all feedlot permits and registration materials.
  - g. Provide and maintain a public information bureau relative to this section of the ordinance (section 22.10).
  - h. Educate the public and feedlot operators to issues of this ordinance such as potential feedlot pollution problems.
  - i. Oversee the inspection of feedlot operations to ensure compliance with this ordinance.
  - j. Investigate possible violations and complaints.
  - k. Consult with other county departments, state and federal agencies, and private consultants as needed to discharge these duties.
  - l. Fulfill the requirements of a county feedlot pollution control officer as set out in Minnesota Rules part 7020.1600, subpart 2.
3. *Administered by the county.* The county feedlot officer and/or their designee shall review applications and process as follows:
  - a. All permit applications shall be processed in accordance with the Minnesota Rules part 7020.1600, subpart 4a and this ordinance.
  - b. Applications for state administered feedlots shall be first submitted to the county feedlot officer and/or their designee. After review, the application and comments shall be forwarded to the MPCA.
  - c. 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 any applicable feedlot permits have been issued by MPCA or Meeker County.
4. *Administered by the state.* The county feedlot officer and/or their designee shall forward to the MPCA, with recommendations and comments, all animal feedlot permit applications which fall within one or more of the following categories:
  - a. Animal feedlots that are required to obtain a permit under Minnesota Rules 7020.0405, subpart 1A and B. This includes all feedlots of 1,000 animal units or more.
  - b. Animal feedlots where manure is not used as a domestic fertilizer.

- c. Animal feedlots for which further technical review is deemed necessary by the county feedlot officer and/or their designee.

C. *Registration.*

1. Registration and re-registration shall be required every four years for animal feedlots with ten or more animal units or a manure storage area, structure or facility with the manure produced by ten or more animal units following the provisions of Minnesota Rules part 7020.0350; or successor rules. Registration shall also be required every four years for all animal feedlots of less than ten animal units if they are located in the shoreland district.
  - a. A registration form shall be made available by the county feedlot officer and/or their designee and will include the information required under Minnesota Rules part 7020.0350, subpart 1.
  - b. Any person owning or operating an existing animal feedlot without a current registration or feedlot from Meeker County or the MPCA shall register the feedlot operation with the county feedlot officer and/or their designee.
  - c. A registered animal feedlot shall secure all applicable county, state, and/or federal permits when required.

D. *Animal feedlot requirements.*

1. *Feedlot approval.* No person shall permit or allow their land or property under their control to be used for animal feedlots, and no animal manure from any animal feedlot shall be applied on land within Meeker County, unless that operation has been approved in accordance with the provisions of this ordinance and Minnesota Rules chapter 7020; or successor rules.
2. *Potential pollution hazard.*
  - a. No animal feedlot, manure storage area, structure, facility, or manure application site shall be constructed, located, operated, or maintained so as to create a potential pollution hazard.
  - b. The owner of any animal feedlot will be required to apply for a county or state interim feedlot permit if the animal feedlot creates or maintains a potential pollution hazard regardless of the size of the animal feedlot.
3. A proposed new animal feedlot or a manure storage area must not be constructed within the shoreland district, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable.
4. An existing animal feedlot or manure storage area located in the shoreland district:
  - a. That has been unused for ten years or more must is not allowed to resume operation.
  - b. That has been unused for less than ten years and/or is a pollution hazard and may resume operation after applying for and obtaining an interim feedlot permit (7020.2005, subp. 1A).
  - c. May not expand to a capacity of 1,000 animal units or more or the manure produced by 1,000 animal units or more.
  - d. Expanding in the shoreland district shall not locate any portion of the expanded feedlot or the manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or manure storage area (7020.2005, subp. 2).
5. An existing animal feedlot or manure storage area located in a floodplain may not expand (7020.2005, subp. 3).

6. *Permit requirements.* Any person owning or operating a proposed or existing animal feedlot having ten animal units or more in the shoreland district, or 50 animal units or more outside the shoreland district, shall make application to the county feedlot officer and/or their designee for a feedlot permit when any of the following conditions exist:
- a. A new animal feedlot is proposed.
  - b. A change in operation of an existing animal feedlot is proposed if said proposal meets any or all of the criteria listed in 22.10.D.4 and 5; a change in operation includes:
    1. A change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.
    2. An increase beyond the current registered number of animal units.
    3. Any construction of a building or the expansion of a dirt or concrete lot that contains livestock.
    4. An increase in the number of animal units to ten or more which are confined at an unregistered feedlot.
  - c. A national pollution discharge elimination system (NPDES) or state disposal system (SDS) permit application is required under state or federal rules and regulations.
  - d. An inspection by MPCA staff or the county feedlot office and/or their designee determines that the animal feedlot creates or maintains a potential pollution hazard.
  - e. A county feedlot permit shall be required for construction, expansion, or modification of animal feedlots based on the following:
    1. Types of county permits required:

Animal Units	Primary Zoning District					
	A-1 <sup>1</sup>	R-2	R-1	C-1	C-2	I-1
<10	None <sup>2</sup>	IUP <sup>3</sup>	New prohibited			
	CSF	New prohibited				
	CSF & CUP	New prohibited				

CSF - County construction short-form permit

CUP - Conditional use permit

IUP - Interim use permit

For any of the above, a CUP may be required per section 22.10.D.6.e.2 of this ordinance.

<sup>1</sup> A new or expanding feedlot with ten or more animal units in the A-1 district shall be located on a minimum of ten acres of contiguous land owned by the feedlot owner.

<sup>2</sup> New or expanding feedlots located on less than ten acres of land in the A-1 Agricultural Preservation District shall follow section 11.06.P of this ordinance.

<sup>3</sup> An IUP shall be required for a maximum of two animal units for each residential building site located outside of the shoreland district in the R-2 Rural Residential District (sections 14.02.1.F and 14.04.K).

2. The change of ownership of an existing feedlot will not require a conditional use permit, but all proposed or existing animal feedlots proposing a change in operations shall require a conditional use permit if:
    - a. Any part of the feedlot will be located less than 2,640 feet of a school, active church, municipality, a community or county park, or a residential R-1 or R-2 district.
    - b. Any part of the feedlot will be located less than 1,000 feet from another residence.
    - c. Any part of the feedlot is located less than 1,000 feet from a lake or within 300 feet of a continuous flowing river or stream as identified in section 19.03A of this ordinance.
    - d. The feedlot has a capacity of 300 or more animal units or a manure storage area holding manure from 300 or more animal units.
    - e. The feedlot will be located within 100 feet of the centerline of a public road.
    - f. A variance is required.
  7. *New waste storage structures; lagoon or earthen basin for non-ruminant animals.* A feedlot permit shall include a requirement that all lagoons, earthen basins or similar structure designed to store liquid waste or manure from non-ruminant animals either built or expanded after the effective date of this provision, excluding under building ventilated pits, shall either be:
    - a. Completely covered using one of the following methods as approved by planning commission/county board and/or the county feedlot officer and/or their designee:
      1. A synthetic, floating cover; or
      2. A completely enclosed wooden, steel, concrete, or glass lined steel structure that is not capable of venting to outside air except through a controlled release designed to discharge dangerous gases.
    - b. Shall use an aerobic manure and state handling system that is approved by the planning commission/county board and/or the county feedlot officer and/or their designee.
- E. *Feedlot permit application.*
1. Construction short form or interim feedlot permit application shall include the following:
    - a. Owner and operator's name and address.
    - b. Location or proposed location of the animal feedlot and any waste storage structures.
    - c. Animal types and maximum number of animals of each type which will be confined at the feedlot.

- d. Description of the geological conditions, soil types, groundwater elevations, topography and drainage pattern(s) of the site and surrounding area.
- e. A map or aerial photograph at a sufficient scale dimensions of the feedlot and showing all existing dwellings, buildings, existing waste storage areas and/or structures, lakes, ponds, watercourses, roads and wells within 1,320 feet of the proposed feedlot and/or waste storage structure for Class A, B, B-h, C and C-h feedlots, and 5,280 feet for class D and D-h feedlots. The county feedlot officer and/or their designee may, at their discretion, request a full survey to be completed by a licensed land surveyor or licensed engineer registered in the State of Minnesota if deemed necessary for the scope of the project.
- f. Plans for buildings and structures as required by this ordinance and/or other county and state ordinances and regulations.
- g. A facility operation and manure and waste management plan including:
  - 1. A completed manure management plan including the following information:
    - a. Manure handling and application techniques including transfers and application equipment, planned times of transfer, and planned periods of land application and incorporation techniques, if applicable.
    - b. Planned manure storage system.
    - c. Land available for manure application.
    - d. Agreements allowing the applicant to apply manure on land not owned by the applicant.
  - 2. Methods and techniques for the disposal of dead animals.
- h. Applications and techniques for the disposal of dead animals.
- i. Any environmental impact statements (EIS) or environmental assessment worksheets (EAW) that may be required by the other federal and state agencies.
- j. Such additional information as contained in the application or as requested by the county feedlot officer and/or their designee.

F. *Conditional use permits.*

- 1. A conditional use permit application for an animal feedlot shall include the following information as part of the application in addition to the information required in section 22.10.E.1 of this ordinance:
  - a. A survey completed by a licensed land surveyor drawn at a sufficient scale indicating the dimensions of the feedlot and showing all existing dwellings, buildings, existing waste storage areas and/or structures, lakes, ponds, watercourses, roads and wells within 1,320 feet of the proposed feedlot and/or waste storage structure for Class A, B, B-h, C and C-h feedlots, and 5,280 feet for class D and D-h feedlots.
  - b. How the odor will be managed during waste storage, waste transfer, land application and building ventilation.
  - c. A listing of involvement in feedlot operations, in excess of 300 animal units, in the United States in the past five years including location position within the organization and the current owners, including name and address.
  - d. Certification that the applicant has not had a feedlot permit revoked by the MPCA within the past five years.
  - e. Provisions addressing general facility management and neighbor relations issues described as follows:

1. Minimizing visibility of the production site.
  2. Any concerns relating to the distance and direction of neighbors and communities from the site.
  3. Locating the facilities to accommodate land application of manure.
  4. Maintenance of facilities.
  5. Education of the public regarding expansion or modification plans.
  6. Evaluation of current or proposed farm sites for potential environmental hazards.
  7. Responding to complaints of citizens and governmental entities relating to the operation of the facility.
- f. Such additional information as contained in the application or as requested by the planning commission and/or the county board.
2. The proposed conditional use permit shall not be approved unless the following findings are applicable:
    - a. The requirements of this section have been met and can be adhered to.
    - b. All other applicable requirements of this ordinance have been met.
    - c. At the discretion of the planning commission, a certificate of compliance or permit from the MPCA is obtained pursuant to Minnesota Rules chapter 7020.
  3. The county may impose, in addition to the standards and requirements expressly specified by this ordinance, additional conditions which the planning commission considers necessary including conditions relating to any of the management practices and other items required to be submitted with the application.
  4. Any change involving structural alterations, enlargement, intensification of use or similar change not specifically permitted in the conditional use permit shall be considered only as a new application for a conditional use permit, unless the zoning administrator and planning commission determines the change to be inconsequential, following which the existing conditional use permit may be amended.
  5. Conditional use permits shall be in effect only as long as the land specified for spreading purposes is available for such purpose and as regulated otherwise by this ordinance, the owner shall have obtained and possess a valid certificate of compliance or permit from the MPCA pursuant Minnesota Rules chapter 7020 or any successor rules or regulations, and subject to any time limitation the planning commission or county board may recommend.
  6. All conditional use permits issued under prior ordinance provisions that are not in conformity with the provisions herein shall remain in full force and effect, and must be adhered to until such time as there is a change in operation or discontinuance of the nonconforming use pursuant to article 4 of this ordinance.
  7. All conditional use permits issued for the proposed construction and/or change shall be valid for the entire feedlot and shall continue to be valid if the proposed construction and/or change does not occur and must be adhered to until such time as there is a need to re-apply for a conditional use permit or until a discontinuance of the feedlot operation occurs.
- G. *Setback provisions and location restrictions.*
1. The classes of feedlots are as follows:
    - a. Class A: any feedlot consisting of 299 animal units or less.
    - b. Class B: a feedlot consisting of between 300 and 1,000 animal units no more than 30 percent of which are swine.

- c. Class B-h: a feedlot consisting of between 300 and 1,000 animal units more than 30 percent of which are swine.
  - d. Class C: a feedlot consisting of between 1,001 and 2,000 animal units no more than 15 percent of which are swine.
  - e. Class C-h: a feedlot consisting of between 1,001 and 2,000 animal units more than 15 percent of which are swine.
  - f. Class D: a feedlot consisting of more than 2,000 animal units no more than 15 percent of which are swine.
  - g. Class D-h: a feedlot consisting of more than 2,000 animal units more than 15 percent of which are swine.
2. Feedlots and waste storage structures shall be prohibited within:
- a. Wetlands, as defined by U.S. Fish and Wildlife Circular 28, Types 3—8, any size.
  - b. Floodplains.
  - c. Areas of excessive slope (12 percent or greater) adjacent to and uphill of lakes, rivers, streams, drainage ditches, or other water conveyance system.
  - d. Setback distances established by Minnesota Public Health Rules chapter 4725 or their successor's rules.
  - e. Shoreland districts.
  - f. Within 300 feet of a sinkhole.
  - g. Within 100 feet of a private well, or 1,000 of a community water supply well or other wells serving a public school as defined under Minnesota Statutes section 120A.05.
  - h. A private school excluding home school sites.
  - i. A licensed child care center where the well is vulnerable.
  - j. Setback distances defined as follows:

*Class A feedlot:* within 100 feet of a property line within 1,000 feet of a non-owner/operator residence, municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application.

*Class B feedlot:* within one-quarter mile of a non-owner/operator residence or a municipal well or within one-half mile of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on the property owned by applicant/operator.

*Class B-h feedlot:* within one-quarter mile of a non-owner/operator residence or a municipal well or within 1½ miles of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on the property owned by applicant/operator.

*Class C feedlot:* within one-quarter mile of a non-owner/operator residence or a municipal well or within one mile of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on the property owned by applicant/operator.

*Class C-h feedlot:* within one-half mile of a non-owner/operator residence or a municipal well or within two miles of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on the property owned by applicant/operator.

*Class D feedlot:* within one-quarter mile of a non-owner/operator residence or a municipal well or within 1½ miles of a municipal border, school, park, active church, or

a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on the property owned by applicant/operator.

*Class D-h feedlot:* within one-half mile of a non-owner/operator residence or a municipal well or within three miles of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on the property owned by applicant/operator.

For the purposes of this section, "owner/operator residence" includes any residence where an adult owner of the property has an ownership interest in the feedlot or is employed by the feedlot on at least a 0.50 full-time equivalent basis.

Additionally, the setback requirements for non-owner/operator residences may be waived on an individual, but only with the specific written consent of the owners of the property and shall be recorded with the Meeker County Recorder.

- H. If an animal confinement structure on an existing feedlot is destroyed by any means, including, but not limited to, natural occurrences such as wind, flood, lightning, tornado, snow or storm, said feedlot shall be allowed to replace said building without obtaining a new conditional use permit and/or feedlot permit if it meets the following:
  - 1. The feedlot has a valid conditional use permit and/or feedlot permit and is following all conditions.
  - 2. The feedlot has a valid registration or permit from pursuant to Minnesota Rules chapter 7020 and this ordinance.
  - 3. There will be no increase in the number of animal units allowed by the conditional use permit and/or feedlot permit to be housed at the feedlot.
  - 4. There will be no change in how manure is stored, handled, transferred or applied.
  - 5. Each structure will be constructed to the same square footage or less as the previous structure.
  - 6. The structure will not encroach closer on any setbacks.
  - 7. The reconstruction is completed within 18 months of such happenings.
  - 8. A written notice shall be given to the county feedlot officer and/or their designee prior to commencing reconstruction. This notice shall include the date the structure was destroyed and plans for replacement.
- I. *Land application of manure.*
  - 1. All animal manure shall be stored, transported and disposed of in accordance with the applicable state rules and regulations and the following:
    - a. Unless incorporated within four hours of application, there shall be no spreading of liquid animal manure within 500 feet, if surface applied, of a residential R-1 or R-2 zoned district, active church, school, park, city, or municipal limits.
    - b. Unless incorporated within four hours of application, there shall be no spreading of solid manure within 300 feet of a residential R-1 or R-2 zoned district, active church, school, park, city, or municipal limits.
    - c. There shall be no spreading of liquid manure by the process of irrigation within 1,000 feet of a residential R-1 or R-2 zoned district, active church, school, park, city, or municipal limits.
    - d. Manure shall be stockpiled a minimum of 1,000 feet from a non-owner/operator dwelling. The setback requirement herein may be waived on an individual basis with the express written consent of the dwelling unit owner/owners. Said written consent shall be filed with the county feedlot officer and/or their designee.

- e. The land application of manure or process wastewater from livestock and poultry operations shall follow Minnesota Rules part 7020.2225 for minimum state requirements.
- f. There shall be no spreading or storing of manure within the rights-of-way of public roads.
- g. Minimum manure application setbacks (in feet) near sensitive features:

\*Intermittent streams and ditches pertain to those identified on United States Geological Survey (U.S.G.S) quadrangle maps, excluding drainage ditches with berms that protect from runoff into the ditch and segments of intermittent streams which are grassed waterways. U.S.G.S. quadrangle maps can be found at County Soil and Water Conservation District Offices or can be viewed on the Internet at <http://terraserver.microsoft.com/default.asp> (Type in nearest town and state click "go." Then select "U.S.G.S. topo map.")

\*\*Wetland setbacks pertain to all protected wetlands identified on Department of Natural Resources protected waters and wetlands maps (these maps are often located in County Soil and Water Conservation District offices and typically include all wetlands over ten acres).

\*\*\*The open-tile intake setbacks do not take effect for solid manure applications until the year 2005.

(Distances derived from "Applying Manure in Sensitive Areas," a publication of the MPCA and NRCS, also table 3 of the "Feedlot Ruler Summary, May 2001.)

- J. *Containment abatement.* In the event any feedlot is determined to be the cause of a public health nuisance, as defined herein; and there is a requirement to abate the public health nuisance that is issued by any governmental agency; then the permit holder, owner, and/or occupant, jointly and severally, shall be responsible for taking, and paying for, all actions necessary to comply with the order. In the event the permit holder, owner, and/or occupant fail to comply with the order, the county board of public health may take action pursuant to Minnesota Statutes chapter 145A and its successors, and, pursuant to that chapter, assess all costs against the property. The costs assessed may also include any costs incurred by the governmental agencies that perform duties the board of health may perform herein.
  - 1. The term "public nuisance" includes pollution and contamination of ground and surface water and air, as well as any activity or failure to act that adversely affects public health.
  - 2. The procedure for assessing costs shall be pursuant to Minnesota Statutes 145A.04 subd. 8.
  - 3. The Meeker County Board of Commissioners is specifically authorized to act on behalf of, or in lieu of, the board of health with regards to this section.
  - 4. Nothing in this section shall be construed to place a duty on Meeker County or any of its agencies to assume responsibility for abating the nuisances described herein.
- K. *Closure and abandonment.*
  - 1. Owners or operators of abandoned or closed animal feedlots shall have all liability for clean-up, closure or remediation of the animal feedlot site.
  - 2. Owners or operators proposing to close a liquid manure storage area or permanent stockpile shall submit a written notice to the county feedlot officer and/or their designee at least three days prior to commencing closure.
- L. *Reporting of spills and accidental discharges.* Owners and operators of animal feedlots shall immediately report to the Meeker County Feedlot Officer and/or their designee any accidental discharge of animal manure from any manure storage area, structure or facility.

M. *Enforcement.*

1. *Stop work orders.* Whenever any construction or animal feedlot activities is being done contrary to the provisions of this ordinance, the Meeker County Feedlot Officer and/or their designee or zoning administrator may order the work stopped by written notice personally served upon the owner or operator of the feedlot. Such construction or animal feedlot activities shall cease and desist until subsequent authorization to precede is received from the Meeker County Feedlot Officer and/or their designee or zoning administrator.
2. *Revocation or suspension.* Whenever any animal feedlot is operated in violation of the conditions set forth on the permit, interim feedlot permit or certificate of compliance, said permit may be subject to revocation or suspension upon written notice personally served upon the owner or operator of the feedlot.
3. *Interference prohibited.* No person shall hinder or otherwise interfere with the Meeker County Feedlot Officer and/or their designee in the performance of duties and responsibilities required pursuant to this ordinance.
4. *Access to premises.* Upon the request of the Meeker County Feedlot Officer and/or their designee, the applicant, permittee, or any other person shall allow access at any reasonable time to the affected premises for the purposes of administering and enforcing this ordinance. Refusal to allow reasonable access to the Meeker County Feedlot Officer shall be deemed a violation of this ordinance, whether or not any other specific violations are cited.
5. *Injunctive relief and other remedies.* In the event of a violation of this ordinance, the Meeker County Feedlot Officer and/or their designee or the zoning administrator may request that the county attorney institute appropriate actions or proceedings, including the seeking of injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for such enforcement action may be recovered by the county in a civil action in any court of competent jurisdiction. These remedies may be imposed upon the owner, operator, applicant, permittee, installer, or other responsible person either in addition to or separate from the other enforcement actions.

Sec. 22.11. - Fences.

The following regulations shall apply to all fences in all districts except the agricultural districts and as otherwise provided in this ordinance:

- A. All boundary line fences shall be entirely located upon the private property of the person, firm, or corporation constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. No setback requirement shall apply.
- B. No privacy/solid fence shall be constructed on the road right-of-way line or within the road right-of-way in all zoning districts.
- C. Privacy/solid fences in all zoning districts shall meet the required structure setback to the road centerline or right-of-way line as indicated in the appropriate article of this ordinance.
- D. Fences in the residential districts shall not exceed six feet in height in the side and rear yards and shall not exceed 42 inches in height in the front yard.
- E. Privacy/solid fences in the shoreland district shall meet the required structure setback from the ordinary high water level for the respective lake classification. Split rail or chain link fences may extend down to the ordinary high water level provided they are not more than 42 inches in height.
- F. Fences in the commercial and industrial districts shall not exceed six feet in height except security fences, which shall not exceed eight feet in height including barbed wire toppings. A

fence shall be permitted, to be constructed on the right-of-way line in the commercial and industrial districts provided it is a chain link fence or a type similar to a chain link fence.

- G. No fences shall be constructed within utility easements unless provisions exist or can be made for access by the utility company.
- H. All fences shall be constructed in such a manner that the person, firm or corporation owning said fence can maintain the fence.
- I. All junkyards, salvage yards and open storage yards screened by a fence shall submit plans for the erection of such fence to the planning commission for approval.

#### Sec. 22.12. - Home occupations.

The purpose of this classification is to prevent competition with business districts, protect the natural resources of the county and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses.

##### A. *Level 1 home occupation.*

- 1. *[Defined.]* A Level 1 home occupation is defined as a business, profession, occupation or trade conducted entirely within a residential building which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.
- 2. *Level 1 home occupation criteria.* A Level 1 home occupation shall be allowed as a permitted use in agriculture and residential districts provided that it meets the requirements of this ordinance herein and the following:
  - a. Such use shall be conducted only within the principal accessory building or structure. Attached or detached private garages may be used for storage of supplies, equipment or items associated with the home occupation if sufficient room is maintained for the number of vehicles for which the garage is designed.
  - b. The occupation is to be conducted solely by the permanent occupants of the dwelling in which it is located except that one accessory person necessary to the occupation may be employed.
  - c. Such use shall be clearly incidental and secondary to the use of the residence as a dwelling and shall not change the character thereof.
  - d. Such use shall not occupy an area of more than 25 percent of the total floor area of the principal dwelling.
  - e. There shall be only the sale of products made at the home occupation or of products associated with said occupation and such sale shall be conducted within the principal dwelling.
  - f. Except for the allowed vehicles, equipment, materials and sign for a home occupation allowed in this section, and as expressly authorized by this ordinance, there shall be no evidence of the occupation, activity or business use visible, audible or with an odor detectable from the exterior of the dwelling.
  - g. Such home occupation shall not require external alterations or involve construction features not customarily found on dwellings.
  - h. A Level 1 home occupation shall not include the repair of internal combustion engines, motor vehicle repair, automobile body shops, machine shops, welding, ammunition, manufacturing or any other objectionable uses as determined by zoning administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than 110 voltage.

B. *Level 2 home occupation.*

1. *[Defined.]* A Level 2 home occupation is defined as a business, profession, occupation or trade conducted entirely within an accessory building or structure which use is accessory, incidental and secondary to the principal dwelling located on the site and does not change the essential residential character or appearance of the property.
2. *Level 2 home occupation criteria.* A Level 2 home occupation shall be allowed as an interim use in an agricultural and residential district provided that it meets the requirements of this ordinance herein and the following:
  - a. Such use shall be conducted only within an accessory building or structure that is accessory to a principal dwelling. The home occupation may not be conducted in a principal dwelling or an attached private garage. Attached or detached private garages may be used for storage of supplies, equipment or items associated with the home occupation if sufficient room is maintained for the number of vehicles for which the garage is designed.
  - b. The occupation is to be conducted solely by the permanent occupants of the dwelling located on the property on which it is located except that three accessory persons necessary to the occupation may be employed.
  - c. Such use shall be clearly incidental and secondary to the use of the property for residential purposes and shall not change the character thereof.
  - d. An accessory structure shall not contain a floor area of over 1,400 square feet in residential districts. Accessory structures within 300 feet of an ordinary high water line shall not exceed 1,040 square feet of floor area. There shall be no size restrictions in agriculture districts, except home occupation accessory buildings in agriculture districts that are located within 500 feet of a residential district shall not exceed 2,000 square feet of floor area.
  - e. There shall be only the sale of products made at the home occupation or of products associated with said occupation and such sale shall be conducted within the accessory building.
  - f. Except for the allowed vehicles, equipment, materials and sign for a home occupation allowed in this section, and as expressly authorized by this ordinance, there shall be no evidence of the occupation, activity or business use visible, audible or with an odor detectable from the exterior of the accessory building.
  - g. A Level 2 home occupation in a residential district shall not include the repair of internal combustion engines, motor vehicle repair, automobile body shops, machine shops, welding, ammunition, manufacturing or any other objectionable uses as determined by the zoning administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than 110 voltage. A Level 2 home occupation in an agriculture district may include these uses, subject to being issued an interim use permit and the requirements otherwise provided in this ordinance.
  - h. Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a rural or residential area and shall be specifically compatible in design and scale with other development in the area.
  - i. As an interim use, a Level 2 home occupation may be required to conform to additional standards as determined by the planning commission.

C. *General restrictions.* The following requirements are for both Level 1 and 2 home occupations in residential or agriculture districts:

1. Said use shall not create odor, dust, smoke, heat, noise, electrical disturbances, light, glare or vibrations noticeable or extending beyond the property line.
  2. The existence of a home occupation shall not be used as a justification for a zone change.
  3. Junk and scrap yards are prohibited home occupations.
  4. One non-illuminated sign measuring not more than eight square feet in area and mounted flat against the primary dwelling or home occupation accessory building is allowed for home occupations in residential districts. A home occupation in a residential district may also place signs for the home occupation off the premises of the home occupation in an A-1, R-2, C-1, C-2 or I-1 zoning district provided said sign conforms to the provisions of section 22.23 of this ordinance. A home occupation in an agriculture district shall be permitted to place signs in conformance with the provisions of section 22.23 of this ordinance.
  5. The use of dumpsters in conjunction with a home occupation is prohibited in residential districts. No more than one dumpster is allowed for home occupations in agriculture districts.
  6. No business activity may be conducted which is illegal or prohibited under any other county ordinance or applicable law.
- D. *Residential district restrictions.* The following apply to home occupations located in a residential district:
1. Storage on the premises of materials or equipment used in connection with the home occupation in residential districts shall be within an enclosed building.
  2. Traffic shall not be generated which significantly affects the rural or residential character of the area. No more than three vehicles related to the home occupation, including customer, supply and delivery vehicles, shall be parked on the property outside an enclosed building in a residential district. Such vehicles shall be parked off-street in conformance with the off-street parking provisions of this ordinance.
  3. In residential districts, a use associated with the home occupation may be made of a backyard for activities not involving manufacturing, assembly or fabricating if such use occurs no more than two consecutive days or eight days in a calendar month and does not create a nuisance or violate other county and state ordinances and standards.
  4. Customer visits related to a home occupation in a residential district shall be allowed only during the hours 7:00 a.m. and 10:00 p.m.

Sec. 22.12.1. - Kennels.

The following standards shall be applicable to all kennels located within Meeker County:

- A. Operation of a kennel is only allowed with an approved conditional use permit in the A-1 Agricultural Preservation District. A conditional use permit application for a kennel must include the following information:
1. Legal description of the property;
  2. A survey of the property completed by a licensed land surveyor;
  3. Location and square footage of all buildings;
  4. Location of all outside runs for dogs, drawn to scale;
  5. A business plan for the kennel operation, including, but not limited to, hours of operation, septic facilities, signage, number of employees, etc.;
  6. An appropriate plan for disposing of the animal waste and mortalities;

7. Certification from a veterinarian that adequate care will be established and maintained under his or her supervision; and
  8. Any other information deemed necessary by the planning commission or county board.
- B. All new kennels, shelters and dog runs established after the effective date of this article, May 11, 2017, may not be located within 500 feet of an existing residence except that of the kennel owner;
  - C. No more than 20 dogs over six months of age may be kept on a kennel operation, unless the kennel owner has applied for and been granted a variance regarding the number of dogs on site prior to applying for a conditional use permit;
  - D. The owner of the kennel shall establish and maintain an effective program for the control of insects, ectoparasites, rodents and other pests;
  - E. All kennels shall be operated in accordance with all federal, state and local rules, regulations, statutes and ordinances;
  - F. All kennels with an approved conditional use permit after the effective date of this ordinance, May 11, 2017, shall be subject to periodic inspection by county staff if deemed appropriate during the conditional use permit process and placed on said application as a condition of approval.

Sec. 22.13. - Subsurface sewage treatment systems.

Every subsurface sewage treatment system installed, replaced, altered, extended or repaired after the effective date of this ordinance shall comply with the requirements of this section. Systems shall be designed and conform with Minnesota Rule chapter 7080—7081 regulating subsurface sewage treatment systems and the Meeker County Zoning Ordinance. This ordinance is adopted pursuant to Minnesota Statutes, section 115.55; Minnesota Statutes, section 145A.01 through 145A.08; Minnesota Statutes, section 375.51; or successor statutes, and Minnesota Rules, chapter 7080, chapter 7081, chapter 7082; or successor rules.

- A. *Licensing.* All individual sewage treatment system installers, pumpers, site evaluators, designers and inspectors must be licensed by the MPCA and keep the license current along with any other requirements listed in this section. No person, firm or corporation shall engage in the business of installing and constructing sewage treatment systems or pumping and hauling sewage within the county without first obtaining a license from the MPCA. Any installation, replacement, construction, alteration or repair of a sewage treatment system by a licensee in violation of the provisions of this section or refusal on the part of the licensee to correct such defective work performed by such licensee shall be cause for reporting to the State of Minnesota licensing Department and or the MPCA.

1. *License exemption.* Property owners doing own work:

- a. An individual who may be permitted to construct or repair SSTS on their own property shall be exempted from providing proof of a state license but shall be required to execute a signed indemnification agreement pursuant to section 22.13.A.1.a(1). The person that conducts the site evaluation and design must have a designer or advanced designer license from the Minnesota Pollution Control Agency. The designer shall be responsible to verify this installation per design and be present at the time of the inspection. Pressurized systems cannot be constructed by anyone other than a licensed installer. Property owners doing their own work must comply with all other provisions of this ordinance.

- (1) *Indemnification agreement.* The permittee shall provide a signed agreement to the zoning administrator 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 the failure of the permittee to conform to and comply with the provisions of this ordinance.

- b. An individual who performs labor or services under a licensee.
  - c. A farmer who pumps sewage waste from individual sewage treatment systems from dwellings owned by the farmer and disposes of those wastes on land that is owned or leased by the farmer.
  - d. A property owner who personally gathers information, evaluates, or investigates the SSTS on or serving the property to provide disclosure information required by MN Stat. 115.55, subd. 6.
- B. *[Management plans.]* Management plans are required for all new or replacement SSTS. The management plan shall be submitted to Meeker County Planning and Zoning with the construction permit application for review and approval. Meeker County Planning and Zoning shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
1. Management plans shall be required for any system requiring a permit for repair, modification or expansion; and
  2. For systems without a management plan when a property is transferred.
    - a. Management plans shall follow Minnesota Rules, chapter 7082.0600, subp. 1 and include:
      - (1) Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
      - (2) Monitoring requirements;
      - (3) Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
      - (4) Statement that the owner is required to notify Meeker County Planning and Zoning when the management plan requirements are not being met;
      - (5) Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
      - (6) A description of the system and each component;
      - (7) A plot plan of the system;
      - (8) Equipment specifications;
      - (9) Emergency operating procedures in the event of a malfunction;
      - (10) A troubleshooting guide;
      - (11) Other requirements as determined by Meeker County Planning and Zoning.
- C. *Permits.* No person, firm or corporation shall install, replace, alter, repair or extend any individual sewage treatment system without first obtaining a permit from the zoning administrator for the specific installation, replacement, alteration, repair or extension. At the time of applying for said permit, a fee established by the county board of commissioners shall be paid. Such permits shall be valid for a period of 12 months from the date of issue.
- Permits shall not be required for repair or replacement of a crushed pipe, pump, floats or other electrical devices of the pump, baffles in a septic tank, septic tank access cover or extension ring(s), or inspection pipes.
1. Applications for permits shall be made in writing upon forms furnished by the zoning administrator and containing the following information:
    - a. Name, address and phone number of the property owner, legal description of the property on which the construction or installation is to take place.

- b. Site plan illustrating the:
    - (1) Location of existing and proposed buildings, roads, etc.
    - (2) Location of existing water supply facilities, which may be affected.
    - (3) Lot boundaries and proposed setbacks.
    - (4) System layout, property lines, lakes, wells and their depths within 100 feet of the SSTS, etc.
    - (5) Lots created after January 23, 1996, must be able to support two Type I soil treatment systems.
    - (6) Please note it is the responsibility of the SSTS designer and the homeowner to protect the primary and secondary soil treatment areas. Both areas must be protected by staking, fencing, posting, or other effective method to prevent any type of construction traffic or other compaction or disruption that would render the sites worthless for an SSTS soil treatment area.
  - c. Name, address, phone number and state SSTS license number of person, firm or corporation who designed the system and who is to install or repair the system.
  - d. Proposed system components and sustaining data including:
    - (1) Size of septic tank.
    - (2) Type and size of distribution system.
    - (3) Soils data for the site.
  - e. Evidence that the approval of said plans and specifications has been secured from the appropriate state agencies as applicable.
  - f. Any other information as deemed necessary by zoning administrator to assure compliance with this section.
2. *Application review and approval.* If, after consideration of the application for a permit, a qualified employee or authorized licensee of the zoning administrator shall be satisfied that the work contemplated conforms to and complies with the provisions of this section, the zoning administrator shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed. The septic permit fee must be paid before review and approval of the design. Any changes to the approved design either before or during installation shall cause the construction permit to be suspended until a revised design is submitted and approved. If a change is made to a design before or during installation a separate permit revision fee shall be charged. Said fee shall be \$50.00, or the actual cost to the county, whichever is greater.
  3. *Application review and denial.* If, after consideration of the application for a permit, the zoning administrator shall be satisfied that the work contemplated will not conform to or comply with the provisions of this section; the zoning administrator shall deny the application of a permit. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the zoning administrator at any reasonable time for reconsideration.
- D. *Operating permit.* An operating permit shall be required of all owners of new Type IV and V systems or MSTs or any other system deemed by Meeker County Planning and Zoning to require operational oversight. Sewage shall not be discharged to a holding tank or MSTs until Meeker County Planning and Zoning certifies that the MSTs or holding tank was installed in substantial conformance with the approved plans, received the final record drawings of the MSTs, and a valid operating permit is issued to the owner.

1. Application for an operating permit shall be made on a form provided by the Meeker County Planning and Zoning Office and shall include:
  - (a) Owner name, mailing address, telephone, and e-mail address.
  - (b) Construction permit reference number and date of issue.
  - (c) As built drawings of the treatment system.
  - (d) Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business.
2. *Monitoring and disposal.* Owners of holding tanks shall provide to the Meeker County Planning and Zoning Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules chapter 70820.0100, subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3). However, all rules from title 40, part 503 Standards for Land Application of Sewage must be followed.
3. *Department response.* The Meeker County Planning and Zoning Office shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of Meeker County Planning and Zoning. If the submitted documents fulfill the requirements, the Meeker County Planning and Zoning Office shall issue an operating permit within ten working days of receipt of the permit application.
4. *Operating permit terms and conditions.* The operating permit shall include the following (see Minnesota Rules, chapter 7082.0600, subp. 2.B):
  - (a) System performance requirements.
  - (b) System operating requirements.
  - (c) Monitoring locations, procedures and recording requirements.
  - (d) Maintenance requirements and schedules.
  - (e) Compliance limits and boundaries.
  - (f) Reporting requirements.
  - (g) Department notification requirements for noncompliant conditions.
  - (h) Valid contract between the owner and a licensed maintenance business.
  - (i) Disclosure, location and condition of acceptable soil treatment and dispersal system site.
  - (j) Descriptions of acceptable and prohibited discharges.
5. *Permit expiration and renewal.* Operating permits shall be valid for the specific term stated on the permit as determined by Meeker County Planning and Zoning.
  - (a) An operating permit must be renewed prior to its expiration. If not renewed, Meeker County Planning and Zoning may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the county may require that the system be abandoned in accordance with Minnesota Rules 7080.2500, System Abandonment.

- (b) Meeker County Planning and Zoning shall notify the holder of an operating permit at least 90 calendar days prior to expiration of the permit. The owner must apply for renewal at least 30 calendar days before the expiration date.
- (c) Application shall be made on a form provided by Meeker County Planning and Zoning which includes:
  - 1. Applicant name, mailing address and phone number.
  - 2. Reference number of previous owner's operating permit.
  - 3. Any and all outstanding compliance monitoring reports as required by the operating permit.
  - 4. Certified treatment system inspection signed and/or sealed by a certified maintenance contractor, or operator at the discretion of the county.
  - 5. Any revisions made to the operation and maintenance manual
- 6. *Amendments to existing permits not allowed.* Meeker County Planning and Zoning may not amend an existing permit to reflect changes in this ordinance 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. *Transfers.* The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with 22.13.D of this ordinance. Meeker County Planning and Zoning shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, Meeker County Planning and Zoning may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- 8. *Suspension or revocation.*
  - (a) Meeker County Planning and Zoning may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the operating permit was issued.
  - (b) Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
  - (c) If suspended or revoked, Meeker County Planning and Zoning may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Minnesota Rules 7080.2500, System Abandonment.
  - (d) At the discretion of Meeker County Planning and Zoning, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.
- 9. *Compliance monitoring.*
  - (a) Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
  - (b) A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to Meeker County Planning and Zoning on a form provided by Meeker County Planning and Zoning on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
    - 1. Owner name and address.
    - 2. Operating permit number.
    - 3. Average daily flow since last compliance monitoring report.

4. Description of type of maintenance and date performed.
  5. Description of samples taken (if required), analytical laboratory used, and results of analyses.
  6. Problems noted with the system and actions proposed or taken to correct them.
  7. Name, signature, license, and license number of the licensed professional who performed the work.
- E. *General requirements.* The system shall consist of an approved SSTS. The system shall be located and designed:
1. Requirements for systems not operated under a management plan (Minnesota Rules, chapter 7082.0100, subp. 3.(L)). SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, chapter 7080.2450.
  2. So that all sewage generated in unsewered areas of Meeker County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this ordinance and Minnesota Rules, chapters 7080 and 7081 or by a system that has been permitted by the MPCA.
  3. *Class V injection wells.* All owners of a SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the federal government to submit SSTS inventory information to the Environmental Protection Agency as described in 40 CFR part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.
  4. The top of sewage tanks for both new and existing dwellings may be buried deeper than four feet but must not exceed manufacturers maximum designed depth for burial of the tank.
  5. To receive all sewage from the dwelling, building or other establishment served, including laundry waste and basement floor drainage. Footing or roof drainage shall not enter any part of the system.
  6. To prevent raw sewage, septic tank effluent or seepage from an SSTS being discharged to the ground surface, into abandoned wells, surface water bodies, rock formations or any structure, which is not conducive to purification of water by filtration.
  7. So that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance or endanger the safety of any domestic water supply nor pollute or contaminate any waters of the county. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high groundwater elevation, geology, proximity to existing or future water supplies, accessibility for maintenance and possible expansion of the system. The following rules and regulations shall apply to individual sewage treatment system site requirements:
    - a. The lot size shall be as required by this ordinance or larger if not sufficient to permit installation of the individual sewage treatment system in accordance with all legal setback requirements from existing and proposed buildings and property lines; water supply wells, buried water pipes and utility lines; the ordinary high water mark of lakes, rivers, streams, flowages; the location of all individual systems and water supply wells on adjoining lots.
    - b. No part of the system shall be located so that it is nearer to any water supply than outlined hereinafter or so that surface drainage from its location may reach any domestic water supply.

- c. Installations of individual sewage treatment systems shall not be made in low swampy areas or areas, which may be subject to flooding.
- d. Percolation tests, soil tests and test borings in areas of shallow groundwater level, and in areas of disturbed soils shall be conducted as outlined in chapter 7080-81. Data from such tests shall be submitted to the zoning administrator for approval prior to issuance of an individual sewage treatment system and/or land use permit. In all cases, a site evaluation shall be conducted following standards contained in chapter 7080-81. Percolation tests may be required at the discretion of the zoning administrator. It is the responsibility of the site evaluator to utilize the proper professional methods, tools and judgments, and number of soil observations to verify that Minnesota Rules chapter 7080-81 standards will be met and that the site evaluation is a true and correct representation of the soils and site using table 1xa from MN Rules chapter 7080.2150, subp. 3(E).
- e. In areas of shallow groundwater, the depth of the water table shall be determined. No individual sewage treatment system shall be installed in an area where the water table is at any time less than three feet below the bottom of the drainfield.
- f. Holding tanks may be allowed only as replacements for: 1.) existing failing systems; 2.) systems which pose an imminent threat to public health or safety, or on; 3.) existing lots as of January 23, 1996, and only where it can conclusively be shown that a Type I system as described in chapter 7080, cannot be installed. In no case shall holding tanks be allowed for new structures. New structures include a building in which or from which sewage may be generated. A holding tank for existing structures may also be allowed with the approval of the zoning administrator in situations where the cost of a Type I, II, III, IV system or other system as allowed by the MPCA would be greater than 20 percent of the assessed market valuation (unlimited) of the property used by local governments for property tax purposes. Sizing and installation of tanks shall be to chapter 7080 standards. Holding tanks need a signed pumping agreement with an MPCA certified, licensed pumper and must be pumped a minimum of one time per year with the records being sent to Meeker County annually or within 30 days of Meeker County Planning and Zoning requesting said records.
- g. When installing a replacement SSTS the existing SSTS must be abandoned in accordance with Minnesota [Rules] chapter 7080.2500. If the old existing system is to be used for the discharge of the water softener, then the old tank must be pumped and cleaned of all sewage, and the plumbing connection to the new SSTS must be inspected by Meeker County to insure that no sewage is discharging into the old existing system.
- h. Septic tank effluent shall not be discharged into an agricultural tile line, drainage ditch or other water resource.
- i. It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the national pollutant discharge elimination system program by the MPCA.
- j. Disputes between SSTS professionals shall be resolved as per Minnesota Rules 7082.0700, subp. 5.
- k. *Sizing*. The soil treatment system shall be dependent on the daily sewage flow, soil sizing factor and/or the percolation rate of the soil for a drainfield. The soil treatment system shall be designed in accordance with Minnesota Rules chapter 7080.
  - (1) Table IX from Minnesota Rules, chapter 7080.2150, subp. 3 (E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Adsorption Ratios for

Determining Mound Absorption Areas Using Detail 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 ordinance.

- (2) All systems for commercial and for four unit dwellings or more shall maintain accurate records of water usage for a minimum of three years.
- (3) Minimum sewage tank capacities in gallons:

Number of Bedrooms	<i>Minimum Liquid Capacity</i>
3 or less	1,000 gallon
4 or 5	1,500 gallon
6 or 7	2,000 gallon
8 or 9	2,500 gallon
Over 9	See Minnesota Rules 7080

- (a) Over three bedrooms with a pressurized drainfield must have an additional minimum 1,000-gallon pump tank.

I. Location and setbacks.

- (a) Subsurface disposal fields, sewage treatment mound or other permitted treatment systems shall be located such as to provide not less than the stated distances from the following:

Minimum Setback Distances (feet)	<i>Sewage or Holding Tank Sealed Privy</i>	<i>Absorption Area Unsealed Privy</i>	<i>Building Sewer or Supply Pipes</i>
Water supply wells*	50	50	50**
<i>50 feet of continuous casing or encountering 10 feet of impervious material</i>			
Water supply wells*	50	100	50**
<i>Less than 50 feet of continuous casing</i>			

Buried water suction pipe* Buried pipe distributing	50	50	50**
Water under pressure	10	10	10
Dwellings***	10	20	X
All other accessory buildings	5	5	X
Property lines****	10	10	X
Road right-of-way lines, if no easements exist	2	2	X
<i>The ordinary high water mark of the following:</i>			
Wild and scenic river	100 or 150	100 or 150	X
North Fork of the Crow River (RD classification)	75	75	X
Natural sensitive lakes	150	150	X
Natural environment lakes	150	150	X
Recreational development lakes	75	75	X
General development lakes	75	75	X
Surface and subsurface agricultural drainage systems or other water ponds	50	50	X
Field tile lines	X	10	10

Wetland (Type 3, 4, 5 or 6)	50	50	X
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\*Setbacks from buried water pipes and water supply wells are governed by Minnesota Rules, chapters 4715 and 4725, respectively.

\*\*The setback can be reduced from 50 to 20 feet if the buried sewer is air tested and approved piping is used.

\*\*\*These setbacks may be reduced if necessary due to site conditions (as determined by the department), but in no case shall any part of the individual sewage treatment system be located under or within a structure. In no case shall a sewer tank be located less than five feet from a footing or an absorption area less than ten feet from an occupied building.

\*\*\*\*These setbacks may be reduced if necessary due to site conditions (as determined by the zoning administrator). Infringement on property line setbacks requires written permission from affected property owner(s), written agreement on location of property lines between affected parties and approval of the department.

F. *Inspection requirements.*

1. *General requirements.*

- a. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation bedrock. SSTS built after March 31, 1996, or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under Minnesota Rules, chapter 7080.1100, subp. 84 shall have a three-foot vertical separation between the bottom infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. (Minnesota Rules, chapter 7080.1500, subp. 4.)
- b. *Compliance inspection.* Compliance inspections for construction, replacement, alteration or repair work on an SSTS shall be conducted by a qualified employee or under a licensee authorized by the zoning administrator who is independent of the owner and the installer.
- c. *Access to premises and records.* Upon the request of the zoning administrator, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this section.
- d. *Interference prohibited.* No person shall hinder or otherwise interfere with the zoning administrator in the performance of said duties and responsibilities pursuant to this section. Refusal to allow reasonable access to the zoning administrator shall be

deemed a separate and distinct offense, whether or not any other specific violations are cited.

2. *Inspections.* The permittee or contractor shall notify the zoning administrator prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the permit requirement and application design. If any SSTS component is covered before being inspected and approved by the zoning administrator, it shall be uncovered upon the direction of the zoning administrator. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the zoning administrator prior to construction. Inspections 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.
  3. *Notifications for inspections.*
    - a. It shall be the duty of the permittee or contractor to notify the zoning administrator on the workday proceeding the normal workday the inspection is desired. Notification to the zoning administrator for inspections shall not be construed as an obligation to appear for an inspection unless prearranged by the inspector at least 24 hours before the inspection time.
    - b. If the permittee or contractor provides proper notice as described above and the zoning administrator does not appear for an inspection within two hours after the time set, the installation may be completed. The permittee or contractor shall then file a signed As-Built (drawing of the SSTS), including photographs of the system prior to covering, with the zoning administrator within five working days. The as-built shall include a certified statement that the work was installed in accordance with the submitted design and permit conditions and that it was free from defects.
  4. *Inspection report.* A certificate of compliance or notice of noncompliance shall be prepared by the zoning administrator following an inspection or review of as-built plans submitted in accordance with section 22.13.D.3.b. A certificate of compliance or notice of noncompliance must include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules chapter 7080-7081. A copy of the certificate of compliance or notice of noncompliance shall be provided to the property owner after the compliance inspection and a copy kept on file in the zoning administrator s office.
- G. *Inspection requirements for existing systems.* Only a qualified employee or authorized licensee or licensed Designer I or inspector independent of the owner and the installer shall conduct an inspection when a compliance inspection is required for an existing SSTS. A copy of the certificate of compliance or notice of noncompliance resulting from a compliance inspection shall be provided to the property owner and the zoning administrator within 15 days of the inspection.
- H. Existing sewer information shall be on forms furnished by the zoning administrator. Inspections shall be valid for three years, except that where a new on-site system has been installed; the information shall be valid for five years unless an imminent health threat is identified.
- I. *Mandatory compliance inspections of existing systems.* An SSTS shall require a compliance inspection when any one of the following conditions occur:
1. Any time that a permit or variance is applied for in a shoreland management area;
  2. When a transfer of land occurs pursuant to section 4.08 herein;
    - a. 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, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of the 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 120 percent 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 120 percent of the annual average cost of a mound system as determined by the department. The escrow agreement shall list Meeker 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.

3. Addition of a bedroom on the property, or a variance issued in accordance with Minnesota Rules chapter 7082.0100, subp. 3 (General Requirement for Local Units of Government);
  - a. If a request for an additional bedroom or variance is received between November 1 and April 30 the county may issue a permit or variance immediately with the requirement that a compliance inspection be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.
  - b. If a system constructed between May 27, 1989, and January 23, 1996, does not comply with applicable requirements, and is not an imminent public health threat, a property owner applying for a land use permit to construct a bedroom addition has five years from the date of issuance of such land use permit to bring the system into compliance.

J. *Type II and III systems.*

1. Type II systems are allowed only in areas where a Type I system cannot be installed or is not the most suitable treatment. Standards for Type II systems are specified in Minnesota Rules chapter 7080.2250 for the following conditions:
  - a. Rapidly permeable soils (Minnesota Rules chapter 7080.2260).
  - b. Floodplain areas (Minnesota Rules chapter 7080.2270).
  - c. Privies (Minnesota Rules chapter 7080.2280).
  - d. Holding tanks (Minnesota Rules chapter 7080.2290).
2. Type III systems may be used in areas where a Type I system cannot be installed. Standards for Type III systems are specified in Minnesota Rules chapter 7080.2300.

K. *Land application of septage.*

1. *Intent.* Septage is a resource containing nutrients and can be of beneficial use when properly applied on crop, pasture or forest land. Septage can be utilized as a fertilizer and proper application techniques will protect ground and surface waters and prevent nuisance conditions. Conversely, the improper disposal of septage can lead to pollution of ground and surface waters, cause public health hazards, and create nuisance conditions. The purpose of this ordinance is to protect the surface waters and groundwaters of the state and to promote the public health and general welfare.
  - a. This ordinance is intended to apply only to persons who remove septage from septic or holding tanks or other parts of an individual sewage treatment system which receive domestic waste such as that from homes, campgrounds, resorts, restaurants, laundromats, and the sanitary facilities of businesses and industry for the proper disposal of said septage.
  - b. This ordinance is not intended to cover the proper removal of septage, but is intended to address the proper application and utilization. Proper removal of septage is addressed in Minnesota Rules chapter 7080.2450.

2. *Land spreading location.*

- a. The land spreading site must be located such that the minimum setback distances designated in Table I below are maintained.

TABLE I			
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<i>Feature</i>		<i>Surface Application or Incorporation</i>	<i>Lime Treatment or Immediate Incorporation</i>
a.	Private water well	200 feet	200 feet
b.	Municipal well	1,000 feet	1,000 feet
c.	Intermittent stream	100 feet	100 feet
d.	Place of habitation	200 feet	100 feet
e.	Residential development	600 feet	300 feet
f.	Commercial developments	600 feet	300 feet
g.	Recreation areas	600 feet	300 feet
h.	Property lines	10 feet	10 feet
i.	Public rights-of-way	10 feet	10 feet
j.	Surface tile inlet	100 feet	100 feet
k.	Recreational trails	200 feet	100 feet

These minimum setback distances will be maintained unless written permission is obtained from the owners and occupants to decrease the separation distances from d, e, f, g, and k.

- b. *Separation from surface waters.* The following setback distances from surface waters and drainage ditches must be observed.

TABLE II
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Slope	Soil Texture	<i>Separation Distances**</i>	
		<i>May - Oct.</i>	<i>Nov. - April</i>
0—6%	Coarse	200 feet	400 feet
0—6%	Medium and fine	300 feet	600 feet
6—12%	Coarse	600 feet	1,000 feet
6—12%	Medium and fine	300 feet*	Not allowed
>12%	Coarse, medium, fine	Land spreading not allowed	

\*Land spreading will not be allowed without immediate incorporation so that runoff will not occur.

\*\*All setback distances may be reduced by 50 percent if septage is immediately incorporated, except where land spreading is not allowed without immediate incorporation.

3. *Suitable soil conditions.*

- a. A soil profile shall be of sufficient depth to provide at least three inches of available water-holding capacity above bedrock and/or the water table.
- b. In no case shall the soil depth be less than three feet above bedrock and/or the water table.
- c. Where septage is injected or incorporated into the soil, the three inches of water-holding capacity and the three-foot separation distance shall exist between the bottom of the injection or incorporation zone and the water table and/or bedrock.
- d. For the purpose of a., a perched water condition, in which a zone of saturated soil exists between zones of unsaturated soil in the upper five feet of the soil profile, shall not be considered a water table.
- e. For the purpose of a., the depth to subsurface drainage tiles shall be considered the depth to the seasonal high water table for tile drainage systems that are designed according to or equivalent to NRCS engineering standards and criteria.

- f. If, according to available information such as NRCS web soil surveys and soil interpretation sheets, the required three inches of available water-holding capacity is not provided in the upper five feet of soil for any given soil type, a boring shall be made to the depth in which three inches of available water-holding capacity would be provided. If indication of a water table or bedrock is found before this depth is accomplished, that soil type shall not be used for land spreading.
  - g. The soil texture by the United States Department of Agriculture soil textural classification system, at the zone of septage application shall be one of the following: fine sand, loamy sand, sandy loam, loam, silt loam, silt, sandy clay loam, sandy clay, clay loam, silt clay loam, silty clay, or clay.
  - h. Septage shall not be spread on soils with surface permeability slower than 0.2 inch/hour unless the septage is immediately incorporated.
  - i. Surface application of septage shall not be allowed on land with a slope greater than 12 percent unless the area is covered with a hay or equivalent crop in which case the slope may not exceed 18 percent.
4. *Land spreading practices and rates.*
- a. Septage must not be applied on soils classified as coarse sands, gravels, or on peat or muck soils which have not been adequately drained.
  - b. Septage shall not be applied such that ponding or runoff occurs.
  - c. Septage must not be applied on soils unless the soil has dried adequately from previous application or rainfall so that saturated soil conditions or ponding does not occur.
  - d. Incorporation of septage shall be conducted as necessary to prevent nuisance conditions and excessive accumulation of septage solids on the soil surface.
  - e. Provisions such as additional setbacks shall be made to prevent aerosol drift from the application site.
  - f. Annual septage application amounts shall not exceed the agronomic rates as found in Table III.
  - g. Septage shall be spread as uniformly as possible over the area to which the septage is applied.
  - h. Total daily surface applications of septage shall not exceed the following:
    - (1) For coarse textured soil, one inch of liquid (27,000 gallons per acre).
    - (2) For medium textured soil, one-half inch of liquid (13,500 gallons per acre).
    - (3) For fine textured soil, one-fourth inch of liquid (7,000 gallons per acre).
  - i. Soils that are wetter than the plastic limit shall not be used for land spreading.
  - j. Septage shall not be applied on or into any fractured bedrock, cave, sinkhole, or wetland.
  - k. Septage shall not be applied on any land without the permission of the responsible party.
  - l. Septage land spreading sites must be identified as such if required by the permitting authority.
  - m. Septage land spreading sites must not be used for the growth of crops for direct human consumption for at least two calendar years after the last septage application.
  - n. Septage land spreading sites must not be used for the growth of food chain crops for at least 30 days and within seven days following the cutting of hay for harvest.

- o. Septage land spreading sites must not be used for the growth of pasture crops for at least one year after the last spreading date.

<p>TABLE III          MAXIMUM ALLOWABLE SEPTAGE APPLICATION FOR          VARIOUS CROPS, YIELDS AND APPLICATION METHODS</p>
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<i>Crop</i>	<i>Yield/Acre</i>	<i>Surface Application</i>	<i>Maximum Allowable Septage Application (gallons/acre)</i> <i>Injection</i>
Alfalfa	4 ton	90,000	69,000
	6 ton	140,000	108,000
Barley	80 bushel	50,000	38,000
Bluegrass	3 ton	90,000	69,000
Corn	75 bushel	50,000	38,000
	100 bushel	65,000	50,000
	125 bushel	75,000	58,000
	150 bushel	90,000	69,000
	175 bushel	105,000	81,000
Oats	75 bushel	40,000	31,000
	100 bushel	65,000	50,000
Soybeans	30 bushel	60,000	46,000
	40 bushel	90,000	69,000
	50 bushel	115,000	88,000

	60 bushel	140,000	108,000
Wheat	50 bushel	50,000	38,000
	75 bushel	78,000	62,000

Maximum Amounts of Septage (gallons per acre)  
That Can be Land Spread Annually on Non-  
Cropped, Non-Harvested Land, with Vegetative Cover

Coarse	27,000
Medium	39,000
Fine	52,000

5. *Other septage disposal methods and regulations.*
  - a. In accordance with Minnesota Rules chapter 7035 (1500 to 1900) septage must not be disposed of in a sanitary landfill.
  - b. Septage may be disposed of in a municipal sewage treatment plant only with written authorization by the municipality owning said plant and by the plant operator.
6. *Land spreading site requirements.*
  - a. Information included with the soil survey map or obtained from actual on-site investigations should include the following items for each soil type present at the land-spreading site:
    - (1) Texture and thickness of each soil horizon to 60 inches of depth.
    - (2) Permeability of each soil horizon to 60 inches of depth.
    - (3) Available water-holding capacity of each soil horizon to 60 inches in depth.
    - (4) Soil depth required to obtain six inches of available water-holding capacity.
    - (5) Depth to seasonal high water table.
    - (6) Flooding hazard.
    - (7) Depth of bedrock.

- (8) Slope of land surface.
  - b. The application should also include a copy of a United States Geological Service quadrangle map or aerial photo which shows the location of and distance to each of the following features, if within one-quarter mile of the land spreading site:
    - (1) Lakes and ponds.
    - (2) Rivers and streams.
    - (3) Wetlands.
    - (4) Intermittent streams.
    - (5) Ten-year floodplain if existing information is available.
    - (6) Sinkholes and fractured bedrock outcrop.
    - (7) Water supply wells.
    - (8) Places of habitation.
    - (9) Residential developments.
    - (10) Commercial developments.
    - (11) Recreational areas.
    - (12) Road rights-of-way.
    - (13) Drainage tile surface inlets.
    - (14) Property lines.
    - (15) Airports within 5,000 feet.
    - (16) Drainage ditches.
  - c. The application should include a legal description of the land spreading site, including township, range, section, quarter section, township or city name, and county.
  - d. Site management. Applications should include site management. This includes the following:
    - (1) A description of the proposed method or methods of septage application.
    - (2) The name and address of the person who will apply septage to the proposed land spreading site.
    - (3) The maximum annual application rate in gallons of septage per acre per year.
    - (4) A description of the crop to be grown or dominant vegetation at the site and intended use of the crop.
    - (5) A description of how public access to the site is proposed to be controlled.
    - (6) Months and approximate dates when septage will be land spread.
    - (7) The acreage of the land-spreading site.
    - (8) The name and address of the landowner and any renter, leasee or occupier of the land-spreading site.
7. *Septage application requirements for annual land spreading.*
- a. The purpose of these requirements is the annual application of the generator's residential septage on the generator's property.
    - (1) The site for one-time land spreading of septage cannot be used for crops that are directly consumed by humans or considered a root crop.

- (2) The site for one-time land spreading of septage cannot be in a drainage way or a river bottom with a frequent flooding hazard.
- (3) The slope requirements for the site to be used for land spreading of septage for November through April would be six percent or less and for May through October, 12 percent or less, except as allowed in section K.3.i.
- (4) The site to be used for land spreading of septage must have a cultivated crop or, if pastureland is used, the septage must be applied uniformly directly behind the truck.
- (5) The site to be used for land spreading of septage must meet all the required setback criteria in Tables I and II.
- (6) The application rate will not exceed ten pounds of nitrogen per acre (6,700 gallons per acre).

Sec. 22.14. - Land alterations, grading and filling.

In order to prevent erosion and siltation of public waters, impairment of fish and aquatic life, and minimize the possible adverse effects on neighboring properties, the following standards are established regulating land alterations, grading and filling.

A. *All districts.*

1. A conditional use permit shall be required in all cases where excavation, grading and/or filling of any land which, in the opinion of the zoning administrator, would:
  - a. Result in a substantial alteration of the existing landscape or ground contour. Substantial alteration shall mean the extraction, grading or filling of land involving movement of earth and materials in excess of 1,000 cubic yards, except that the following shall not be considered a substantial alteration.
    - (1) Drainage tile installation and related activities such as terracing and/or waterway installation and ditch cleaning in agricultural districts.
    - (2) That excavation, grading and filling normally necessary for the construction and development of a permitted or conditional use.
  - b. Change existing drainage patterns and result in significant soil erosion, vegetation destruction or drainage damage to adjoining properties.
  - c. Deprive an adjoining property owner of adequate lateral ground support.
  - d. Destroy the present ground cover resulting in a less beneficial cover for present and proposed development or future uses.
2. An application for a land alteration conditional use permit shall include the following information:
  - a. A full legal description of the land proposed to be altered.
  - b. Nature of the proposed alteration, rough grade estimates and future use of the property.
  - c. The type of fill material proposed to be used.
  - d. The specific time when the proposed alteration is to begin and will be completed.
  - e. The names of all owners of the land to be altered.
  - f. The names and addresses of all owners of the adjoining lands which may be affected by the proposed land alteration.
  - g. Scale map illustrating the relationship to surrounding land uses, present contours and proposed contours.



2. Grading and filling which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, vegetation removal, and the destruction of natural amenities.

E. *Conservation overlay district (if included in this ordinance).*

1. Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the conservation overlay district.
2. Grading and filling which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, vegetation removal, and the destruction of natural amenities.

Sec. 22.15. - Mineral and material extraction.

Any person, firm or corporation desiring to commence, expand or enlarge a commercial mining, processing or similar activity shall comply with the requirements of this section (22.15). This includes, but is not limited to, the following types of commercial or processing operations:

- I. Sand;
- II. Gravel;
- III. Crushing;
- IV. Washing;
- V. Other minerals or earthen materials;
- VI. Any similar production or manufacturing process related to the above activities.

A. *Interim use permit.*

1. No person, firm, or corporation shall dig, excavate, enlarge, or maintain an operation listed above in section 22.15, subsections I—VI, upon property owned or used by said person, firm or corporation without an interim use permit (article 6B). An interim use permit shall not be required if the operation consists only of aggregate mining, the mining consists of 1,000 cubic yards or less of material per calendar year and all cubic yards of material shall be used on property owned by the individual doing said aggregate mining and who owns said aggregate mining pit.
2. Persons requesting an interim use permit for a mining operation shall submit the following information as part of the application:
  - a. A complete mining and reclamation plan application as provided by the zoning administrator (see letter I of section 22.15). This application must be signed by both the primary applicant (landowner) and secondary applicant (operator); however, the ultimate responsibility for executing the mining and reclamation plan and the interim use permit rests with the landowner.
  - b. The mapping and site plan requirements of the mining and reclamation plan application shall be used in place of the mapping and site plan requirements of the interim use permit as found in article 6B of this ordinance.
3. *Notice.* All property owners of record within one-half mile of the affected property, or to the ten properties nearest to the affected property, whichever is greatest, shall be provided with a written notice of the time, place and purpose of the public hearing on the proposed interim use permit.
4. *Application revisions.* In the event the applicant finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original mining and reclamation plan by mutual consent of the applicant, operator and the county board. Such changes shall preserve, as much as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

5. *Change of landowner.* All gravel mining interim use permits expire once a property changes ownership. The new landowner must receive a new interim use permit if any gravel mining activities occur on the property. However, all reclamation and other responsibilities identified in the expired interim use permit are transferred to the new landowner.
  6. *Change of operator.* A landowner who has a gravel mining interim use permit may change operators on said property without obtaining a new interim use permit provided:
    - a. The new operator fulfills all of the requirements set forth in the mining and reclamation application; and
    - b. The new operator meets all the requirements and/or conditions of the site's interim use permit.
- B. *Time limit.*
1. All mining and reclamation activities shall be completed within six years from the issuance of the interim use permit. A new interim use permit and mining and reclamation application must be approved to continue any mining activity beyond the six year time limit. Reclamation activities may continue after the permit expires with written permission from the planning and zoning administrator for a period of time not to exceed one year.
    - a. There shall be an inspection by Meeker County Planning and Zoning which shall occur at approximately three or mid-point of the duration of the permit whichever is least.
- C. *Use restrictions.* Activities other than the initial mining, crushing, washing and screening of material shall be considered as a separate interim use as required in section 22.29 of this ordinance. Such uses shall include but are not limited to the following:
1. Concrete block, drain tile or similar concrete product manufacture;
  2. Production or manufacture of ready-mixed concrete;
  3. Hot mix plant, including related bituminous recycling;
  4. Concrete/bituminous recycling; and
  5. Any similar production or manufacturing processes related to the mining operation.

Exception for existing gravel pits operating with a conditional/interim use permit. The stockpiling of recycled bituminous may be allowed if it is to be used within one calendar year after obtaining written permission from the zoning administrator. If stockpiling occurs for over one calendar year or if the combined total of recycled bituminous exceeds 1,000 cubic yards, an interim use permit is required as per section 22.29.

D. *General requirements.*

1. *Setback.* Mining operations shall not be conducted within the following minimum distances:
  - a. Within 500 feet of R-1, R-2, C-1, C-2 zoned property, a COD (Conservation Subdivision Overlay District) or within 500 feet of a residential structure located in any other zoned property.
    - (1) Except the residential structure of the owner or operator of the mining operation.
  - b. 65 feet to the centerline of any existing or platted street, road, or highway; but at least 30 feet from the right-of-way line, provided the slope is at least four feet horizontal to one foot vertical.
  - c. 100 feet to the property line of any other adjoining property.
  - d. All equipment and stockpiling must be at least 100 feet from the centerline of any existing or platted township or county road; at least 130 feet from the centerline of any existing or platted state or federal highway; or where such use may create traffic or line-of-site problems.

2. *Clearing.* Clearing of the mining site shall conform to the development and reclamation plan. Existing trees and shrubs shall not be prematurely removed. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner and in no instance shall this be greater than ten acres at any one time.
3. *Screening.* Adequate planting, fencing or berming sufficient to screen the operation from public view shall be provided along all public roads adjacent to the property involved. Where possible, existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the required road setback except where traffic safety requires cutting and trimming.
4. *Safety fencing.* Any mining operation adjacent to a residential district or within 300 feet of two or more residential structures shall comply with the following requirements:
  - a. A fence at least four feet high shall be placed around all collections of water that are 1½ feet or more in depth, occupy an area of 700 square feet or more, and exist for any period of at least one month.
  - b. A fence of at least four feet in height shall bar access to all excavated slopes steeper than one foot vertical to three feet horizontal existing for a period of one month or more.
5. *Access roads.* Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized. The location of the intersection of mining access roads with any public roads shall be selected so that traffic on access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety. All access points must be approved by the appropriate highway agency having jurisdiction, and shall preferably be located along a secondary road.
6. *Nuisances.*
  - a. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
  - b. The mining operation shall not adversely affect the quality of surface or subsurface water resources.
  - c. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
  - d. All access roads from mining operations to public highways shall be paved or otherwise maintained so as to minimize dust conditions.
  - e. Precautions shall be taken to minimize the deposit of dirt and mineral material from truck tires and spillage onto the public roads or highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed from road surfaces at regular intervals.
7. *Hours of operation.* Those portions of the mining operation consisting of excavating, stockpiling, processing or hauling shall be conducted only between the hours of 6:00 a.m. to 9:00 p.m., Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturdays, and no processing or stockpiling on Sunday or holidays. The Meeker County Board may authorize different hours of operation, either more or less restrictive, if proven to be necessary on a case-by-case basis.
8. *Dust control.*
  - a. The owner/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 to the sand and gravel operation must be set back at least 25 feet from neighboring property lines.

- b. The owner/operator shall take all appropriate actions to minimize the amount of dust generated by the mining operation, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. In addition, all gravel pit access roads shall be provided and maintained by the owner/operator with an approved method. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized. With township board approval, the county board may require a hard-surfaced road at the owner/operators expense if the operation is dependent upon a township road for hauling.
      - c. If a gravel tax is implemented and collected by the county for over one year, the county or appropriate township may help control dust on public roads used for hauling.
    9. *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.
    10. *Trucking operations.* The operator shall ensure all loads leaving any pit regulated by this ordinance are loaded so as to comply with state law.
    11. *Fuel storage.* All on-site storage of fuel must meet federal, state and local standards.
    12. *Miscellaneous.* All mining operations shall be conducted in compliance with the applicable laws of the State of Minnesota, the federal government, local ordinances and resolutions and any conditions made a part of the interim use permit.
  - E. *Reclamation.* All mining sites shall be rehabilitated within one year after mining operations cease according to the mining and reclamation plan application. The following standards shall apply:
    1. All peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding. To minimize erosion no slope shall exceed 23 percent in grade.
    2. Graded and backfilled areas shall be covered with sufficient topsoil to provide re-vegetation of ground cover, trees, shrubs, etc.
    3. Trees, shrubs, legumes, grasses or other ground cover shall be planted upon the area in accordance with the approved reclamation plan. Such planting shall adequately retard soil erosion.
    4. The finished rehabilitation 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. Upon completion of excavation, all buildings, plants and equipment shall be dismantled and removed. A temporary variance to this provision may be granted for those buildings, plants and equipment required to process previously mined materials stored on the site.
    6. Within 60 days of completion of the reclamation of the mining site the property owner shall notify Meeker County Planning and Zoning of said reclamation. An inspection shall take place by the zoning administrator or his/her designee upon notification of completion of said reclamation to ensure reclamation has been completed appropriately.
  - F. *Environmental assessment worksheets, environmental impact statements and other permits.*
    1. A mandatory environmental assessment worksheet shall be required for development of a facility for the extraction or mining of sand, gravel, stone or other nonmetallic minerals which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence. Meeker County will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of an environmental assessment worksheet shall be borne by the applicant.
    2. A mandatory environmental impact statement shall be required for the development of a facility for the extraction or mining of sand, stone or other nonmetallic minerals, which will excavate 160 acres of land or more to a mean depth of ten feet or more during its existence. Meeker

County will be the responsible governmental unit for the preparation of the environmental impact statement. Costs associated with the preparation of an environmental impact statement shall be borne by the applicant.

3. All provisions of the Minnesota Environmental Quality Board Environmental Review Program must be complied with.
  4. *Protection of water tables.* The maximum depth of excavation may be established by the county board so that groundwater quality can be protected when such concerns arise during the application process. This depth of excavation shall be based, in part, upon soil characteristics, depth to water table, nature of mining proposed, local use of the aquifer and in all cases, expert advice. Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit.
  5. Permits from the Minnesota Pollution Control Agency may be required for a mining operation in relation to air and water quality. An air quality permit may be necessary for smokestack discharges from processing plants or fugitive dust from operating areas. If the mining operation discharges water (from pit dewatering and/or gravel washing), a state disposal system permit or a national pollution discharge elimination permit may be necessary from the Minnesota Pollution Control Agency. As a condition of any permit issued pursuant to this ordinance, no mining will be allowed until evidence is shown the operator has obtained these permits or that none are necessary.
  6. Permits from the Minnesota Department of Natural Resources may be required in the event any type of work is proposed in public waters or if there is a need for de-watering the pit to gain access to sand, gravel and rock. A permit may also be needed for well in connection with a washing facility. As a condition of any permit issued pursuant to this ordinance, no mining will be allowed until evidence is shown the operator has obtained these permits or that none are necessary.
  7. Any mining operation having access from a state or county highway must obtain an access permit from the respective agency. A turn lane and/or bypass lane may be required by the respective agency to reduce the risk of traffic safety hazards. The cost of construction of a turn or bypass lane shall be the sole expense of the operator.
  8. Abandoned wells must be sealed in accordance with state and county requirements.
- G. *Gravel tax.* All aggregate producers, contractors and retailers in Meeker County are subject to the aggregate material production tax as provided in Minnesota State Statutes § 298.75, upon action by the Meeker County Board.
- H. *Existing mining operations.*
1. Existing mining operations operating with a valid conditional use permit issued prior to the adoption of this ordinance, may continue operating under the terms and conditions of the conditional use permit, but are subject to the following provisions:
    - a. The operation shall not be permitted to expand, either in size or use, beyond the limits set forth in the approved and recorded conditional use permit without first obtaining a new interim use permit.
    - b. The operation shall be required to follow the general requirements of this article (section 22.15, subsection D) in order for the county to best manage the public's safety, health and general welfare.
  2. Existing mining operations operating with a conditional use permit that was issued without a time limit condition should complete a mining and reclamation plan application to be filed with the original conditional use permit within two years from the adoption of this ordinance in order for the county to best manage the public's safety, health and general welfare.

- I. *Meeker County mining and reclamation permit application.* The following application shall be completed as part of the process to obtain an interim use permit for the activities identified in this article (section 22.15):

**Meeker County Mining and Reclamation Permit Application**

**Part One: General Information**

1. Name of Primary Applicant (Landowner)  
Street Address  
City, State, Zip Code  
Phone No.
2. Name of Secondary Applicant (Operator)  
Street Address  
City, State, Zip Code  
Phone No.
3. Describe the business relationship between landowner and the mining operator/company.
4. Attach a copy of the leasing agreement, contract or proof of ownership of the land to be mined and reclaimed herein.
5. Provide the legal description of the mining site including section, township and range.
6. Specify total area (in acres) to be affected by this project. Include areas for future expansion, stockpiling, processing, haul roads, settling basins, buildings and parking facilities.
7. Provide a general location map including roads and other pertinent landmarks.
8. Is environmental review required for this project?

<input type="checkbox"/> yes, attach copy of EAW or EIS	<input type="checkbox"/> no
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9. List other permits necessary for this project, indicate status and provide a copy.

<i>Permit</i>	<i>Status</i>
—	—
—	—

**Part Two: Pre-mining Conditions**

10. Describe current land uses within and adjacent to the project area.

11. Is proposed project area within 1,000 feet of a shoreline of a lake or within 300 feet from either bank of a watercourse or the landward extent of a floodplain designated by local ordinance?

<input type="checkbox"/> yes, refer to shoreland regulations	<input type="checkbox"/> no
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12. Indicate the observed or estimated (circle one) groundwater elevation in the project area and reference depth to a permanent bench mark. \_\_\_\_\_ feet
13. Provide a map of the pre-mining conditions as they currently exist both inside the project area and within 1,320 feet of the property at a scale of not less than one inch equals 200 feet that includes the following information:
- a) An estimate of the shape and extent of the gravel deposit.
  - b) Location of boundary stakes delineating the project area referenced to a bench mark.
  - c) Ownership within and adjacent to the project area.
  - d) Location of all existing structures within and adjacent to the project area and the purpose for which each structure is used, including buildings, pipelines, cables, railroads and powerlines.
  - e) Contours within the project area at intervals no larger than two feet.
  - f) Existing vegetation within and adjacent to the project area.
  - g) The location of all streams, lakes, wetlands, ditches, waterways and drainage patterns located within or adjacent to the project area.
  - h) Location of previous excavations in the project area.
  - i) Location of wells in the vicinity of the project area.
  - j) Location of known or inferred cultural resources within the project area.
  - k) Location of known or inferred threatened or endangered species within and adjacent to the project.
  - l) Location of roads and rights-of-way.
  - m) The vertical profile of the area to be excavated.

### **Part Three: Mitigating Impacts**

14. List resources that may be impacted by this project, identify impacts and describe measures that will be taken to mitigate those impacts.
15. 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.
16. Describe erosion control practices that will be used during mining. If no measures will be used, explain why none are needed.

### **Part Four: Description of Mining Activities**

#### **Proposed Mining Methods**

17. Describe the sand and gravel products that will be mined from the project area.
18. Describe how the sand and gravel will be mined and what equipment will be used.

19. Describe how the material will be transported from the site, the proposed route of transport, and, if known, the normal final destination.
20. Describe the methods that will be used to dispose of brush and other vegetative debris.
21. Describe the methods that will be used to retain topsoil.
22. Estimate the volume of material in cubic yards to be mined in the period covered by this permit. \_\_\_\_\_ cubic yards.
23. List the commencement and completion date (provide month, day, year) of mining activities and the calendar months, days of the week and hours of the day in which mining activities are expected to occur. All mining interim use permits have a five-year time limit.

Commencement Date:

Completion Date:

Calendar Months:

Days of the week:

Hours of the day:

24. Describe measures that will be taken to control soil erosion, sedimentation, runoff, dust and noise.
25. Identify the number of employees expected to work at the site and the facilities that will be provided.
26. Describe dewatering activities and estimate volumes of water to be discharged from the site.
27. Identify the maximum height of all stockpiles and structures.
28. Provide mining plan maps at a scale of no less than one inch equals 100 feet that include:
  - a) Sequential phases of mining (plan view) with haul roads, equipment, machinery, storage areas, spoil piles, mined material piles and processing areas identified.
  - b) Cross sectional drawings of any water impoundments, high wall reduction, benching or terracing, and erosion control practices.
  - c) Structures to be erected.
  - d) Location and depths of proposed excavations.
  - e) Location of vehicle parking.
  - f) Location of stored explosives.
  - g) Location of washwater ponds and the location of disposal materials (if applicable).

#### **Proposed Processing Methods**

29. Describe the processing methods that will be used at the site.
30. List the proposed calendar months, days of the week and hours of the day for the operation of the processing facilities.

Calendar months:

Days of the week:

Hours of the day:

31. Describe the volume of water needed for gravel washing activities, the source of the water, how the ponds will be maintained and how the washwater will be disposed.
32. Describe how chemical substances will be stored on the site.

#### **Part Five: Staging of Operations**

33. Provide a schedule of the projected life of the operation including beginning and ending of operations and any phases or stages.
34. Describe progressive reclamation activities that will occur over the life of the operation.
35. Indicate which stages of the operation will be mined by the landowner, operator (if different than the landowner), and which stages will be mined by subsequent operators.
36. Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion.
37. Describe the interim reclamation methods that will be used if the site will become inactive at the close of current operations for an unspecified period of time.

#### **Part Six: Proposed Reclamation**

38. List the approximate commencement and completion date (provide month, day, year) of reclamation activities.  
Commencement Date:  
  
Completion Date:
39. Describe the type of fill that will be used and depth of restored topsoil.
40. Describe proposed reclamation including final slopes, high wall reduction, benching, terracing and other structural slope stabilization measures and when they will take place.
41. Describe anticipated topography, water impoundments, artificial lakes and future land use of the site.
42. Describe plans for the disposition of surface structures, roads and related facilities after completion of mining and when these activities will occur.
43. Describe the methods proposed for the disposal or reclamation of oversize and undersize material.
44. Describe or attach a copy of a seeding, planting or re-vegetation plan that includes types, densities and methods of tree plantings, seed bed preparation, seed mixtures, seeding rates, mulching and other techniques needed to accomplish site stabilization.
45. Describe long-term maintenance needed to support reclamation and when it will need to occur.
46. Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.
47. Provide a reclamation plan map at a scale of no less than one inch equals 100 feet that includes:
  - (a) Final grade of the site with elevations and contour lines at two foot intervals.
  - (b) The location of any benching, terracing, water impoundments, artificial lakes, vegetative plantings and anticipated future land uses.

#### **Part Seven: Other Information Required**

48. The applicant shall provide any other information and exhibits as required by the Meeker County Planning Commission or County Board necessary to make findings, recommendations and dispositions on the application.

To the best of my knowledge, I certify that the information provided on this application and accompanying documents is true and accurate. As Primary applicant (landowner), I assume the ultimate responsibility in executing the provisions provided for in this application herein.

Primary Applicant's (Landowner) Signature _____	Date _____
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To the best of my knowledge, I certify that the information provided on this application and accompanying documents is true and accurate.

Secondary Applicant's (Operator) Signature _____	Date _____
New Operator's (If applicable) Signature _____	Date _____
Notary's Signature _____	Date _____

Sec. 22.16. - Manufactured home parks.

It shall be unlawful for any person to establish, maintain, enlarge or operate a manufactured home park unless such person holds a valid permit from the county and a license from the Minnesota Department of Health subject to the provisions of this ordinance and Minnesota Statutes, chapter 327 and all amendments thereof.

All applications for a conditional use permit shall be made to the zoning administrator. The county board shall approve a conditional use permit upon compliance by the applicant with the provisions of this ordinance. A permit hereunder shall be issued only upon the filing with the county auditor of a performance bond or certified check in an amount as determined by the county board of commissioners as being sufficient to guarantee the satisfactory performance of the terms for which the permit is granted. Form and execution of said bond or check shall be approved by the county attorney. Said bond or check may run jointly in favor of the county and any other governmental subdivision or private individual.

A. *Permit application.* A conditional use permit application shall be filed with the zoning administrator and shall contain the following information:

1. Name and address of developer and land owner.
2. Location and legal description of the proposed park property.
3. Site plan with survey and engineering information including distances with angles, bearings, lengths and legal description of property involved. This shall be shown on drawings with a scale no smaller than one inch equals 50 feet and including the following information:
  - a. Location and size of the manufactured home park.
  - b. Location and size of each manufactured home lot with dimensions and boundary lines.
  - c. Limits and location of proposed or existing streets, cartways, curbs, driveways, sidewalks, easements and rights-of-way.

- d. Road construction plans and specifications.
  - e. Location of off-street parking facilities.
  - f. Plans for sanitary sewer collection, water systems and stormwater drainage system.
  - g. Plans for electrical services, telephone services, fuel systems and garbage collection.
  - h. Detailed landscaping plans and specifications.
  - i. Plans for an overhead street lighting system.
  - j. Location and construction plans for park structures such as auxiliary sanitary facilities, laundries, utility buildings and storm shelters.
  - k. Location of required park and/or recreation site including type of equipment.
4. The method of disposing of garbage and waste.
  5. Detailed description of maintenance procedures and grounds supervision.
  6. Details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
  7. Such other information as may be requested by the zoning administrator or planning commission in order to determine if the proposed park will comply with all requirements included in this ordinance.
- B. *Design requirements.* The following general design requirements and regulations shall be incorporated into the manufactured home park site plan and application.
1. *General manufactured home park requirements.*
    - a. The manufactured home park shall be located on a well-drained site suitable for the purpose. The manufactured home stands shall not heave, shift or settle unevenly under the weight of the manufactured home, due to frost action, inadequate drainage, vibration or other forces acting upon the structure.
    - b. A manufactured home park shall be large enough to contain not less than 40 fully developed, manufactured home sites located on a minimum lot size of ten acres and shall not exceed a gross density of five manufactured homes per acre. A minimum of 15 sites, together with all required auxiliary buildings and areas, must be fully developed before any manufactured home can be sited.
    - c. All manufactured home parks shall have one or more recreational areas which shall be easily accessible to all park residents. At least ten percent of the land area within each manufactured home park shall be designated for development for recreational use (tennis courts, play areas, etc.). No recreation area shall contain less than 12,000 square feet. Such space shall be of appropriate design and provided with appropriate equipment and maintained by the owner of the park at his expense.
    - d. Each manufactured home park shall have one or more central community buildings with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and public telephones, in addition to public toilets for each sex.
    - e. All manufactured home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers and all other equipment not generally stored within the manufactured home or within the utility enclosed shall be stored in a separate place provided and maintained by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a manufactured home lot which is occupied by a manufactured home nor upon the streets within the manufactured

home park but may be stored in a designated vehicle parking site with the permission of the park operator.

- f. Each manufactured home lot shall be permanently staked and numbered. Permanent identification markers for each lot shall be clearly visible from the street.
- g. Each manufactured home site shall be provided with a storage structure not less than 500 cubic feet in volume.

2. *Minimum lot and setback requirements.*

- a. Each manufactured home lot shall have a minimum area of 6,600 square feet.
- b. Minimum lot width shall be 60 feet.
- c. Minimum lot depth shall be 110 feet.
- d. Each manufactured home shall have a minimum 15-foot side yard.
- e. Each manufactured home shall maintain a front yard setback of 25 feet from the travel portion of interior streets in the park.
- f. There shall be a minimum rear yard of 15 feet.
- g. Each manufactured home lot shall be so designed that automobiles may not be parked within five feet of the side of any manufactured home or within five feet of the front or back of the manufactured home.
- h. Manufactured home park lots that are adjacent to public streets or roads shall conform to all setbacks, side yard and rear yard requirements of the zoning district in which said lot is located.
- i. No manufactured home lot, off-street parking space or structure shall be located within 35 feet of the exterior boundary of any manufactured home court or park.
- j. No building or structure, hereafter erected or altered in a manufactured home park, shall exceed 25 feet or 1½ stories in height.
- k. The occupied area of a manufactured home lot, inclusive of manufactured home, off-street parking, accessory buildings and extensions of the manufactured home, shall not exceed 50 percent of the total area of the lot.

3. *Roads and parking.*

- a. Entrances to a manufactured home park shall be so designed as to permit a minimum number of ingress and egress points to control traffic movement, and to keep additional traffic out of the park.
- b. Entrances and exits from county or state highways shall have prior written approval of the highway authority having jurisdiction over said roads.
- c. All manufactured home lots shall front only on, and be provided access to, interior roadways.
- d. Interior roadways shall be constructed of at least six inches of gravel or aggregate, stabilized to prevent dust and mud and designed to provide adequate surface drainage. Such streets shall be private streets used by the inhabitants of the park and maintained by the owner thereof.
- e. Interior roads shall be not less than 30 feet in width for two lane roads where no parking is desired. Six feet of additional width shall be required per each side where roadside parking is desired.
- f. Cul-de-sacs shall be limited in length to 500 feet and shall be provided at the closed end with a turnaround having a radius of 60 feet.

- g. The street system shall be lighted to provide for safe movement of pedestrians or vehicles at night.
  - h. Grades and plans for each road within a manufactured home park shall be approved by the county engineer prior to construction.
  - i. Each manufactured home site shall have off-street parking for at least two automobiles and shall be 20 feet wide.
  - j. Each manufactured home park shall maintain an off-street overload parking lot for guests of occupants in the amount of one space for each four home sites and located within 300 feet of the unit to be served.
4. *Utilities and services.*
- a. An adequate and safe sanitary sewage system shall be provided in all manufactured home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with the state department of health standards and regulations and those contained in this ordinance.
  - b. An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. When a satisfactory public water supply system is not available, a private water supply system may be developed and used as approved by the State of Minnesota until such time as a public supply system becomes available.
  - c. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. All installations for disposal of surface stormwater shall be approved by the county engineer.
  - d. The source of fuel for cooking, heating or other purposes at each manufactured home site shall be installed and maintained in accordance with applicable codes and regulations governing such systems. The storage of fuel for cooking and/or heating shall be in containers with connections approved by the state fire marshal.
  - e. All utilities, such as sewer, water, fuel, electric, telephone and television antenna leads, shall be buried to a depth specified by the county engineer, and there shall be no overhead wires or support poles except those essential for street lighting.
  - f. Artificial light sufficient to control vandalism shall be maintained over the entire occupied manufactured home park or court area during all hours of darkness.
5. *Landscaping and aesthetics.*
- a. A properly landscaped area of 30 feet shall be maintained around each manufactured home park. All manufactured home parks shall be screened with a fence or natural screen planting along the property boundary lines separating the park from residential and non-residential uses to protect adjoining property owners.
  - b. The area beneath all manufactured homes shall be enclosed with a skirting material that shall be generally uniform and in accordance with the decor of the manufactured home through the entire manufactured home park. Such an enclosure must be so constructed that it does not impede inspection of plumbing, electrical facilities and related manufactured home equipment.
  - c. The yards shall be landscaped except for the necessary driveway and sidewalk needs which shall not exceed one-half the width of the site. Landscaping shall include at least one tree.
6. *Environmental, health and safety regulations.*
- a. Soil conditions, groundwater level, drainage and topography shall not create hazards to the property or health and safety of the occupants.

- b. Each manufactured home park shall provide a building which is structurally suitable to serve as a storm shelter with sufficient space to accommodate all of its residents. Such building may also supply office, laundry and recreation facilities.
- c. Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner.
- d. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- e. The manufactured home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.
- f. Parks shall be maintained free of accumulations of debris. All refuse containing garbage shall be collected at least once a week.
- g. The growth of brush, weeds and grass shall be controlled. Parks shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health.
- h. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone, screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

7. *Additional regulations.*

- a. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, and keep its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- c. No manufactured home shall be located in the manufactured home park that does not conform to the requirements of the most current Minnesota State Uniform Manufactured Home Standards Code and has the state seal of compliance affixed to it.
- d. Land in the manufactured home park shall be used for residential purposes only. No commercial operation shall be conducted within the park other than those necessary to the operation thereof. A common laundering facility is an allowed use. Commercial sales lots for manufactured homes are prohibited within the manufactured home park. There shall be no outdoor camping anywhere in the trailer park except by park residents or their guests.
- e. In addition to the foregoing, the planning commission may impose such other conditions, requirements or limitations concerning the design, development and operation of each manufactured home park as it may deem necessary for the protection of adjacent properties and the public interest.

C. *Administration.*

- 1. It shall be the duty of the zoning administrator to ensure that an approved manufactured home park permit is followed by the owner and/or developer. No departure from the approved manufactured home park permit shall be made without the express written permission of the planning commission. The procedure for review and approval or disapproval of changes shall be the same as for the initial application.
- 2. The zoning administrator is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. The zoning

administrator shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigation conditions relating to the enforcement of this ordinance.

3. Whenever, upon inspection of any manufactured home park, the zoning administrator finds that conditions or practices exist which are in violation of any provision of this ordinance, the zoning administrator shall give notice in writing to the person to whom the license was issued that conditions or practices shall be corrected within a 30-day period. At the end of such period of time the zoning administrator shall re-inspect such manufactured home park and, if such conditions or practices have not been corrected, the planning commission will give notice in writing of such suspension, and such person to whom the license is issued. Upon receipt of notice of suspension, such person shall cease operation of such manufactured home park.
4. Any enlargement or extension to any existing manufactured home park shall require application for a permit as if it were a new establishment. Permits shall not be transferred. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.

#### Sec. 22.17. - Nuisances.

In order to create a compatible relationship of land uses, certain standards are established to protect the public health and safety, adjacent property values and preserve aesthetic values. No noise, odors, vibrations, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property, except as provided otherwise.

Standards listed herein shall be construed as minimum standards and the county board may require adherence to approved or suggested State of Minnesota Standards.

Detailed plans relating to the proposed use and operation may be required before issuance of a permit required by this ordinance to ensure compliance with these regulations.

- A. *Nuisances.* Creating, maintaining or allowing a nuisance shall not be permitted. All nuisances shall be subject to abatement as provided herein. Nuisances include, but are not limited to, those set forth in this section:
  1. *Animal manure.* Stockpiling manure in a shoreland district or one-fourth mile from any residence and the accumulation of manure in a quantity that creates an odor detectible from a neighboring property in an R-2 district shall be considered a nuisance. The county board of commissioners may order the owner of any such animals to apply for or revoke a conditional use permit if it is deemed to be in the interest of the public health, safety or general welfare.
  2. *Exterior lighting and light glare.* Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining properties and public streets. Direct or sky-reflected glare, whether from floodlights, high intensity lighting or from high temperature processes such as combustion or welding directed into any adjoining property shall also be a nuisance. The source of light constituting a nuisance shall be hooded, directed or controlled in some manner so as not to light adjacent property.
  3. *Fumes, gases and odors.* Fumes or gases emitted at any point in concentrations that are toxic, noxious or corrosive shall be considered a nuisance. Detailed plans for the elimination of fumes or gases may be required prior to commencement of operation. These regulations shall not apply to farm operations. All uses causing the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located shall be a nuisance. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a land use permit except odors from agricultural land uses.

4. *Explosives.* Every operation involving explosives carried on without reasonable precautions against fire and explosion hazards shall be a nuisance. No activity involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except as regulated by the State of Minnesota Statutes.
5. *Noise.* Noise that is or becomes objectionable due to intermittence, beat frequency, shrillness or intensity shall be a nuisance.
6. *Rodent control.* Conditions which are conducive to the harborage or breeding of vermin shall be considered a nuisance. All property shall be maintained in such a manner as not to attract or harbor rodents or other vermin in such numbers as to cause damage to property or present a health threat or nuisance to adjoining properties. Vermin infestations include, but are not limited to rats, mice, skunks, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, or flies.
7. *Noxious weeds.* The uncontrolled or excessive growth of noxious weeds shall be a nuisance. The growth of noxious weeds shall be controlled to the greatest degree possible. Each property owner shall be responsible to maintain the area adjacent to the dwelling unit or commercial structure. Enforcement of this provision shall be coordinated with the office of county agricultural inspector.
8. *Smoke, dust and particulate matter.* Any use emitting smoke or particulate matter to the degree that it is detrimental to or shall endanger the public safety, health, comfort or general welfare of the public or not meeting the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or other particulate matter shall be considered a nuisance.
9. *Solid waste.* In all districts, all debris, refuse, garbage or waste material, except crop residues, not kept in an enclosed building or properly contained in a closed container designed for such purposes shall be a nuisance. The owner of the land shall not permit refuse, noxious substances, or hazardous wastes to be pooled, accumulated, left, piled, deposited, buried, discharged upon, or flowing from any property, structure, or vehicle. All solid waste containing garbage shall be disposed of in such facilities designated by the county board of commissioners in compliance with the county landfill regulations. It shall be unlawful for any person to dispose of solid waste in any other manner unless prior approval is obtained from the county board and such disposal does not provide breeding grounds for rodents or produce noxious effects on adjoining property.
10. *Hazards.* Any thing or condition which may contribute to injury of any person present on the property, including but not limited to open holes, open foundations, open wells and abandoned refrigerators shall be considered a nuisance.
11. *Unlicensed vehicles.*
  - a. It shall be unlawful for any person to store or keep outside of an enclosed building any unlicensed or inoperative vehicle whether such vehicle is dismantled or not, except as provided herein.
  - b. Two unlicensed vehicles shall be allowed to be kept outside of an enclosed building in the agriculture district. More than two unlicensed vehicles in an agriculture district shall be stored in an enclosed building.
  - c. One unlicensed vehicle may be kept within an enclosed building in residential districts.
  - d. Within the agriculture, commercial and industrial districts, any number of unlicensed vehicles may be kept in an enclosed building provided they are not being used for the sale of parts, scrap metal or other components in commercial quantities. The sale of parts, scrap metal or other components from an unlicensed vehicle in commercial quantities shall be considered a junkyard.

- e. An unlicensed vehicle intended for use, or already has participated, in a race, demolition derby or similar event may occasionally be removed from an enclosed building, so as to prepare the vehicle for the race, derby or event it is intended for provided the said vehicle is returned to the enclosed building as required herein for storage.
12. *Junkyards.* It shall be unlawful to create or maintain a junkyard or vehicle-dismantling yard except as provided herein.
  - a. A junkyard must be completely enclosed within a building, fence, screening or vegetative planting of adequate height and density to screen the junkyard completely from the public's view on adjoining roads and property.
  - b. The planning commission and board of county commissioners have the authority to determine the types of materials or plantings to be used in each screening and the types of building materials necessary to erect buildings and fences to completely enclose a junkyard from the public's view on adjoining roads or property.
13. *Vehicle sales.* It shall be unlawful to offer for sale more than one vehicle within sight of any road right-of-way, unless the responsible party has the necessary permit required herein and is licensed as a motor vehicle dealer by the State of Minnesota.
14. *Public health and safety.* The following are declared to be nuisances affecting public health or safety:
  - a. The effluent from any septic tank, drain field or other types of human sewage disposal system, discharging upon the surface of the ground or dumping the contents thereof at any place except as authorized.
  - b. The pollution of any water well or cistern, groundwater, stream, lake, canal or natural body of water by sewage, industrial waste or other substance.
15. *Statutes and common law nuisances.* Any thing or condition on property, which is otherwise defined by law, the Statutes of Minnesota or the ordinances of Meeker County as a nuisance.

B. *Violations.*

1. No person shall, directly or indirectly, by act or omission, create or permit a nuisance as defined in this ordinance.
2. No owner of any truck, trailer, railroad car or flat, or other vehicle shall leave the vehicle standing on or along any street, highway, railroad track, or other property within the County of Meeker carrying or containing any refuse, noxious substance or hazardous waste, except for normal operations, and in no case for more than 24 hours.
3. No owner or responsible party shall permit a nuisance to remain upon or in any property or structure under his or her control.

Sec. 22.18. - Off-street parking.

In all districts and in connection with all uses, there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents, and/or patrons in conformity with the following requirements:

- A. *Site plan.* Any application for a permit required by this ordinance shall include a detailed site plan drawn to scale and dimensioned showing on-site parking and loading space to be provided in compliance with this Section and meeting the following design and construction requirements. Off-street parking requirements will be considered met only when actual spaces meeting the requirements following are provided and maintained as follows:
  1. *Minimum space.* Each space shall average a minimum area of not less than 300 square feet, including access drives. Individual spaces shall maintain a width of not less than 8½

feet and a depth of not less than 20 feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve. Each loading space shall contain a minimum area of not less than 500 square feet.

2. *Access.* Adequate ingress and egress shall be provided from a public right-of-way. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazards. Frontage roads or service roads may be required when, in the opinion of the county planning commission, such service roads are necessary to maintain traffic safety. Vehicular access to commercial or industrial uses across property in any residential or shoreland district shall be prohibited.
3. *Location.* Required on-site parking space shall be provided on the same lot as the principal building or use, except as provided otherwise herein and except that no off-street parking shall be required within the neighborhood commercial district.
4. *Setback.* On-site parking and loading facilities shall not be subject to the front yard, side yard or rear yard regulations for the use district in which parking is located, except that:
  - a. In any commercial or industrial district, no parking or loading space shall be located within ten feet of any property line which abuts a road or highway right-of-way, or any residential, shoreland or agricultural district.
5. *Signs.* Signing and surface markings for vehicular traffic flow to, from and within the parking area shall be in accordance with the Minnesota Manual of Uniform Traffic Control Devices. No other signs shall be located in any parking area.
6. *Lighting.* All lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any agricultural, residential or shoreland district.
7. *Surface.* In all commercial and industrial districts, off-street parking area shall be improved with a durable and dustless surface on an adequate gravel base. Such areas shall be graded and drained so as to dispose of all surface water without damage to adjoining property. These requirements shall apply also to open sales lots for cars, trucks, farm machinery and other equipment.
8. *Curbing and screening.* All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb so as to maintain the required setback. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential or shoreland district, or any institutional premises by a wall, fence or densely planted compact hedge not less than four feet in height. However, the board of adjustment may waive this requirement if the closest point of such parking area is at least 75 feet from the nearest residential or institutional property line. The screening and landscaping plan shall show plant materials, bed location and other necessary information.
9. *Space computing requirements.* In computing the required number of off-street parking spaces, the following rules shall govern:
  - a. "Floor area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
  - b. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, one additional space shall be required.

- c. The amount of required off-street parking spaces for new uses or buildings, additions thereto and additions to existing buildings shall be determined in accordance with the following requirements and the space so required shall be irrevocably reserved for such use. In the case of any building structure or premises, the use of which is not specifically mentioned herein, the provisions for a use, which is mentioned and to which said use is similar shall apply as determined by the planning commission. On-site parking areas of sufficient size to provide for parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. An adequate number of parking stalls for handicapped persons shall be designated and reserved for handicapped use only, as determined by the Minnesota State Building Code, chapter 55. The minimum number of required on-site parking spaces for the following uses shall be as follows:
- (1) One-family dwelling—two parking spaces.
  - (2) Multiple dwelling or manufactured home park—two parking spaces per dwelling unit, apartment unit or manufactured home berth.
  - (3) Convalescent or nursing home—one parking space for each four beds for which accommodations are offered, plus one parking space for each employee on the major shift.
  - (4) Churches—one parking space for each four seats, based on the design capacity of the main seating area.
  - (5) Golf course, golf clubhouse, country club, swimming club, tennis club and public swimming pool—20 spaces, plus one space for each 500 square feet of floor area in the principal structure.
  - (6) Professional offices and animal hospitals—four parking spaces per professional person, plus one parking space for each 500 square feet of floor area over 1,000 square feet of floor area.
  - (7) Automobile service station—four parking spaces, plus two parking spaces for each service stall. Such parking spaces should be in addition to parking space required for gas pump areas.
  - (8) Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sales and auto repair—six parking spaces plus one space for each 500 square feet of floor area over 1,000 square feet of floor area.
  - (9) Drive-in restaurant—ten parking spaces or one space for each 40 square feet of floor area, whichever is greater.
  - (10) Motel or hotel—one parking space for each rental room or suite, and one space for each employee on the major shift.
  - (11) Miniature golf course, archery range or golf driving range—ten parking spaces.
  - (12) Restaurant, cafe, nightclub, tavern or bar—one parking space for each 75 square feet of customer floor area, plus one space for each employee on the major shift.
  - (13) Retail stores and service establishments—one parking space for each 150 square feet of floor area, plus one space for each employee on the major shift.
  - (14) Storage, wholesale or warehouse establishments—one parking space for each employee on the major shift or one space for each 2,000 square feet of floor area, whichever is greater, plus one space for each company motor vehicle when customarily kept on the premises.
  - (15) Manufacturing or processing plant—one off-street parking space for each two employees on the major shift or one off-street parking space for each 1,000

square feet of gross floor area within the building, whichever is greater, plus one space for each company motor vehicle when customarily kept on the premises.

- B. *Reduction of parking spaces.* On-site parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than that required under this ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance.
- C. *Expansion of use.* Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use. Nothing in this section shall prevent the extension of, or an addition to, a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
- D. *Joint facilities.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses in the commercial or industrial districts, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Such spaces shall be provided directly adjacent to the property(ies) collectively providing the parking. If required off-street parking facilities are provided elsewhere than on the lot, which the principal use is located, a written agreement, lease or other document shall be drawn and executed by the parties concerned, assuring their retention for said off-street parking purposes. This agreement shall be approved in form by the county attorney and filed with the zoning administrator.
- E. *Maintenance.* It shall be the joint or separate responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences. Such parking lots shall be maintained in useable dustproof conditions and shall be kept graded and drained to dispose of surface water.
- F. *Other uses.* Loading space as required by this ordinance shall not be construed as supplying off-street parking space. 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 or for sale or for rent.

#### Sec. 22.19. - On-site loading spaces.

On the premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys.

Such space shall be sufficient for the proposed use. Such spaces may occupy all or part of any required yard or open space except where adjoining a residential district; it shall be set back so as to allow sufficient and effective screen plantings.

The minimum number of off-street loading and unloading spaces are as follows:

- A. Retail stores, service establishments and office buildings—one space for the first 10,000 square feet of gross floor area or fraction thereof, and one space for each additional 50,000 square feet of gross floor area.
- B. Restaurants—one space for each structure over 10,000 square feet of gross floor area.
- C. Manufacturing, fabrication, warehousing, storage, etc.—one space for each 30,000 square feet of gross floor area or fraction thereof.

#### Sec. 22.19.1. - Paintball ranges.

A field or property on which players use compressed-gas powered guns to fire pellets containing paint "paintballs" at opposing players. Paintball ranges usually consist of several fields of play within a single complex or property. The fields generally have staging and spectator areas separated from the playing field by netting or other physical barriers.

- A. The minimum lot size for each outdoor paintball range shall be ten acres.
- B. A minimum 20-foot buffer zone between the property line of the outdoor paintball range and the playing, staging, and spectator areas shall be maintained.
- C. A minimum 12-foot-high, nylon mesh screen or other barrier shall be installed to separate the playing areas from the 20-foot buffer zone. This screen shall be anchored at the bottom and secure by a non-stretchable cable at the top and bottom. If a nylon mesh screen is not incorporated into fencing, a 200-foot buffer zone between the property lines and the playing areas shall be maintained unless other agreements exist with adjacent landowners.
- D. No outdoor lighting shall be allowed other than for building access, parking area, driveway and signage. Nighttime use of a paintball range may be permitted if in the opinion of the planning commission such use will not be disruptive to the surrounding area. In these cases, playing, staging, and spectator areas will be required to be lighted per section 22.17.A.2.
- E. Only non-toxic paintballs shall be used at the paintball facility.
- F. A description on the procedures for storage, maintenance and use of CO<sub>2</sub> and other compressed air fuel stations. No long-term outside storage of CO<sub>2</sub> and other compressed air fuel equipment shall be allowed.
- G. The outdoor paintball range operator shall carry field liability insurance and a copy of the insurance shall be filed with the planning department.
- H. Any vehicles brought onto the range for use as props shall require prior approval by the planning department and the applicant shall submit a surety, at a type and amount determined by the planning department, to insure the vehicles are removed when the conditional/interim use permit is expired or terminated.
- I. Off-street parking shall be provided.

Sec. 22.20. - Pornography.

- A. *Regulated uses.* In the development and execution of this ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operations characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or property. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,000 feet of each other which would create such adverse effects).
- B. *Locations.*
  - 1. Adult establishments and adult entertainment uses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following-specified uses or zones:
    - a. Within, or within 1,000 feet of, any residential zone, known as R-1 or R-2, or any single-family or multiple-family residential use.
    - b. Within, or within 1,000 feet of, any school.
    - c. Within, or within 1,000 feet of, any church or other religious facility or institution.
    - d. Within, or within 1,000 feet of, any youth facility or area zoned for a youth facility.

2. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.
- C. *Conditional uses.* Adult establishments and adult entertainment uses shall not be permitted in any district unless a conditional use permit for such use has been obtained. Requirement for a conditional use permit shall be in addition to all other requirements of the zoning ordinance, and shall be in addition to all other requirements of all other applicable ordinances. Any person desiring a conditional use permit for any use specified in this section shall apply in the manner provided by ordinance for a conditional use plus provide the following information:
1. *Applications.* In addition to such applicable information as the county may require, an application required by this section shall include the following information:
    - a. The name, residence, phone number and birth date of the applicant, if an individual; and if a corporation, the names, residences, phone number and birth dates of those owners holding more than five percent of the outstanding stock of the corporation.
    - b. The name, address, phone number and birth date of the manager of such operation, if different from the owners.
    - c. The premises wherein the adult use is to be located.
    - d. A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, in the case of a corporation, the owners of more than five percent of the outstanding stock of the corporation, have been convicted, and whether or not the applicant has ever applied for or held a license to operate a similar type of business in other communities.
    - e. The activities and types of business to be conducted.
    - f. The house of operation.
    - g. The provisions made to restrict access by minors.
    - h. A building plan of the premises detailing all internal operations and activities.
  2. *[Permit expiration.]* Conditional use permits issued under this section shall expire five years after issuance, and may be renewed by the same procedure that an original conditional use permit is granted.
  3. *[Permit non-transferable.]* Each permit shall be issued to the applicant only and shall not be transferable to another holder. Each permit shall be issued only for the premises described in the application. No permit shall be transferred to another place without the approval of the county board.
  4. *Persons ineligible for permit.* No permit shall be granted to or held by any person:
    - a. Under 21 years of age;
    - b. Who has been convicted of a felony or of violating any law of this state or local ordinance relating to sex offenses and/or adult use; or
    - c. Who is not the proprietor of the establishment for which the permit is issued.
  5. *Places ineligible for permit.*
    - a. No permit shall be granted for adult uses on any premises where a permittee has been convicted of a violation of this chapter, or where any permit hereunder has been revoked for cause, until one year has elapsed after such conviction or revocation.
    - b. Except for uses lawfully existing at the time of the adoption of this section, no permit shall be granted for any adult use that is not in compliance with the county's zoning regulations.

- c. No sexually oriented business shall locate in any place that is also used to dispense or consume alcohol.

6. *Building standards.*

- a. No commercial building, structure, premises, or part thereof, or facilities therein used by a sexually oriented business classified as an adult use-principal shall be so constructed, used, designed or operated for the purpose of engaging in, or permitting persons to engage in sexual activities as defined in this ordinance.
- b. No person shall own, operate, manage, rent, lease, or exercise control of any commercial building, structure, premises, or portion or part thereof, which contains:
  - (1) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture that is designed or constructed to facilitate sexual activity between persons on either side of the partition.
  - (2) Booths, stalls, or partitioned portions of a room, or individual rooms, used for adult uses, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Such areas shall be lighted in a manner that the persons in the area used for adult uses are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion pictures or other offered adult uses.
- c. All viewing areas or booths in movie arcades shall be accessible from a continuous main aisle.
- d. All viewing areas or booth shall be located together along a continuous main aisle to eliminate the possibility of secluded booths elsewhere on the premises.
- e. No more than one person shall be permitted to enter or remain in a viewing area or booth at any time.
- f. The viewing areas or booth shall be maintained at all times in a clean and sanitary manner.
- g. All entrances to the business, with the exception of emergency fire exits not usable to enter the business, shall be visible from a public right-of-way.
- h. All performances shall be on a raised stage. The stage must be raised from the surrounding floor by at least two feet.
- i. All persons viewing any performance shall be at least three feet from the stage.

7. *Conditions of conditional use permit.*

- a. Every conditional use permit shall be granted subject to all of the conditions of this ordinance, and of any other applicable county, state or federal law.
- b. All conditional use permitted premises shall have the permit posted in a conspicuous place at all times.
- c. No minor shall be permitted on the permitted premises. Provisions to restrict access by minors shall prohibit any entry or view into the portion of the premises in which the sexually oriented business is carried on.
- d. Any designated inspection officer of the county shall have the unqualified right to enter and inspect all public areas of the premises of a permittee during regular business hours and during non-business hours to determine compliance with this ordinance.
- e. Every permittee shall be responsible for the conduct of the place of business and shall maintain conditions of order.
- f. No person to whom a conditional use permit has been issued shall permit to be or remain in any adult entertainment establishment any obviously intoxicated person.

8. *Hours of operation.* Sexually oriented businesses adult use-principal operations shall be restricted from operating between the hours of 1:01 a.m. and 6:00 a.m. The permittee shall not permit any patron to be in the place of business between the hours of 1:30 a.m. and 6:00 a.m.
9. *Existing permittees compliance.* All existing businesses shall be required to conform to this section on or before June 1, 1995. Failure to comply will result in the permit being revoked effective 12:00 midnight June 1, 1995.
10. *[Additional factors.]* In addition to the findings normally required for a conditional use, the following factors may be considered:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a "skid row" area.
  - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - d. That all applicable regulations of the ordinance, other county ordinances, state and federal law will be observed.

Sec. 22.21. - Recreational camping areas.

The provisions of Minnesota State Acts, sections 327.10—327.28 and by the Minnesota Department of Health or other authority having jurisdiction shall be complied with in addition to the regulations set forth in this ordinance.

- A. Any recreational camping area established after the effective date of this ordinance shall contain not less than ten camping sites and must be at least 40,000 square feet in area.
- B. Access to a recreational camping area shall abut upon a public street.
- C. Recreational camping sites shall be set back 25 feet from front and rear property lines and 12 feet from side property lines.
- D. The minimum lot area per campsite within a recreational camping area shall be 1,500 square feet.
- E. Recreational camping vehicles not equipped with water and/or sewer facilities shall be located not more than 400 feet from a community utility building, which shall provide separate toilet and shower facilities.
- F. Commercial operations necessary to the operation of the campgrounds and for the convenience of the campers shall be allowed.
- G. It shall be unlawful for any person to establish, maintain or operate a recreational camping area unless such person shall first procure a permit from the appropriate state and county agencies.
- H. Any enlargement or extension to any existing recreational camping area shall require application for a permit as if it were a new establishment.

Sec. 22.21.1. - Recreational camping vehicles/storage of recreational camping vehicles.

Recreational camping vehicles shall be permitted only:

1. In established recreational camping areas; or
2. Placed for storage on a lot that has an existing building eligibility.
  - a. A recreational camping vehicle, whether occupied or not, shall be permitted on a lot with an existing building eligibility for no more than 30 days.

- b. If any recreational camping vehicle, whether occupies or not, seeks to remain on a lot with an existing building eligibility for more than 30 days annually then the owner of the vehicle must obtain an interim use permit. On any lot with a domestic water well a Type I, II or III SSTS system or holding tank must be installed to serve said recreational camping vehicle unless it is conclusively shown that a septic system cannot be installed due to site limitations.

Sec. 22.21.2. - Rural tourism business.

Rural tourism businesses are businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and entertainment, recreation, and/or education-focused

- A. *Purpose.* In accordance with the stated goals of the Meeker County Comprehensive Land Use Plan, it is the purpose of this subdivision to:
  - 1. Preserve and celebrate Meeker County's archaeological properties, rural and agricultural heritage, and historical landscapes;
  - 2. To recognize Meeker County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
  - 3. Enhance Meeker County's appeal to visitors who are drawn to its rural atmosphere;
  - 4. Provide opportunities for new economic growth through rural tourism businesses;
    - a. Assist the county's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Meeker County.
- B. *Standards.* Rural tourism businesses shall meet the following standards:
  - 1. Rural tourism businesses shall be located within the A-1 Agricultural Preservation District;
  - 2. Rural tourism businesses shall require an interim use permit in accordance with article 6B of this ordinance;
  - 3. Rural tourism businesses shall be shown to have a unique and demonstrable relationship with Meeker County or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purposes.
- C. *Rural tourism businesses.* Rural tourism businesses shall include but not be limited to such things as farm or other historical heritage attractions, single family residential rental properties for day visits, picnics, weddings, receptions, small-scale, low impact special events or music festivals, hay rides, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise, leased multi-user individual garden plots, and other uses determined by the Meeker County Planning and Zoning to be similar in nature and scope.
- D. *Code compliance.* An existing structure or SSTS which is subjected to a change in occupancy or GPD loading as a result of an approved IUP for a rural tourism business shall be retrofitted and/or upgraded to conform to current code requirements. All existing buildings proposed for use in association with the business shall be certified by an architect or licensed engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

Sec. 22.22. - Screening and landscaping.

Screening and landscaping shall be required and/or maintained as follows, except as provided otherwise by this ordinance. The screening required in this Section may consist of a fence, trees, shrubs

and berms not less than five feet high but shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and pavement. The screening shall not block direction vision. Planting of a type approved by the planning commission may also be required in addition to or in lieu of fencing.

- A. Screening shall be required in any residential, shoreland or recreation river district where:
  - 1. Any off-street parking area contains more than four parking spaces and is within 30 feet of an adjoining residential use or zone.
  - 2. The driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential use or zone.
- B. Where commercial or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential district, but not on that side of a business or industry to be the front. All exterior storage shall also be screened except for:
  - 1. Merchandise being displayed for sale.
  - 2. Materials and equipment presently being used for construction on the premises.
  - 3. Merchandise located on service station pump islands.
- C. All junkyards, salvage yards and open storage yards shall be screened with buffer planting or screen fences. Plans of such screens shall be submitted for approval by the planning commission.
- D. Landscaping. All required yards shall either be landscaped or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
- E. In all districts, all structures requiring landscaping, screening and/or fencing shall be constructed and maintained so as not to be unsightly or present harmful health or safety conditions.

#### Sec. 22.23. - Signs and billboards.

The size, placement and type of all signs and billboards shall be regulated according to this section. All permanent signs and billboards must obtain a building permit. For purposes of this section, signs shall be considered as advertising the business on or off the property whereon they are located and billboards shall be considered as advertising a business or product at a location other than the property location of the billboard.

- A. Signs and billboards are allowed in the following zoning districts:
  - 1. The applicant/property owner must comply with all state and federal rules, regulations, statutes, and other laws regarding signs and billboards.
  - 2. Signs are allowed in the A-1, R-2, C-1, C-2 and I-1 zoning districts except that signs for home occupation shall be allowed according to the home occupation performance standards. Signs may be located on or off the property they are advertising or directing attention to.
  - 3. Billboards are allowed in the C-1, C-2 and I-1 zoning districts. Billboards may not be located on the property they are advertising or directing attention to.
- B. The surface area of signs and billboards shall not exceed the following:
  - 1. The total surface area of any one side of a sign in an A-1 or R-2 district shall not exceed 40 square feet per business and there shall be no more than three signs per tract, except as otherwise provided in this ordinance. The total surface area of any one side of a sign in a

C-1, C-2 or I-1 district shall not exceed 70 square feet per business and there shall be no more than three signs per tract, except as otherwise provided in this ordinance.

2. The total surface area of any one side of a billboard shall not exceed 300 square feet.

- C. Signs and billboards shall not be allowed to be higher than the allowed height for buildings in the applicable zoning district.
- D. All permanent signs shall be non-moving and shall not contain intense colors such as neon or chartreuse or reflective materials on more than 50 percent of the total surface area of the sign unless said sign is being used for vehicular traffic control or roadway construction and the placement of such sign is done by an authorized unit of government or their designated representative. Illuminated signs shall be non-flashing and shall not create a nuisance for vehicular traffic or for adjacent properties.
- E. Temporary signs attached or temporarily painted to a window, door or wall are permitted in all districts provided they do not exceed 50 percent of the area of said window, door or wall and are removed immediately after the termination of such event which they are advertising.
- F. Temporary signs and other outdoor advertising devices, including, but not limited to, plaques, banners, pennants and streamers are permitted for a period of not more than 60 days after the opening of a new business.
- G. All signs and billboards shall be placed a minimum of one foot off the road right-of-way and five feet from property lines and easements.
- H. Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this chapter be declared by the courts to be unconstitutional or invalid, the decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### Sec. 22.24. - Soil erosion and sediment control.

The following standards shall apply to all activity that necessitates the grading, stripping, cutting, filling or exposure of soils to wind, rain and/or other forces of nature:

- A. All development shall conform to the natural limitations presented by topographic and soil conditions, thereby creating the least potential for soil erosion.
- B. Whenever possible, natural vegetation shall be retained and protected in those areas subject to erosion when disturbed by man's activity.
- C. When soil is exposed, the exposure shall be for the shortest time period feasible. No exposure, excepting that required for intensive agricultural cropping, shall be planned to exceed four months. Said time period shall be extended only if the zoning administrator is satisfied that adequate protection measures have been established and will remain in place.
- D. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- E. Land shall be developed in increments of workable size so that adequate erosion and siltation controls can be provided as construction progresses.
- F. The smallest practical area of land shall be exposed at any one period of time. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, amount of exposure and period of exposure. Erosion control and slope protection may consist of:
  - 1. Mulch, sheets of plastic, burlap, jute netting, filter fabric or sod blankets properly anchored to slopes to avoid slippage or undermining.
  - 2. Temporary seedings of fast growing annual grasses.

3. Contour plowing.
  4. Channels, berms, flow aprons, drop chutes or other structural measures.
  5. Any other measure not specifically listed if it can be demonstrated that they will protect exposed slopes effectively.
- G. The natural drainage system shall be used as much as feasible for the flow and storage of runoff. The drainage system shall be constructed and operational as quickly as possible, but not more than 30 days, during construction. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system.
- H. Stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of water to natural water bodies and drainage ditches shall not contribute to sediment loading of the receiving waters. Consideration shall be given to:
1. Temporary storage areas, retention areas and sediment traps to reduce sediment flow to the existing drainage system.
  2. Temporary pervious traps such as bales of straw serving as temporary sediment control during construction.
  3. Peak flows.
- I. Construction of runoff waterways shall include the consideration of the following design standards so that the waterway shall function effectively:
1. Width of the waterway shall be sufficiently large to channel the runoff from a ten-year storm.
  2. The banks of the waterway shall be protected with permanent turf vegetation.
  3. The banks of the waterway shall not exceed five feet horizontal to one foot vertical in slope.
  4. The bed of the waterway shall be protected with sod, concrete or asphalt. If necessary, riprap may be used if limited to quarried rock; field stone or concrete chunks and is properly sized.
  5. The gradient of the waterway bed should not exceed a grade that will result in a velocity causing waterway bank erosion.
  6. If the gradient results in a velocity such that bank erosion occurs and said velocity cannot be reduced via velocity control structure, rip rap may be allowed to prevent erosion at these points.
- J. All erosion and sedimentation control areas and structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this section.
- K. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly or nuisance condition. The banks of the sediment basins and waterways shall be landscaped and precautions necessary to protect the public shall be taken.

Sec. 22.24.1. - Solar energy ordinance.

This ordinance is established to set forth processes for permitting large and small solar energy systems, and to regulate the installation and operation of a solar energy system within Meeker County, outside the incorporated limits of municipalities, pursuant to Minnesota Statutes chapters 216C.25, 500.30 and Minnesota Rules chapter 1325.1100, as amended.

- A. *Interpretation.* In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Where the provisions of this ordinance impose greater restriction than those of any statute, other ordinance or regulations, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions

than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

B. *Definitions.*

1. *Accessory use.* A use clearly incidental or subordinate to the principle use of a lot or a building located on the same lot as the principle use.
2. *Array (solar).* Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.
3. *Eligible energy technology.* As defined in Minnesota Statutes § 216B.1691.
4. *Large solar energy system.* A solar farm, where the primary land use of the parcel is for a solar array. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity of 100 kilowatts or greater.
5. *Module (solar).* A number of individual solar cells connected together in an environmentally protected housing producing a standard output voltage and power. Multiple modules/panels can be assembled into an array for increased power and/or voltage.
6. *Photovoltaic array.* A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.
7. *Photovoltaic device.* A system of components that generate electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.
8. *Power purchase agreement.* A legally enforceable agreement between two or more persons where one of more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.
9. *Small solar energy system.* A solar array that is an accessory use that has a rated capacity of less than 100 kilowatts.
10. *Solar cell.* The basic unit of a photovoltaic solar panel.
11. *Solar easement.* A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar energy system as defined in Minnesota Statutes section 216C.06, subdivision 17, to solar energy. Required contents of a solar easement are defined in Minnesota Statutes section 500.30.
12. *Solar energy system.* "Solar energy system" means 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.
13. *Tracking solar array.* A solar array that follows the path of the sun during the day to maximize the solar radiation it receives.

C. *Permitted and conditional uses for solar energy systems.* Solar farms will be permitted, conditionally permitted, or not permitted based on the generating capacity and land use district as established in the table below (P = Permitted, C = Conditionally Permitted, NP = Not Permitted).

<i>District</i>	<i>Large Solar Energy Systems</i>	<i>Small Solar Energy Systems</i>
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Special Protection	C	P
A-1 Agricultural	C	P
R-1 & R-2 Residential	C	P
C-1 & C-2 Commercial	C	P
I-1 & I-2 Industrial	C	P
Shoreland District	NP	P
Conservation Subdivisions	NP	P
Floodplain Management	NP	NP
Special Protection (Recreational River and Clearwater River Overlays)	NP	NP

D. *Permit application for solar energy systems.* Building permits, land use permits, conditional use permits and variances shall be applied for and reviewed under the procedures established in the Meeker County Zoning Ordinance and Minnesota Statutes chapter 394, except where noted below. An application to the county for a permit under this section is not complete unless it contains the following:

1. 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 associated easements.
  - c. Location and size of any abandoned wells, sewage treatment systems and dumps.
  - d. Existing buildings and any impervious surface.
  - e. Topography at two-foot intervals and source of contour interval. A contour map of the surrounding properties may also be required.
  - f. Existing vegetation (list type and percent of coverage, i.e., grassland, farmed field, wooded areas, etc.)
  - g. Waterways, watercourses, lakes and public water wetlands.
  - h. Delineated wetland boundaries within 100 feet of the array.
  - i. The 100-year flood elevation and regulatory flood protection elevation, if applicable.

- j. Floodway, flood fringe, and/or general floodplain district boundary, if applicable.
  - k. The shoreland district boundary, if any portion of the project is located in the shoreland district.
  - l. In the shoreland district, the ordinary high water level and the highest known water level.
  - m. In the shoreland district, the toe and top of any bluffs within the project boundaries, if applicable.
  - n. Surface water drainage patterns.
  - o. Upon the request of the zoning administrator, planning commission, or county board, the applicant shall submit any other information or exhibits as necessary to make findings, recommendations and disposition on the conditional use permit application.
2. Site plan of proposed conditions.
    - a. Location and spacing of solar panels.
    - b. Location of access roads.
    - c. Planned location of underground or overhead electric lines connecting the solar farm to the building substation or other electric load.
    - d. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
    - 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).
  3. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
  4. The number of panels to be installed.
  5. A description of the method of connecting the array to a building or substation.
  6. A copy of the interconnection agreement with local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
  7. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Meeker County Solid Waste Ordinance, or successor ordinance. The board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
  8. If reflectors are proposed to be utilized as part of a project, that applicant must submit a plan to reduce glare off said reflectors.
- E. *Standards for large solar farms.*
1. *[Generally.]* Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than 100 kilowatts.

2. *[Stormwater management and erosion and sediment control.]* Stormwater management and erosion and sediment control shall meet the requirements of the MPCA construction stormwater permit requirements.
  3. *Foundations.* 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.
  4. *Other standards and codes.* All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric[al] Safety Code, as amended.
- F. *Standards for solar energy systems, accessory.* Solar energy systems are a permitted accessory use in all zoning districts, subject to the following standards:
1. *Accessory building limit.* Solar systems, either roof or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits, as set forth in the Meeker County Zoning Ordinance.
  2. *Height.* Active solar systems are subject to the following height requirements:
    - a. Building- or roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.
    - b. Ground- or pole-mounted solar systems shall not exceed the maximum allowed height for the zoning district in which it is located when oriented at maximum tilt.
  3. *Location within lot.* Solar systems must meet the accessory structure setback for the zoning district.
    - a. *Roof-mounted solar systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure not more than two feet six inches.
    - b. *Ground-mounted solar systems.* Ground-mounted solar energy systems may not extend into the side yard, rear, or road right-of-way setback when oriented at minimum design tilt.
    - c. *Large ground-mounted systems.* Ground-mounted solar systems that result in the creation of one or more acres of impervious surface, must comply with the MPCA construction stormwater permit requirements.
  4. *Maximum coverage.* Roof- or building-mounted solar systems, excluding building-integrated systems, shall not cover more than 80 percent of any portion of the roof upon which the panels are mounted unless the property owners submits a written report from a qualified engineer licensed by the State of Minnesota which indicates the structure is constructed to standards that will handle the weight and/or wind load of the solar array.
    - a. The total collector surface area of pole or ground mount systems in non-agricultural district shall not exceed one percent of the lot area.
  5. *Approved solar components.* Electric solar system components must be listed.

6. *Compliance with state electric[al] code.* All photovoltaic systems shall comply with the Minnesota State Electric[al] Code.
  7. *Utility and state electrical notification.* No grid or off grid-intertie photovoltaic system shall be installed until evidence has been given to the department that the owner has notified the utility company and the state electrical inspector of the customer's intent to install an interconnected customer-owned generator.
  8. *Enforcement, violations, remedies, and penalties.* Enforcement of this ordinance shall be done in accordance with process and procedures established in section 3.06 of the Meeker County Zoning Ordinance.
- G. *Validity.* Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Sec. 22.25. - Surface water runoff.

No land shall be developed, altered or used in any manner that would result in surface water runoff of such magnitude as to cause flooding or erosion or deposit of materials on adjacent properties or in public waters. The provisions of section 22.25 herein do not apply to drainage systems authorized under Minnesota Statutes chapter 103E, or its successors, or to land subject to recorded drainage or wetland easements and agreements. Drainage or surface water runoff shall be removed and/or disposed of in the following manner:

- A. Surface water shall not be artificially removed from upper land to and across lower land without adequate provision being made on the lower land for its passage.
- B. All persons shall be permitted to dispose into a natural watercourse all that surface water which would normally flow there.
- C. The natural flow of surface water shall not be artificially obstructed so as to cause an overflow onto the property of others.

The zoning administrator, upon inspection of any site, which has or could create surface water runoff problems as a result of new development, may require the owner of said site to apply for a land alteration conditional use permit. Additionally, the owner may be required by the zoning administrator to obtain recommendations from the department of natural resources, the soil conservation service, the affected watershed district and/or the county engineer.

Sec. 22.26. - Temporary buildings and uses.

It shall be necessary to obtain a temporary land use permit to temporarily site buildings and uses in any district as follows:

- A. *Time limit.* Unless otherwise provided herein, the planning commission shall determine the duration of any temporary land use or building permit issued for any building or use in any district. The duration of a temporary land use permit shall not exceed two years. Temporary land use permits shall conform to the regulations of this ordinance herein. Temporary land use permits are not transferable.
- B. *Recreational camping vehicles.* No occupied recreational camping vehicle shall be temporarily sited on any lot, field or tract of land within the county, not specifically licensed for the purpose, except that nothing herein contained shall prohibit the parking, without charge therefore, for not more than one occupied recreational camping vehicle as a visitor on the premises of any occupied dwelling, provided that the operator of such recreational camping vehicle, within ten days after arrival, shall make application to the zoning administrator for a temporary permit, which permit shall limit the time of such parking to a period of 30 days from date of application. A permit shall not be issued unless the recreational camping vehicle is currently licensed and

provided adequate sewer and water facilities exist on the lot whereon the recreational camping vehicle will be located. Said permit is not transferable.

Sec. 22.27. - Vegetative establishment adjacent to highway right-of-way.

In order to provide for future right-of-way needed for construction and to limit potential maintenance and traffic problems, certain standards are established regulating the establishment of trees, bushes and other ornamental vegetation adjacent to the roadway and located in all zoning districts.

A. *All roads and highways.*

1. Trees, bushes and other ornamental vegetation shall be setback from the centerline of all public rights-of-ways not less than:
  - a. 60 feet for township and county state-aid roads.
  - b. 100 feet for state and federal highways.

B. *Setback from ditches.* Subject to the following exception, no building, structures, or trees shall hereafter be erected or planted within 75 [feet] from the centerline of any county or judicial ditch.

- a. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake's ordinary high water level.

Sec. 22.28. - Vegetative removal and cutting.

In order to prevent erosion and to preserve shoreland and forest land aesthetics, certain standards are established regulating the cutting and removal of natural vegetation. All removal and cutting of natural vegetation shall be subject to the following regulations:

A. *All districts.*

1. Natural vegetation shall be preserved insofar as practical and reasonable to retard surface runoff and soil erosion, to utilize excess nutrients in the soil to alleviate pollution problems, and to protect important segments of the natural landscape of the county.
2. Selective tree cutting may occur on any lot or parcel of land provided that:
  - a. The ultimate purpose is not to accomplish clear cutting over a period of time.
  - b. An adequate stand of trees at least three inches in diameter, is maintained over at least 75 percent of the area containing trees on the effective date of this ordinance.
  - c. Adequate safeguards to protect against erosion are implemented.
  - d. *Setback from ditches.* Subject to the following exception, no building, structures, or trees shall hereafter be erected or planted within 75 from the centerline of any county or judicial ditch.
    1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake's ordinary high water level.
3. Clear cutting of natural vegetation on any lot or parcel of five acres or more shall be prohibited, except upon issuance of a conditional use permit, unless provided for otherwise by this section. An application for such a permit shall include the following:
  - a. A full description of the land where the clear cutting operation is proposed to take place.
  - b. A statement of the purpose of the clear cutting operation, intent of replanting, disposal program and program of land restoration and use.
  - c. The estimated time when the clear cutting is to begin and will be completed.

- d. Description of measures to be taken to protect against soil erosion, fire hazards and damages to public roads.
  - e. Site analysis addressing soil characteristics and suitability for the proposed use compiled by the district SCS office.
4. Nothing in this section shall 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.
  - c. Cutting suppressed trees or trees less than three inches in diameter at four feet height.

B. *Shoreland overlay district.*

1. The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics.
2. Clear cutting shall be prohibited, except as necessary to placing public roads, utilities, structures, and parking areas.
3. Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to:
  - a. Screen motor vehicles, dwellings and other structures (except boathouses) when viewed from the water during summer leaf on conditions.
  - b. Retard surface water runoff thereby preventing erosion and sedimentation in the waters.
4. Natural vegetation shall be restored insofar as reasonable and feasible after any construction project.
5. Setback from ditches. Subject to the following exception, no building, structures, or trees shall hereafter be erected or planted within 75 feet from the centerline of any county or judicial ditch.
  1. *Exception.* A property owner may plant trees to within 16.5 feet of the top of the ditch within 100 feet of the ditch's inlet or outlet from a lake as measured from the lake's ordinary high water level.

C. *Recreation river management overlay district.*

1. On lands within 100 feet of the normal high water mark of the North Fork of the Crow River, or 20 feet landward of the bluffline the following standards shall apply:
  - a. Clear cutting shall not be permitted except for any allowed public services such as roads and utilities.
  - b. Selective cutting of trees in excess of four inches in diameter is permitted provided that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings.
2. Clear cutting on lands anywhere in the recreation river management overlay district are subject to the following regulations:
  - a. Clear cutting shall not be used as a cutting method where soil, slope or other watershed conditions are fragile and subject to injury.
  - b. Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.

- c. The size of the clear-cut blocks, patches or strips shall be kept at the minimum necessary.
- d. A conditional use permit, as required in this section, must be procured if the parcel to be clear-cut is five acres or larger.
- e. All clear cutting shall be conducted between September 15 and May 15.
- f. If natural regeneration will not result in adequate vegetative cover, the clear-cut area shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Replanting shall occur as soon as feasible and practical, but not to exceed one year.

Sec. 22.29. - Hot mix plant, concrete manufacture and concrete/bituminous recycling.

Any person, firm or corporation desiring to commence, expand or enlarge the following types of operation shall comply with the requirements of this section (22.29):

- I. Concrete block, drain tile or similar concrete product manufacture;
- II. Production or manufacture of ready-mixed concrete;
- III. Hot mix plant, including related bituminous recycling;
- IV. Concrete/bituminous recycling; and
- V. Any similar production or manufacturing process related to the above activities.

A. *Interim use permit.*

- 1. No person, firm, or corporation shall conduct an operation listed above in section 22.29 subsection I—V upon property owned or used by said person, firm or corporation without an interim use permit (article 6B), with the following exceptions:
  - a. Concrete/bituminous recycling activities may occur without an interim use permit if they meet all of the following conditions:
    - (1) All related activities take place in an existing gravel mining operation that has a valid conditional use permit or interim use permit; and
    - (2) All related activities take place within one calendar year; and
    - (3) Related stockpiling does not exceed 1,000 cubic yards; and
    - (4) Written permission is obtained from the county zoning administrator.
- 2. Persons requesting an interim use permit for an operation shall submit the following information as part of the application:
  - a. All materials as required in article 6B of this ordinance to obtain an interim use permit.
  - b. A statement regarding the duration of the intended operation (see "Time Limits" in section 22.29, subsection B).
  - c. All completed state permits required to conduct the activity.
  - d. *Reclamation plan.* The zoning administrator, planning commission, and/or the county board may require a reclamation plan and map as part of the application. The reclamation plan and map requirements could contain, but is not limited to, the following information:
    - (1) Type of fill that will be used.
    - (2) Type of planting or re-vegetation.
    - (3) Depth of restored topsoil.
    - (4) Estimated progress and completion dates.
    - (5) Proposed reuse of the reclaimed area.

- (6) Map of the reclaimed sites drawn at a scale of one inch equals 100 feet illustrating:
      - (a) Final grade of site with elevations and contour lines at two-foot intervals.
      - (b) Schedule of development of area to be mined illustrating start and completion dates.
    - e. Any other information and exhibits as required for interim use permits or by the planning commission or county board, necessary to make findings, recommendations and disposition on the application.
  3. *Notice.* All property owners of record within one-half mile of the affected property, or to the ten properties nearest to the affected property, whichever is greatest, shall be provided with a written notice of the time, place and purpose of the public hearing on the proposed interim use permit.
  4. *Change of landowner.* All interim use permits expire once a property changes ownership. The new landowner must receive a new interim use permit to continue with any similar activity.
  5. *Change in operator.* A new interim use permit is not required with a change in operator; however, the new operator shall meet all the operator-related requirements of the existing interim use permit.
- B. *Time limits.*
1. Interim use permits with a duration for up to six years can be issued for the following activities:
    - a. Concrete block, drain tile or similar concrete product manufacture;
    - b. Production or manufacture of ready-mixed concrete.
  2. Interim use permits with a duration for up to three years can be issued for the following activities:
    - a. Hot mix plant, including related bituminous recycling;
    - b. Any similar production or manufacturing process related to the above activities (22.29.B, subsection 1, letters a and b).
  3. Interim use permits with a duration for up to six years can be issued for the following activities:
    - a. Concrete/bituminous recycling.
      1. An inspection by Meeker County Planning and Zoning shall occur at approximately three years or mid-point of the duration of the permit whichever is least.
- C. *General requirements.*
1. *Setbacks.* Operations shall not be conducted within the following minimum distances:
    - a. 1,000 feet to the boundary of any district where such operations are not permitted by interim use permit.
    - b. 1,320 feet to any residential structure.
      - (1) Except the residential structure of the owner or operator of the mining operation.
    - c. All equipment and stockpiling must be at least 100 feet from the centerline of any existing or platted township or county road; at least 130 feet from the centerline of any existing or platted state or federal highway; or where such use may create traffic or line-of-site problems.
    - d. 500 feet to the property line of any other adjoining property.
      1. 100 feet to the property line of any other adjoining property for concrete/bituminous recycling.

- e. All parts of the operation shall be at least three feet above the ordinary high groundwater table.
  - f. *Exception.* Hot mix plants and related bituminous recycling operations can be temporarily located outside 500 feet of R-1, R-2, C-1, C-2 zoned property, a C-O-D (Conservation Subdivision Overlay District) or within 500 feet of a residential structure located in any other zoned property with the following conditions:
    - (1) The operation needs to receive an interim use permit with a condition not to exceed 30 consecutive days, including setup and removal of equipment.
    - (2) The operation cannot receive more than one interim use permit per site per year related to the hot mix plant and/or related bituminous recycling activities.
    - (3) Except the residential structure of the owner or operator of the mining operation.
    - (4) All other setbacks requirements shall be the same as identified in section 22.29, subsection C, number 1.
2. *Size.* No operation shall be conducted on parcels of less than ten acres in size.
3. *Screening.* Adequate planting, fencing or berming sufficient to screen the operation from public view may be required along all public roads adjacent to the property involved. Where possible, existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the required road setback except where traffic safety requires cutting and trimming.
4. *Access roads.* Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized. The location of the intersection of access roads with any public roads shall be selected so that traffic on access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety. All access points must be approved by the appropriate highway agency having jurisdiction, and shall preferably be located along a secondary road.
5. *Nuisances.*
- a. Recycling operations shall not be allowed to interfere with surface water drainage beyond the boundaries of the recycling operation.
  - b. Recycling operations shall not adversely affect the quality of surface or subsurface water resource.
  - c. All equipment used for recycling operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
  - d. All access roads from recycling operations to public highways shall be paved or otherwise maintained so as to minimize dust conditions.
  - e. Precautions shall be taken to minimize the deposit of dirt and other material from truck tire and spillage onto the public roads or highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed from road surfaces at regular intervals.
6. *Hours of operation.* The hours of operation are 6:00 a.m. to 9:00 p.m., Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturdays, and no operation on Sunday and holidays. The Meeker County Board may authorize different hours of operation, either more or less restrictive, if proven to be necessary on a case-by-case basis.
7. *Dust control.*
- a. The owner/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 to the sand and gravel

operation must be set back at least 25 feet from neighboring property lines unless property owners agree to a lesser distance.

- b. The owner/operator shall maintain all ways and roads within the site in a dust-free condition, providing such surfacing or other treatment as may be deemed necessary by the planning commission or the county board, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. All access roads shall be provided and maintained with an approved method. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized. The county board may require a blacktopped road if deemed necessary.
8. *Disposal.* Any waste generated from the operation, including sewage, hazardous waste or waste from vehicle or equipment maintenance, shall be disposed of in accordance with federal, state and county requirements.
  9. *Trucking operations.* The operator shall ensure all loads leaving the operation regulated by this ordinance are loaded so as to comply with state law.
  10. *Fuel storage.* All on-site storage of fuel must meet federal, state and local standards.
  11. *Miscellaneous.* All mining operations shall be conducted in compliance with the applicable laws of the State of Minnesota, the federal government, local ordinances and resolutions and any conditions made a part of the interim use permit.
- D. *Reclamation (if required).*
1. All sites shall be rehabilitated within one year after operations cease according to the submitted reclamation plan as required in the interim use process.
  2. The following reclamation standards shall apply:
    - a. All peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding. To minimize erosion no slope shall exceed 23 percent in grade.
    - b. Graded and backfilled areas shall be covered with sufficient topsoil to provide re-vegetation of ground cover, trees, shrubs, etc.
    - c. Trees, shrubs, legumes, grasses or other ground cover shall be planted upon the area in accordance with the approved reclamation plan. Such planting shall adequately retard soil erosion.
    - d. The finished rehabilitation 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.
    - e. Upon completion of excavation, all buildings, plants and equipment shall be dismantled and removed. A temporary variance to this provision may be granted for those buildings, plants and equipment required to process previously mined materials stored on the site.
    - f. Within 60 days of completion of the reclamation of the mining site the property owner shall notify Meeker County Planning and Zoning of said reclamation. An inspection shall take place by the zoning administrator or his/her designee upon notification of completion of said reclamation to ensure reclamation has been completed appropriately.
- E. *Existing operations.*
1. Existing operations operating with a valid conditional use or interim use permit issued by Meeker County prior to the adoption of this ordinance which remain in compliance with the terms and conditions of the said permit shall be permitted to continue following the provisions set forth in this article, but shall not be permitted to expand, either in size or use, beyond the limits set forth in the approved and recorded permit without first obtaining a new interim use permit.

2. Existing operations operating with a valid conditional use permit prior to the adoption of this ordinance shall be required to follow the general provisions of this article 22 section 29 (section 22.29), if the provisions pertain to the public's safety, health and general welfare.

Sec. 22.30. - Second dwelling for a caregiver.

- A. A temporary second dwelling shall be permitted as an interim use on a parcel of land if the purpose of one of the dwellings is to house an individual who is engaged in the day to day care of a family member with a disability who resides in the other dwelling, subject to the terms herein.
- B. To qualify for disability status, the applicant must provide a written statement from a licensed physician stating that the applicant, or family member residing with them and for whom they are responsible for care, needs assistance on a day to day basis with their basic living needs.
- C. The applicant must own a minimum 60,000 square foot parcel, have adequate room and soil conditions to support the second dwelling, together with its water and sewage treatment requirements, and meet all setbacks, and other lot requirements. The sewage treatment system must be a conforming system for both dwellings at the time the second dwelling is placed on the parcel.
- D. The placement of the second dwelling shall be temporary and may continue only during such time as the person being cared for resides on the premises and requires day-to-day care. Temporary placement in a medical or care facility shall not cause termination of the permit. The second dwelling permitted herein shall be removed within 90 days of the date residency ceases or from the date the resident no longer requires day-to-day care.
- E. The permit shall be granted to, and subject to, all conditions permitted by article 6B of this ordinance.

Sec. 22.31. - Family adult day care; adult foster care.

All facilities shall comply with Minn. Stat. § 245A.11 subd. 2a and 2b including being licensed and with a maximum capacity of five individuals and Minn. Stat. § 245A.11 subd. 3 including being licensed and with a maximum capacity of 16 individuals. A licensed residential program with licensed capacity greater than 16 persons shall require a conditional use permit.

Sec. 22.32. - Recycling facility.

In addition to the terms established pursuant to article 6 herein, the following conditions shall apply:

- A. A yearly inspection shall be conducted by the Meeker County Planning and Zoning Office. The permit grantee shall allow this inspection to occur and grant access to all areas of the property.
- B. Screening sufficient to hide the use from public view shall be required in such type as the planning commission directs.
- C. The total maximum area allowed for the facility shall be 12,000 square feet.
- D. No hazardous waste material shall be stored on site.

Sec. 22.33. - Cellular telecommunications, commercial wireless telecommunications, personal wireless communications services and tower facilities and all other similarly related tower uses and facilities.

This subsection addresses performance standards for siting, design and installation of towers and antennas.

*Purpose*

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

1. Maximize the use of existing and approved towers and buildings in order to reduce the number of new towers necessary in order to provide wireless telecommunications service in the community;
  2. Ensure wireless communication towers are designed, sited, and constructed in a manner consistent with the protections of the public health safety and general welfare; and
  3. Require tower sites to be secured in order to discourage trespassing and vandalism.
- A. *Cellular telecommunication, commercial wireless communications, personal wireless communication services towers and facilities and all other similarly related tower uses and facilities.* Cellular telecommunication and personal communication services towers and facilities are listed as conditional uses in the A-1, C-1, and I-1 districts. The use of property for the installation or construction of cellular telecommunication and personal communication services towers and facilities shall conform to the following standards:
1. *Co-location requirements.*
    - a. Before an applicant wishing to locate a new tower in the county is given permission by the county board to construct said tower, they must provide documentation proving that it is impractical to co-locate on existing structures because of technical performance, system coverage, interference with existing or planned equipment on tower, structural/system capacity, or the lease rate of an existing structure is not rate reasonable. Rate reasonable shall mean that the co-location lease rate is not more than 110 percent of the co-location rate for towers within five miles for which such lease rate information can be obtained. The determination that location on an existing structure is not practical, because of technical performance, system coverage or system capacity, shall be supported by findings from a qualified engineer licensed by the State of Minnesota.
    - b. New towers shall be designed and constructed to permit the future co-location of other commercial wireless telecommunications services, according to the following criteria:

<i>Height of Structure</i>	<i>Additional Users Facility Must Accommodate</i>
Less than 100'	No co-location required
Between 100' and 130'	1 additional user accommodated
Between 130' and 160'	2 additional users accommodated
161' and greater	3 additional users accommodated

- c. In satisfying co-location requirements, the owner of the tower must provide adequate access to the tower site and space within the owned or leased area to accommodate co-location user's equipment. Nothing in these regulations shall prevent the owner of the tower from requiring remuneration from a co-location user, provided that such remuneration is rate reasonable, as specified in section 22.33.A.1.a. The owner of the tower may also establish reasonable technical requirement for co-location to protect the owner's investment and guarantee effective telecommunication service. The owner of the tower shall have the authority to review all plans for co-location uses and require reasonable modifications for such plans to ensure safe and efficient operation of the communications services and protect the owner's investment.

2. *Tower and antenna design.*
  - a. A lattice style, self-supporting, or guyed tower is recommended for all towers unless it is determined that an alternative design would be appropriate for the particular site or circumstance.
  - b. Documentation demonstrating that the tower facility has been designed to conform to applicable state structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the State and International Uniform Building Code accompanied by a signed, sworn statement that following completion of construction the tower facility will be inspected at the applicant's expense by a qualified engineer licensed by the State of Minnesota.
3. *Tower setbacks.*
  - a. All towers shall maintain a 660-foot setback from any existing one- or two-family dwelling unit and/or property subdivided and/or zoned residential, or the height of the tower plus ten feet, whichever is larger.
  - b. All towers shall maintain a setback of the height of the tower plus ten feet from all property boundary lines in districts that are commercial, industrial, and agricultural.
  - c. If the tower is adjacent to a road, the tower must maintain a setback of the height of the tower plus ten feet to the road right-of-way as it is at the time that the tower is constructed.
  - d. These setbacks shall apply only to the tower structure itself, not including the support anchors. Support anchors must meet all other ordinance setbacks.
  - e. The county may waive or modify setback requirements for an antennae proposed to be co-located on an existing tower or structure.
  - f. The setbacks herein are minimums. The setbacks may be expanded, at the discretion of the planning commission.
  - g. No tower facility shall be located within the shoreland district.
  - h. The setback requirements herein may be waived on an individual basis at the discretion of the planning commission or county board as part of the conditional use permit process, but only with the express written consent of the dwelling unit owners and/or adjacent property owners.
4. *Lighting.* The tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology, and FAA and FCC rules will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC. In order of preference, a tower facility shall have:
  - a. Only incandescent red lighting at night, both side and beacon lights;
  - b. Minimum required intensity white strobe lighting daytime; red incandescent nighttime lighting;
  - c. If the nighttime incandescent red lighting fails, the white strobe lighting may come back on at 2,000 candela power; and
  - d. The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaries to direct, control, screen or shade in such a manner as to ensure that there is no spillage of illumination off site. Whenever reasonable, motion sensitive lights can be required.
  - e. Lighting complaints. Should the lighting draw complaints from the neighbors, the owner shall make adjustments to the lighting within the scope of FAA regulations and use reasonable efforts to resolve the complaints.

5. *Security.* The site area for new or modified commercial wireless telecommunications towers shall be adequately secured to discourage access by unauthorized persons. The county shall review and approve or modify all plans for security measures.
6. *Accessory structures.* The applicant shall submit site plans, elevation and construction details for all towers, antennae, and accessory structures to be located on a site. All equipment must be enclosed within a building. The county may require that any accessory structure be designed compatible with surrounding structures or natural environment and may require that landscaping materials be provided to screen accessory structures or equipment. Co-location users must construct buildings compatible with existing buildings on the premises.
7. *Signs.* Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any towers, antennae, or accessory structure of equipment. No permitted sign shall exceed four square feet in area.
8. *Interference.* The issue of radio frequency interference (RFI) is, pursuant to federal law, the sole responsibility of the Federal Communications Commission. This ordinance, and the permitting process under it, cannot address RFI issues. If a property owner has a complaint regarding the above-mentioned interference, the tower owner shall make a good faith effort to resolve this matter.
9. *Construction requirements.* All wireless communication towers, antennae, and accessory uses shall be designed and constructed in accordance with all provisions of this ordinance and all applicable state and federal codes. All plans must be certified by a licensed engineer registered in the State of Minnesota.
  - a. A soil survey of the site and the test data relating to the strength of the concrete test cylinders must be submitted to the building official.
10. *Other requirements.* The county may require additional information from the applicant and impose additional standards and regulations in approving plans or wireless telecommunications services to ensure and protect the public health, safety and welfare.
11. *Abandonment.*
  - a. All towers and antennae not used for the purpose of radio transmission and/or which are in breach of their lease/rental agreement for a period of 12 consecutive months shall be considered abandoned and shall be removed unless a future use plan is developed and submitted to and deemed acceptable and appropriate by the Meeker County Zoning Administrator. The future use plan shall outline the steps and schedule for returning the tower to service. Said future use plan shall indicate a plan of returning to service and/or satisfying said lease/rental agreement no more than five years from the initial date of abandonment. The applicant must furnish a copy of the relevant portion of an executed lease, which identifies the applicant's obligation to remove abandoned or unused towers, concrete footings and anchors to a three feet depth below ground surface, supporting equipment and antennae. The site must be brought back into the condition that existed prior to the issuance of a conditional use permit to erect a tower prior to the issuance of a conditional use permit to erect a tower.
  - b. The county shall require financial assurances including bonds in an amount equal to ten percent of the cost of the original dollar amount to construct the tower, sufficient to cover costs of removal of towers, buildings, concrete footings, anchors, supporting equipment, and antennae and the site shall be restored to the conditions that existed prior to the construction of the tower. The concrete footings and anchors shall be removed to a three-foot depth below ground surface.
12. *Compliance.* In order to ensure compliance with the performance standards set forth above, the county board of commissioners may require the owner or operator of any conditional use to have made such investigations and tests as may be required to show adherence to the performance standards.

- B. *Conditional use permit applications.* Application for a conditional use permit shall be submitted pursuant to the requirements of article 6A of this ordinance and shall be accompanied by the following:
1. Graphic scale of the plan, not less than one inch to 30 feet specifying the location of the tower facility; including space for future co-location facilities, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, landscaped areas and all adjacent land uses within a minimum of 240 feet of the base, or the tower height plus 50 feet, whichever is greater;
  2. North directional arrow;
  3. Documentation of the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  4. Information stating the towers capacity, including the number and type of antennas that it can accommodate;
  5. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if and when additional users agree in writing to meet reasonable terms and conditions for shared use;
  6. Locations and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs, and landscaped areas;
  7. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under part 77, Federal Aviation Regulations, or that no compliance with part 77 is required, and the reasons therefore;
  8. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefor;
  9. Building setback lines;
  10. Elevation drawing of "before" and "after" simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or accessory uses, fences and signs of the tower facility. The before drawing shall show contour intervals of not more than two feet using sea level datum;
  11. The location of water courses, ravines, bridges, lakes, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes and other geological features within the site;
  12. An aerial photo of the site;
  13. The applicant/owner must have voltage input and balancing as recommended by the power company serving the tower site to prevent stray voltage;
  14. Proposed surface drainage diagram for the site;
  15. Proposed removal of natural vegetation;
  16. The applicant and all co-locators must submit a report addressing FCC rules on hazardous radiation, prepared and signed accordingly, to Meeker County. The applicant and all co-locators need to comply with FCC standards and also place radiation warning signs as required by the FCC;
  17. A map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all

existing tower facilities, and identifying all other structures that may be potential co-locations sites;

18. A vicinity map showing land uses and existing residences and business within one mile of the proposed tower;
19. A temporary benchmark, using sea level datum, must be established for a reference point during construction;
20. A copy of a certificate of insurance for liability and workers compensation insurance that required notification to Meeker County Planning and Zoning Office prior to cancellation will be furnished. This insurance shall be kept in effect until the tower facility is removed. The minimum liability insurance limit shall be \$500,000.00 per occurrence;
21. A copy of the National Environmental Protection Act (title 47, paragraph 1.1301 Code of Federal Regulations) study required by the Federal Communications Commission. No antenna shall be installed on any tower facility until a Federal Communications license is issued for that antenna;
22. A sworn statement signed by applicant that the communications equipment for the proposed tower cannot be accommodated on an existing tower or building within a two-mile radius of the proposed tower due to one or more of the following reasons:
  - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified, licensed registered structural engineer specializing in communications, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
  - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
  - c. No existing or approved towers or commercial/industrial building within a two-mile radius meet the radio frequency (RF) design criteria.
  - d. Existing or approved towers and commercial/industrial buildings within a two mile radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional radio frequency (RF) engineer.
  - e. In spite of the best efforts, the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a two-mile radius was made, but an agreement could not be reached.

C. *Routine maintenance.*

1. All tower facilities shall be maintained in a safe and clean manner. All tower facilities shall be subject to periodic inspections to ensure continuing compliance with all conditions of the application submitted and approval requirements.

D. *Modification of an existing wireless tower.*

1. Any request for a modification of an existing, permitted, wireless tower or base station that does not substantially change the physical dimensions of such tower or base station and is not deemed a substantial change by definition shall be approved by Meeker County. A substantial change shall be defined:
  - a. For towers outside public rights-of-way: increases in height by more than 20 feet or ten percent, whichever is greater.
  - b. For towers in the public rights-of-way: increases in height of the tower by ten percent or ten feet, whichever is greater;

- c. For towers outside of public rights-of-way: protrudes from the edge of the tower more than 20 feet or more than the width of the tower at the level of appurtenance;
  - d. For tower inside the public rights-of-way and all base stations: protrudes from the edge of the structure more than six feet;
  - e. Involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
  - f. Entails excavation or deployment outside current site of tower or base station;
  - g. Defeats stealth elements of the tower or base station; or
  - h. Does not comply with existing conditions associated with prior approval of the tower or base station.
2. Meeker County Planning and Zoning must respond to any requests for modification of an existing, permitted, wireless tower or base station within 60 days of said written request being submitted to said department. If said tower or base station was constructed or deployed without proper review or was not required to undergo siting review, Meeker County is not obligated to grant a collocation application. The 60-day requirement may be tolled by mutual agreement or upon notice that an application is incomplete. Said notice of an incomplete application must be given within 30 days of the application submission.
  3. Modifications of an existing wireless tower or base station include, but are not limited to the following:
    - a. Co-location of new transmission equipment.
    - b. Removal of transmission equipment (e.g., antennas).
    - c. Replacement of transmission equipment.
      1. Modifications to an existing wireless tower does not include replacement of the underlying structure.
  4. Exemption for temporary towers. FCC previously required that owners of a proposed temporary tower give 30 days' notice for public comment on the proposed tower's environmental effects. FCC now codifies previously granted waivers in this regard—temporary towers no longer need to provide local government 30 days for comment. Temporary towers that are exempt include those that:
    - a. Will be in place for 60 days or less;
    - b. Require notice of construction to the Federal Aviation Administration (FAA);
    - c. Will not require marking or lighting under FAA regulations;
    - d. Will be less than 200 feet above ground level; and
    - e. Will involve minimal or no ground excavation.
- E. *Personal towers and antennas.* Personal towers and antennas are permitted in all districts, except residential districts where a conditional use permit is required if the top of the tower and/or antennae is more than 40 feet in height, and shall not require any permit provided the following standards are met:
1. Any personal tower and/or antenna not located on a building shall be located in the lot no closer to any property line than the height of the tower plus ten feet. The total height of the structure shall include the total vertical height of a tower, antenna or tower and antenna connected or mounted together.
  2. Any personal tower, antenna or personal tower and antenna connected or mounted together located in a residential district shall not exceed 40 feet in total vertical height as measured from ground level. The total height of a tower, antenna or tower and antenna connected or mounted

together on a building shall include the vertical height of the said tower, antenna or connected tower and antenna and the vertical height of the building to ground level from where the said tower, antenna or connected tower and antenna is mounted to the building.

Sec. 22.34. - Wind power management ordinance 100 KW or less.

The purpose of this section is to set forth a process for permitting wind energy conversion systems (WECS), which are 100 KW or less. Please note the definitions that apply to this section are stated in [section] 22.35.1.

A. *Procedures.*

1. Applicants requesting a construction site permit for a WECS shall furnish the department the following information: a site plan showing lot lines, the accurate location of all buildings and structures on the site and on each adjacent lot, the proposed location of the WECS and any related guy wires, poles or anchors and a sketch elevation of the premises accurately depicting the proposed WECS and its relationship to structures on adjacent lots;
2. An analysis of the impact of the proposed WECS locations on the ability of the adjoining property owners to site WECS on their property;
3. For WECS 100 KW or less, the department will send notification to all property owners within one-quarter mile of the proposed WECS if a conditional use permit is required. No WECS shall be constructed as to interfere with county or Minnesota Department of Transportation microwave transmissions. The burden of proof shall be placed on the applicant to document that the proposed WECS will not interfere with the line of sight of other towers;
4. Location of existing or proposed access roads;
5. Manufacturer's description of all equipment;
6. Location of wetlands, scenic and natural areas and shoreland within 1,320 feet of the proposed WECS;
7. An acoustical analysis;
8. A decommissioning plan and a statement that the landowner is responsible for the removal;
9. A signed statement indicating that the property owner assumes all the risks, liability and workers compensation issues for the proposed WECS;
10. A description of potential impacts on nearby WECS or communication equipment.

B. *District regulations.*

1. WECS that are under 100 KW or less shall be allowed as follows:

<i>District</i>	<i>Total Height 60' or Less</i>	<i>Total Height 60.01' or More</i>
Agricultural Preservation District	Permitted	Conditional use
R-1 Suburban Residential District	Not permitted	Not permitted
R-2 Rural Residential District	Not permitted	Not permitted

Shoreland District	Permitted	Conditional use
C-1 Commercial District	Permitted	Conditional use
C-2 Neighborhood Commercial	Permitted	Conditional use
I-1 General Industry District	Permitted	Conditional use
Urban Expansion Management Overlay District	Permitted	Conditional use

2. All WECS 100 KW or less shall adhere to the setbacks established in the table below.

District	100 KW or less
Property lines*	One times the total height plus ten feet as certified by a professional engineer registered in the State of Minnesota.
Right-of-way	One times the total height plus ten feet as certified by a professional engineer registered in the State of Minnesota.
Owner-occupied dwelling**	One time the total height of the tower as certified by a professional engineer registered in the State of Minnesota
Non-owner-occupied dwelling**	750 feet

\*A recorded fall zone easement acceptable to the department may be allowed in lieu of the required setback, provided all other setbacks are met.

\*\*The setbacks for an occupied dwelling shall be reciprocal. For the purposes of the section, an occupied dwelling shall include, but is not limited to, structures such as residential dwelling units, schools, churches and places of business. In instances where the fall zone easement has been recorded, the occupied dwelling setback is not required.

C. *Requirements and standards.*

1. *Safety design standards.*

- (a) *Engineering certification.* The manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
  - (b) *Clearance.* Rotor blades or airfoils must maintain at least 25 feet of clearance between their lowest point and the ground.
  - (c) All WECS utilizing a tower as the support structure shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a six-foot-high unclimbable fence with a secured access.
  - (d) *Maintenance.* All WECS must have routine maintenance as recommended by the manufacturer and at a minimum of once every three years. A copy of the maintenance report shall be filed with the department. Maintenance must be completed by a qualified individual acceptable to the department.
2. *Total height.* All WECS that are 100 KW or less must be 150 feet or less in total height.
3. *Tower configuration.*
  - (a) All WECS that are 100 KW or less must use self-supporting towers. The base for such towers shall be designed to anchor and support the tower for the site.
4. *Lighting.* Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations; Red strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.
5. *Signage.* All signage on site include the manufacturers or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
6. *Feeder lines.* All communications and feeder lines equal to or less than 34.5 KV in capacity, installed as part of a WECS shall be buried (where reasonably feasible). Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Meeker County authority.
7. *Waste disposal.* Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
8. *Discontinuation and decommissioning.* A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Meeker County Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed four feet below ground level within 90 days of the discontinuation of use.
9. *[Decommissioning plan.]* Each commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a professional engineer registered in the State of Minnesota, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
10. *Orderly development.* Upon issuance of a conditional use permit, all commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program staff of the project location and details on the survey form specified by the department of commerce office of energy security energy facility permitting.
11. *Other applicable standards.*

- (a) *Noise.* All WECS shall comply with Minnesota Rules 7030, as amended, governing noise.
  - (b) *Electrical codes and standards.* All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
  - (c) *Federal Aviation Administration.* All WECS shall comply with FAA standards and permits.
12. *Interference.* The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with county or Minnesota Department of Transportation microwave transmissions.
13. *Avoidance and mitigation of damages to public infrastructure.*
- (a) *Roads.* Applicants shall:
    - (1) Identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
    - (2) Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the conditions of the public facility.
    - (3) Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.
14. *Drainage system.* The applicant shall be responsible for the immediate repair of damage to public and private drainage systems stemming from construction, operation or maintenance of the WECS.

Sec. 22.35. - Wind power management ordinance 100.01 KW or greater and less than 25 MW.

This ordinance is established to regulate the installation and operation of wind energy conversion systems (WECS) with a rated capacity of 100.01 KW or greater and less than 25,000 KW or 25 megawatts (MW) and to regulate the installation and operation of WECS within Meeker County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes chapter 216F, Wind Energy Conversion Systems, as amended.

1. *Definitions.* These definitions pertain to sections 22.34 and 22.35.

*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 the 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.

*Board of adjustment.* An officially constituted quasi-judicial body appointed by the county board whose principal duties are to hear appeals from decision of the zoning administrator and, where appropriate, grant variances from the strict application of this ordinance.

*C-BED project.* A C-BED Project is a community based energy development project that must have local owners; no single owner may be allowed to own more than 15 percent of a project; must have a local resolution of support; and the power purchase agreement must ensure levelized cash flow to the project owners. Based on their total nameplate generating

capacity, C-BED projects are considered micro-WECS, non-commercial WECS or commercial WECS as defined in this section.

*Commercial WECS.* A WECS is greater than 100 KW in total nameplate generating capacity.

*Conditional use.* A land use or development as is defined by the Meeker County Zoning Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the findings that:

- (1) Certain conditions as detailed in the zoning ordinance exist; and
- (2) Use or development conform to the comprehensive plan of the county; and
- (3) Is compatible with the existing neighborhood.

*County.* Meeker County, Minnesota.

*County board.* Includes the county commissioners, the board of county commissioners or any other word or words meaning the Meeker County Board of Commissioners.

*Fall zone.* The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

*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.

*Generator nameplate capacity.* The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.

*High-voltage transmission line.* A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts and is greater than 1,500 feet in length.

*Meteorological tower.* For the purposes of this wind energy conversation system ordinance, meteorological towers are those towers, 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.

*Micro-WECS.* Micro-WECS are WECS of one KW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

*Native prairie plan.* The plan shall address steps to be taken to identify native prairie with the project area, measures to avoid impacts to native prairie, including foundations, access roads, underground cable and transformers, shall not be place in native prairie unless addressed in the prairie protection and management plan.

*Non-commercial WECS.* A WECS that is 100 KW or less in total nameplate generating capacity.

*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.

*Project boundary/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.

*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 section 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.

*Rotor diameter.* The diameter of the circle described by the moving rotor blades.

*Substations.* Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.

*Total height.* The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

*Total nameplate capacity.* The total of the maximum rated output of the electrical power production equipment for a WECS project.

*Tower.* Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

*Tower height.* The total height of the WECS exclusive of the rotor blades.

*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.

*Wake loss.* The loss of wind resource downwind of an operating wind turbine.

*Wake loss study.* A study of potential impacts to the wind resource downwind of operating wind turbines.

*WECS - Wind energy conversion system.* An electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to, power lines, transformers, substations and meteorological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on site or distributed into the electrical grid.

*Wind access buffer.* Setback from land and/or wind rights not under permittee's control. Wind turbine towers shall not be placed less than five rotor diameters (RD) from all boundaries of developer's site control area (wind and land rights) on the predominant wind axis (typically north-south axis) and three rotor diameters (RD) on the secondary wind axis (typically east-west axis). This setback applies to all parcels for which the permittee does not control land and wind rights including public land.

*Wind turbine.* A wind turbine is 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.

*Zoning ordinance.* The Meeker County Zoning Ordinance.

2. *Procedures.* Building permits, conditional use permits and variances shall be applied for and reviewed under the procedures established in the Meeker County Zoning Ordinance, except where noted below. The application for all WECS shall include the following information:
  - A. Letter from the state agency responsible for size determination of a project, pursuant to Minnesota Statutes, chapter 216F.011, as amended.
  - B. The names and addresses of project applicant.
  - C. The names and addresses of the project owner. For C-BED projects, must provide percent of ownership for each of the project owners.

- D. The legal description and address of the project.
- E. A description of the project including: number, type, nameplate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
- F. Site layout, including the location of project area boundaries (purchased wind rights), property lines determined by a licensed land surveyor, wind turbines, roads, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances, be drawn to scale and shall include all related engineering plans in a digital format (DXF file in county coordinates) compatible with county requirements.
- G. Documentation of land ownership or legal control of the property.
- \*H. A report from a microwave search firm identifying which FCC licensed microwave paths shall pass through the proposed wind farm.
- \*I. A report from a registered professional engineer with radio experience showing that the microwaves will pass unaffected through the farm.
- \*J. A report indicating if any critical communications circuits are planned or existing, whether they are FCC licensed or not, and if it can be registered in a GIS file along with the precise location of the planned or existing windmills.
- K. The latitude and longitude and county coordinates of individual wind turbines.
- L. A topographical survey with two foot contours within 150 feet of each WECS, and two-foot contours to the road right-of-way line and/or property line if the proposed WECS is within 400 feet of the road right-of-way and/or property line with the remaining area in USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten rotor diameters of the proposed WECS.
- M. Location of wetlands, scenic and natural areas including bluffs, all and all rights-of-way within 1,320 feet of the proposed WECS.
- N. FAA permit application, as amended.
- O. Copies of all permits or documentation that indicates compliance with all other applicable state and Federal Regulatory Standards, including but not limited to the Uniform Building Code, as amended; the National Electric Code, as amended; the Minnesota Pollution Control Agency (MPCA)/Environmental Protection Agency (EPA), as amended; and an acoustical analysis.
- P. Location of all known communications towers within two miles of the proposed WECS.
- Q. Location of all known public or private airports or heliports within five miles of the proposed WECS.
- R. Detailed decommissioning plan including how decommissioning costs would be covered. Applicant may be required to establish an escrow account to fund decommissioning costs.
- S. Description of potential impacts on nearby WECS and wind resources on adjacent properties. A wake loss study may be required if the county determines the proposed project may have a significant impact on nearby WECS.
- T. Identification of haul routes to be utilized for material transportation and construction activities: state, federal, county and/or township roads. Must provide written documentation that all haul routes have been approved by each of the road authorities with jurisdiction.
- U. Locations and site plans for all temporary, non-residential construction sites and staging areas.

V. A copy of a certificate of insurance for liability and workers compensation insurance that requires notification to Meeker County Planning and Zoning Office prior to cancellation will be furnished. This insurance shall be kept in effect until the tower facility is removed. The minimum liability insurance limit shall be \$500,000.00 per occurrence.

W. Supplemental data: Upon request of the zoning administrator, planning commission or county board the applicant shall submit any other information or exhibits as necessary to make findings, recommendations and disposition on the conditional use permit application.

\*These reports may be combined if possible.

3. *Aggregated projects - Procedures.* Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Aggregated projects having a combined capacity equal to or greater than the threshold for state oversight as set forth in Minnesota Statutes, as amended, 116C.691 through 116C.697 shall be regulated by the State of Minnesota.

4. *District regulations.*

District	<i>Micro-WECS</i>	<i>Non-Commercial</i>	<i>Commercial*</i>	<i>Meteorological Tower (*)</i>
Agricultural Preservation District	C	C	C	C
R-1 Suburban Residential District	C	NP	NP	NP
R-2 Rural Residential District	C	NP	NP	NP
Shoreland District	C	C	NP	NP
C-1 Commercial District	C	C	C	C
C-2 Neighborhood Commercial	C	NP	NP	NP
I-1 General Industry District	C	NP	NP	NP
Urban Expansion Management Overlay District	C	C	NP	NP

C = Conditional; NP = Not permitted

5. *Setbacks - Wind turbines and meteorological towers.*

	Micro-WECS	Wind Turbine - Non-Commercial WECS	Wind Turbine - Commercial WECS	Meteorological Towers
Property lines and project boundaries	An amount equal to the height of the structure.	1 times the total height plus ten feet as certified by a professional engineer registered in the State of Minnesota.	3 RD on east-west axis, and 5 RD on north-south axis.	1 times the total height plus ten feet as certified by a professional engineer registered in the State of Minnesota. Minimum of 250 feet. Any guyed wires must meet the setbacks of the district.
Owner-occupied dwellings	A minimum of 500 feet and sufficient distance to meet state noise standards, whichever is greater.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota or a minimum of 500 feet and sufficient distance to meet state noise standards, whichever is greater.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota or a minimum of 500 feet and sufficient distance to meet state noise standards, whichever is greater.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota or a minimum of 500 feet and sufficient distance to meet state noise standards, whichever is greater.
Non-owner-occupied dwellings	Not applicable if setbacks are met.	750 feet	1,000 feet minimum and sufficient distance to meet state noise	1 times the total height plus 10 feet as certified by a professional

			standards, whichever is greater.	engineer registered in the State of Minnesota. Minimum of 500 feet.
Rights-of-way (roads, railroads, power lines, pipelines, etc.) ***	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota. Minimum of 250 feet.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota. Minimum of 250 feet.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota. Minimum of 250 feet.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota. Minimum of 250 feet.
Public conservation land managed as grasslands	An amount equal to the height of the structure.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota	RD on east-west axis, and 5 RD on north-south axis.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota. Minimum 250 feet.
Wetlands USFW Types III, IV, and V which are five acres or larger	An amount equal to the height of the structure.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota.	3 RD on east-west axis, and 5 RD on north-south axis.	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota. Minimum 250 feet.
Other structures	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of	1 times the total height plus 10 feet as certified by a professional engineer registered in the State of Minnesota.

	Minnesota.	Minnesota.	Minnesota.	Minimum 250 feet.
Other existing WECS	NA	3 RD on east-west axis, and 5 RD on north-south axis.	3 RD on east-west axis, and 5 RD on north-south axis.	NA

\*\*\*The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

6. *Additional setback requirements.*

- A. Based on their total nameplate generating capacity, C-BED projects are considered micro-WECS, non-commercial WECS or commercial WECS as defined in this ordinance, and will follow the setbacks established for the category for which they fall under, as listed in section 22.35.5 of this ordinance.
- B. *Native prairie.* Turbines and associated facilities shall not be placed in native prairie unless approved in the native prairie protection plan. 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.
- C. *Sand and gravel operations.* No turbines or associated facilities in active sand and gravel operations.
- D. *Aviation (public and private airports).* No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace or public and private airports in Meeker County. Setbacks or other limitations determined in accordance with MnDOT Department of Aviation and Federal Aviation Administration (FAA) requirements.
- E. The setback for new dwellings shall be reciprocal in that no dwelling shall be constructed within the same setback as a new turbine would need to meet to an existing dwelling.
- F. *Substations and accessory facilities.* Minimum setback standards for substations and feeder lines shall be determined in the permitting process.

7. *Requirements and standards.*

A. *Power purchase agreement.*

- 1. Applicant must provide a signed copy of the power purchase agreement or documentation that the power will be utilized on-site for review to Meeker County Planning and Zoning prior to being issued a building permit and commencing construction.

B. *Safety design standards.*

- 1. *Engineering certification.* For all WECS, a professional engineer shall certify that the design of the turbine and tower of the WECS is within accepted professional standards and a professional engineer registered in the State of Minnesota shall certify that the foundation design of the WECS is within accepted professional standards, given local soil and climate conditions.

2. *Clearance.* Rotor blades or airfoils must maintain at least 30 feet of clearance between their lowest point and the ground.
3. *Warnings.*
  - (a) For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
  - (b) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
  - (c) Consideration shall be given to painted aviation warning on metrological towers of less than 200 feet. All FAA requirements shall be met and satisfied.

C. *Standards.*

1. *Total height.* Non-commercial WECS shall have a total height of less than 150 feet.

D. *Tower configuration.*

1. *[Generally.]* All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.
2. *[Guys.]* Meteorological towers may be guyed.
3. *Color and finish.* All wind turbines and towers that are part of a commercial WECS shall be white, gray or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte non-reflective. Exceptions may be made by the zoning administrator for metrological towers where concerns exist relative to aerial spray applicators.
4. *Lighting.* Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations, Red strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made by the zoning administrator for metrological towers where concerns exist relative to aerial spray applicators.
5. *Other signage.* All signage on site shall include the manufacturers or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
6. *Feeder lines.* All communications and feeder lines equal to or less than 34.5 KV in capacity, installed as part of a WECS shall be buried (where reasonably feasible). Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Meeker County authority.
7. *Waste disposal.* Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
8. *Discontinuation and decommissioning.* A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Meeker County Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed four feet below ground level within 90 days of the discontinuation of use.
9. *[Decommissioning plan.]* Each commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their

serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a professional engineer registered in the State of Minnesota, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. The plan shall also address road maintenance during and after completion of the decommissioning.

10. *Orderly development.* Upon issuance of a conditional use permit, all commercial WECS shall notify the Public Utilities Commission Environmental Plant Siting Act program staff of the project location and details on the survey form specified by the public utilities commission.

E. *Other applicable standards.*

1. *Noise.* All WECS shall comply with Minnesota Rules 7030, as amended, governing noise.
2. *Electrical codes and standards.* All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
3. *Federal Aviation Administration.* All WECS shall comply with FAA standards and permits.

F. *Interference.* The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with county or Minnesota Department of Transportation microwave transmissions.

G. *Avoidance and mitigation of damages to public infrastructure.*

1. *Roads.* Applicants shall:
  - (a) Identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
  - (b) Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the conditions of the public facility.
  - (c) Contact the road authority for road closures, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits.
  - (d) Contact the Meeker County Highway Department prior to any road closures for the re-routing of emergency vehicles during the closure.
  - (e) Contact the road authority to conduct an inspection of the road conditions of the haul routes prior to and after construction.
  - (f) Provide a performance bond to be held by the county until the township and/or county road authority(ies) have provided the county auditor with a written release that all haul routes within their jurisdiction in Meeker County have been returned to pre-construction condition.

- (g) Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.
  - 2. *Drainage system.* The applicant shall be responsible for immediate repair of damage to public and private drainage systems stemming from construction, operation or maintenance of the WECS.
- H. *Pre-construction meeting.* Applicant will conduct a pre-construction meeting prior to construction commencement with a written notice sent the following individuals a minimum of one week prior to said meeting:
  - a. Township chairman.
  - b. Meeker County Highway Engineer.
  - c. Meeker County Sheriff.
  - d. Meeker County Zoning Administrator.
  - e. Area Hydrologist, Minnesota Department of Natural Resources.
  - f. Minnesota Pollution Control Agency.
  - g. United States Farm Service Agency.
  - h. Meeker County Soil and Water Conservation District.
  - i. U.S. Fish and Wildlife Service.
  - j. Minnesota State Historical Society.
  - k. Two planning commission members: chair and one other member.
  - l. MnDOT.

## ARTICLE 23. - DEFINITIONS

### Sec. 23.005. - Intent.

Captions, headings, titles and key words used in sections and articles are defined herein for convenience to facilitate the use of this ordinance.

### Sec. 23.006. - Word usage.

- A. 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.
- B. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive.
- C. The word "may" is permissive.
- D. The masculine gender shall include the feminine and neuter.
- E. All distances, unless otherwise specified, shall be measured horizontally or vertically as specified.
- F. Words used in the present tense include the future tense; the singular number includes the plural; the plural includes the singular.

### Sec. 23.006.1. - Abandoned farm homestead.

A site previously occupied by a farm dwelling and evidenced by a foundation, uninhabitable farm dwelling, windbreak, outbuildings or other observable physical features.

### Sec. 23.007. - Abatement deadline.

"Abatement deadline" means the date before which the nuisance must be abated as specified in a written order.

Sec. 23.007.1. - Access lot.

"Access lot" is a parcel of land that provides access to public waters.

Sec. 23.01. - Accessory structure or facility.

"Accessory structure" or "facility" means any building or improvement subordinate to a principal use which is 201 square feet or more except as stated in 23.118.1 and because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Sec. 23.02. - Accessory use.

A use commonly and normally incidental to, subordinate to and auxiliary to the principal permitted use of the premises.

Sec. 23.02.1. - Adult body painting studio.

An establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

Sec. 23.02.2. - Adult bookstore.

A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotape, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Sec. 23.02.3. - Adult cabaret.

An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of specified "sexual activities" or "specified anatomical areas."

Sec. 23.02.4. - Adult companionship establishment.

A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Sec. 23.02.5. - Adult entertainment uses.

Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other adult establishments.

Sec. 23.02.6. - Adult establishment.

A business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult bookstores, adult

motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

Sec. 23.02.7. - Adult hotel or motel.

"Adult hotel or motel" means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Sec. 23.02.8. - Adult massage parlor, health club.

A massage parlor or health club which restricts minors by reason by age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Sec. 23.02.9. - Adult modeling studio.

An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Sec. 23.02.10. - Adult motion picture arcade.

Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Sec. 23.02.11. - Adult motion picture theaters.

A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said 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.

Sec. 23.02.12. - Adult novelty business.

A business which has as a principal activity the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

Sec. 23.02.13. - Adult sauna.

A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Sec. 23.02.14. - Agricultural buildings.

"Agricultural building" means a structure on agricultural land, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Sec. 23.02.15. - Agricultural product processing.

A procedure in which a significant portion involves or requires the production, packaging, processing or use of raw material agricultural products at the site.

Sec. 23.02.15.1. - Alteration.

A change; modification or adjustment to an existing structure that requires a permit and that does not meet the definition of a repair and/or an addition. A change in a mechanical system that involves an extension, addition, or change to the arrangement, type or purpose of the original installation that requires a permit.

Sec. 23.02.16. - Altered land.

Any change, disturbance or alteration made to the ground or soil of a site resulting in the placement of buildings or structures, grading or filling of the land or similar activities.

Sec. 23.02.16.1. - Animals, domestic farm animals.

Cattle, hogs, horses, sheep, goats, chickens, turkeys, ducks, geese, rodents and other animals commonly kept for food production or other purposes.

Sec. 23.02.16.2. - Animals, domestic pets.

Dogs, cats, birds, reptiles and similar animals commonly kept on premises and/or within a residence. Animals considered wild, exotic or non-domestic, such as lions, bears, wolves and similar animals, shall not be considered domestic pets.

Sec. 23.02.17. - Animal manure.

Livestock, poultry or other animal excreta or a mixture of excreta with feed, bedding or other materials.

Sec. 23.03. - Animal unit.

(NOTE: The new animal unit definition below is currently found in MN Rules 7020.0300. The regional MPCA feedlot individual indicated that these animal unit numbers have not been approved by the federal EPA. As a result, she indicated that the county may want to consider adopting by reference the MN Rule definition for "animal unit" and include the wording "as amended" incase the EPA does not approve or amends the definition provided in MN Rules. The county can be more restrictive when defining "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 slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type in items A to I below by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this definition the following shall apply:

A. Dairy cattle:

1. One mature cow (whether milked or dry);
  - (a) Over 1,000 pounds, 1.4 animal unit; or
  - (b) Under 1,000 pounds, 1.0 animal unit;
2. One heifer, 0.7 animal unit; and
3. One calf, 0.2 animal unit;

B. Beef cattle:

1. One slaughter steer or stock cow, 1.0 animal unit;

2. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
  3. One cow and calf pair, 1.2 animal unit; and
  4. One calf, 0.2 animal unit;
- C. One head of swine:
1. Over 300 pounds, 0.4 animal unit;
  2. Between 55 pounds and 300 pounds, 0.3 animal unit; and
  3. Under 55 pounds, 0.05 animal unit;
- D. One horse, 1.0 animal unit;
- E. One sheep or lamb, 0.1 animal unit;
- F. Chickens:
1. One laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
  2. One chicken if the facility has a dry manure system:
    - (a) Over five pounds, 0.005 animal unit; or
    - (b) Under five pounds, 0.003 animal unit;
- G. One turkey:
1. Over five pounds, 0.018 animal unit; or
  2. Under five pounds, 0.005 animal unit;
- H. One duck, 0.01 animal unit; and
- I. For animals not listed in items A to H above, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Sec. 23.03.1. - Antenna, personal.

A wire, set of wires, metal or carbon fiber rod or other electromagnetic element, publicly or privately owned for non-commercial purposes, used to transmit and/or receive personal radio, television or other personal communication services including, but not limited to, business band, citizen's band, amateur radio, short wave radio and personal television reception.

Sec. 23.03.2. - Antenna, commercial wireless communication.

A device consisting of metal, carbon fiber or other electromagnetically conductive rods or elements on a single supporting pole, tower, or other structure, and used for the transmission and/or reception of commercial wireless radio, television, cellular telecommunications, personal communication services or other commercial communication services.

Sec. 23.04. - Approved.

Acceptance of materials, types of construction, land use or a permit by the zoning administrator, planning commission, board of adjustment or county board.

Sec. 23.04.1. - Area variance.

Permitting a use of land that does not change the character of the zoning district and does not involve a use prohibited by the zoning ordinance, but instead includes, but is not limited to, setback lines, impervious surface coverage, frontage requirements, height limitations, lot-size restrictions, density regulations, off street parking, and yard requirements, and where the applicant has established a showing of practical difficulties

Sec. 23.04.2. - Auto service stations.

Any building, structure or premise where gasoline and other petroleum products are sold and/or automobile or truck maintenance services are provided.

Sec. 23.05. - Available nitrogen.

"Available nitrogen" means that portion of nitrogen applied to the soil as septage, manure or commercial fertilizer that the plant can use following the processes of mineralization, ammonification, and nitrification.

Sec. 23.06. - Available water-holding capacity.

"Available water-holding capacity" means the capacity of soil to hold water against the force of gravity for use by most plants.

Sec. 23.07. - Basement.

That portion of a building that is partly or completely below grade with a finished ceiling height of greater than seven feet.

Sec. 23.07.1. - Bed and breakfast.

A structure where short-term lodging and meals are provided for compensation in which the owner or resident manager of the Inn operates and/or resides there while guests are present, the facility meets all state health and building code requirements, the facility's owner furnishes evidence that the licenses required by the State of Minnesota either have been issued or will be issued before commencing operation. No guests shall stay at the facility for more than 30 days within a 90-day period. No cooking or cooking facilities shall be allowed or provided in guest rooms. Meals shall be provided only to overnight guests of the facility, and identifying signs for the facility shall meet the requirements for signs for home occupations in this ordinance.

Sec. 23.08. - Bedrock.

"Bedrock" means that layer of rock which is considered parent material, either consolidated or unconsolidated.

Sec. 23.09. - Bedrock outcrop.

"Bedrock outcrop" means any bedrock that appears at the surface of the land.

Sec. 23.09.1. - Billboard.

A sign that identifies or communicates a message, service, or commodity sold at a location other than where the sign is located.

Sec. 23.10. - Bluff.

"Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the water body.

Sec. 23.11. - Bluff impact zone.

"Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

Sec. 23.12. - Bluffline.

A line along the top of a slope connecting the points at which the slope becomes less than 13 percent. This applies to slopes within the recreation river management overlay district that are beyond the setback provision from the normal high water mark.

Sec. 23.12.1. - Board of adjustment.

The "board of adjustment" shall be the board of adjustment for the county, as appointed by the county board of commissioners and whose principal duties are to grant or deny variance requests and hear appeals from zoning decisions of the zoning administrator.

Sec. 23.13. - Boathouse.

"Boathouse" means a structure designed and used solely for the storage of boats or boating equipment.

Sec. 23.13.1. - Bona fide farm operation.

The land, buildings and machinery used in the commercial production of farm products and has any of the following:

- (a.) A farm of 40 or more acres, in one ownership, which has been devoted primarily to an agricultural use;
- (b.) A farm of five acres or more in one ownership, but less than 40 acres, devoted primarily to an agricultural use, which has produced a gross annual income from agriculture of \$200.00 per year or more per acres of cleared and tillable land;
- (c.) A farm designated by the department of agriculture as a specialty farm in one ownership, which has produced a gross annual income from an agricultural use of \$2,000.00 or more;
- (d.) Parcels of land in one ownership which are not contiguous but which constitute an integral part of farming operation being conducted on land otherwise qualifying as farmland may be included in an application under this article.

Sec. 23.14. - Buildable area.

"Buildable area" is contiguous land that is:

- (1) Above the ordinary high water line;
- (2) Above the 100-year floodplain elevation;
- (3) Outside the perimeter of the delineated wetland area; and
- (4) Outside the perimeter of any mapped soil area defined in the soil survey of Meeker County as having severe limitations for construction of a dwelling due to slope.

Sec. 23.15. - Building.

Any structure, either temporary or permanent, having a roof and supported by columns or walls, used or built for the shelter, housing or enclosure of any person, animal, goods, equipment, materials, process or property of any kind. Any roofed structure, including carports or similar structures, structurally attached to another roofed structure, excluding dwellings, shall be considered part of the building it is attached to.

Sec. 23.15.1. - Building, foundation.

The lowest support of a structure that is more than 12 inches above grade.

Sec. 23.16. - Building line.

"Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Sec. 23.17. - Building line width.

The width of a lot parallel to the street at the building setback line.

Sec. 23.18. - Building, principal.

A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Sec. 23.19. - Building setback line.

That line that is the required minimum distance from the right-of-way line, ordinary high water line, other facilities which require setbacks or any other lot line that establishes the area within which the building or structure must be erected or placed.

Sec. 23.19.1. - Building site.

A site in which a building or structure and its accessory buildings or structures is located or intended to be placed.

Sec. 23.19.2. - Campground.

"Campground" means a development that is used for the purpose of providing sites for non-permanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

Sec. 23.20. - Carport.

A structure permanently attached to another structure having a roof supported by columns and enclosed on three sides or less.

Sec. 23.21. - Cave.

"Cave" means any naturally formed, subterranean open area or chamber, or series of chambers.

Sec. 23.21.1. - 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.

Sec. 23.21.2. - Chapter 7080.

Minnesota Rules chapter 7080, Individual Sewage Treatment Systems Standards.

Sec. 23.21.3. - Church.

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.

Sec. 23.21.4. - Clustering or clustered.

A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make the most efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Sec. 23.21.5. - 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.

Sec. 23.21.5.1. - 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 it does not include an area of 25 feet around each structure or any impervious surface.

Sec. 23.22. - Reserved.

Sec. 23.23. - Commercial use.

"Commercial use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Sec. 23.23.1. - Commercial riding stable.

An establishment where horses, mules, donkeys, or ponies are bred, trained, and/or kept for a fee or hire or where any events or activities related to riding stables occurs.

Sec. 23.24. - Commissioner.

"Commissioner" means the commissioner of the Minnesota Department of Natural Resources.

Sec. 23.25. - Conditional use.

"Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the county and the use is compatible with the existing neighborhood.

Sec. 23.25.1. - Condominium.

"Condominium" means 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. Said units need to be connected to municipal sewer and water.

Sec. 23.25.2. - Conservation subdivision.

"Conservation subdivision" is a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space

amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped roadways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

Sec. 23.25.3. - Construction/job site building.

"Construction/job site building" means a relocatable building that is designed for use by a contractor at a construction site that are not to be used by the general public or as sales offices. They may not contain any area for bathing or any cooking appliances and they shall be removed prior to or upon completion of the construction project.

Sec. 23.25.3.1. - Contiguous tract.

The following rules shall apply when determining contiguous property:

- A. Tracts that have area geometrically touching at any one point are contiguous;
- B. Contiguous tracts which cross political subdivision boundaries remain contiguous;
- C. Except for the purpose of determining impervious lot coverage, property that would be contiguous under these rules, but for the fact that the property is separated by a public or private road, driveway, or thruway shall be deemed to be contiguous.

Sec. 23.25.3.2. - Construction short form permit.

A feedlot permit giving permission for construction or expansion of a feedlot or manure storage area when there is not a pollution hazard.

Sec. 23.25.4. - Conventional subdivision.

"Conventional subdivision" means a pattern of subdivision development that permits the division of land in the standard subdivision form where lots are spread evenly throughout a parcel land. The lots shall be at least double the lot sizes in area permitted in section 19A.04 and the lot widths shall be at least 1½ the lot widths permitted in section 19A.04 of the Meeker County Zoning Ordinance. This subdivision shall follow the Meeker County Subdivision Ordinance and Minnesota Statutes chapter 505 relating to subdivision platting.

Sec. 23.25.5. - County.

Meeker County, Minnesota.

Sec. 23.25.6. - County board.

Meeker County Board of Commissioners.

Sec. 23.25.7. - Cropland, farmed (tillable).

Soil which is annually seeded with a harvestable product or has been in the previous five years; set aside acres, as per the U.S. government farm programs (CRP, etc.); or hay ground used in rotation with row and grain crops.

Sec. 23.25.8. - Cropland, non (non-tillable).

The opposite of farmed cropland.

Sec. 23.25.9. - Cooperative.

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

Sec. 23.25.10. - Crawl space.

"Crawl space" means any areas or rooms with less than seven-foot ceiling height measured to the finished floor or grade below.

Sec. 23.26. - Crops for direct human consumption.

"Crops for direct human consumption" means crops that are consumed by humans without processing to minimize pathogens prior to distribution to the consumer.

Sec. 23.27. - Deck.

"Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 12 inches above the ground.

Sec. 23.28. - District, zoning.

Any section of the unincorporated area of the county within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Sec. 23.29. - Domestic waste.

"Domestic waste" means any liquid waste produced by toilets, bathing, laundry, culinary operations and the floor drains associated with these sources and specifically excludes animal waste and commercial or industrial waste water.

Sec. 23.30. - Drainage ditch.

"Drainage ditch" means a ditch specifically constructed to remove water from land.

Sec. 23.30.1. - Drive-in business.

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be received, used, or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Sec. 23.31. - Duplex, triplex, and quad.

"Duplex," triplex," and "quad" means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Sec. 23.32. - Dwelling site.

"Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Sec. 23.33. - Dwelling unit.

A dwelling unit is any house or building or portion thereof that was constructed to be nonmobile and that is occupied wholly as a home, residence or sleeping place of one or more human beings either permanently or transiently, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this ordinance and shall comply with the

provisions thereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed part of a dwelling. Types of dwellings are defined as follows:

- A. *Board or rooming house.* A boarding or rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family unit are leased or rented to persons outside of the family without any attempt to provide therein cooking or kitchen accommodations.
- B. *Dwelling, one (single) family.* (Also see single family dwelling definition). A dwelling occupied by only one family and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one family only.
- C. *Dwelling, two (duplex) family.* A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy of two families.
- D. *Dwelling, multiple.* A building used or intended to be used as a dwelling by three or more families or as an apartment house with each unit designed and arranged to provide separate cooking and sanitary facilities for each family.

Sec. 23.33.01. - Easement.

A grant by a property owner for the use of land by the public or any person for any specific purpose or purposes.

Sec. 23.33.1. - Enforcement officer.

"Enforcement officer" means any designated representative of the County of Meeker responsible for enforcing the provisions of this ordinance, including, but not limited to, law enforcement officers, the county attorney or zoning administrator.

Sec. 23.33.2. - Environmental assessment worksheet.

"Environmental assessment worksheet" means 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 as required by Minnesota Statutes, section 116D.04, subd. 1a.

Sec. 23.33.3. - Environmental impact statement.

"Environmental impact statement" means a detailed written statement as required by Minnesota Statutes, section 116D.04, subd. 2a.

Sec. 23.34. - Erected.

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical excavation, fill, drainage and the like shall be considered a part of erection.

Sec. 23.35. - Essential services.

The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Sec. 23.35.1. - Extermination.

"Extermination" means the eradication of rodents and other vermin by any or all approved methods such as poisoning, fumigation, or trapping.

Sec. 23.35.2. - 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, i.e., 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.

Sec. 23.36. - Extractive use.

"Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Sec. 23.37. - Fallow land.

"Fallow land" means land that is uncropped and kept cultivated throughout a growing season. Vegetative cover is less than 25 percent. Any land that is uncropped and cultivated during the months of September through May where a crop will be grown the following growing season is not considered fallow land.

Sec. 23.38. - Family.

A "family" is any number of persons living together in a room or rooms comprising a single dwelling unit and related by blood, marriage, adoption or any unrelated person who resides thereon as though a member of the family, including the domestic employees thereof. Any group or persons not so related but inhabiting a single house shall, for the purpose of this ordinance, be considered to constitute one family for each five persons, exclusive of domestic employees, contained in each such group.

Sec. 23.39. - Farm or farming.

"Farm" or "farming" means the cultivating or pasturing of a parcel of land for the growing and/or production of crops, livestock, livestock products or an agricultural product or using it for commercial purposes or as a source of income. Any existing or erected building, structure or use for agricultural purposes shall be considered part of a farm or farming operation.

Sec. 23.39.1. - Farmer.

"Farmer" means a natural person who regularly participates in physical labor or operations management in the person's farming operation and has minimum yearly gross revenue from agricultural activities of not less than \$1,500.00.

Sec. 23.40. - Feed lot.

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. Feedlots shall be classified in size by animal units as defined by the Minnesota Pollution Control Agency. Pastures shall not be considered animal feedlots under these rules. Fish farms (aquaculture) shall be considered feedlots for the purposes of this ordinance. The classes of feedlots are as follows:

- A. Class A: any feedlot consisting of 299 animal units or less.

- B. Class B: a feedlot consisting of between 300 and 1,000 animal units no more than 30 percent of which are swine.
- C. Class B-h: a feedlot consisting of between 300 and 1,000 animal units more than 30 percent of which are swine.
- D. Class C: a feedlot consisting of between 1,001 and 2,000 animal units no more than 15 percent of which are swine.
- E. Class C-h: a feedlot consisting of between 1,001 and 2,000 animal units more than 15 percent of which are swine.
- F. Class D: a feedlot consisting of more than 2,000 animal units no more than 15 percent of which are swine.
- G. Class D-h: a feedlot consisting of more than 2,000 animal units more than 15 percent of which are swine.

Sec. 23.40.01. - Feedlot, expansion.

When animal units will increase, when a major change (as determined by the MPCA) is proposed and/or when the construction of a manure storage system is proposed.

Sec. 23.40.01.1. - Feedlot, operator.

An individual, a corporation, a group of individuals, a partnership, joint venture or any other business entity having charge or control of one or more animal feedlots.

Sec. 23.40.01.2. - Feedlot, owner.

Any person or entity having possession, control or title to an animal feedlot.

Sec. 23.40.01.3. - Feedlot permit.

A document issued by the MPCA or county which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants.

Sec. 23.40.02. - Feedlot, new.

An animal feedlot constructed and operated on a site where no animal feedlot existed previously or where a pre-existing animal feedlot has not been permitted or has been unused for a period of five years or more.

Sec. 23.40.1. - Fence.

Any artificially constructed barrier of any material or combination of materials erected to enclose or screen a property.

Sec. 23.41. - Filter blanket.

"Filter blanket" means a layer of geotextile fabric or a six-inch layer of gravel.

Sec. 23.42. - Firearm shooting range.

A tract of land that is used for target shooting with legal firearms.

Sec. 23.43. - Floor area.

The total floor or ground area under a building roof area, excluding the roofs eaves including any habitable floor area with a ceiling height of seven feet on any level.

Sec. 23.44. - Food-chain crops.

"Food-chain crops" means tobacco, crops grown and processed for human consumption, and crops grown and harvested for feed for animals whose products are consumed by humans.

Sec. 23.45. - Garage, private.

An accessory building designed or used for the storage of not more than three licensed automobiles, trucks or buses owned and used by the occupants of the building of which it is accessory.

Sec. 23.46. - Gasoline service station.

A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

Sec. 23.47. - Governmental agencies and officials.

Any department, commission, person, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other governmental unit.

Sec. 23.47.01. - Government lot.

A fractional part of a section adjacent to a meander line and/or in some cases on the northerly or westerly sides of a township. These fractional lots may be more or less than 40 acres and are shown on the original government survey plat, which is available at the Meeker County Recorder's Office.

Sec. 23.48. - Ground level, average.

The average elevation of the finished grade at the perimeter of a building or structure.

Sec. 23.49. - Groundwater.

"Groundwater" means the water contained below the surface of the earth in a saturated zone, including without limitation all waters whether under confined or unconfined conditions in near surface unconsolidated sediment or regolith, or in rock formations, deeper underground.

Sec. 23.50. - Guest cottage.

"Guest cottage" means a structure with or without an attached garage which may not be constructed on a basement which is 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. A guest cottage and a garage attached to a guest cottage shall be considered an accessory structure and its square footage shall be used in calculating the maximum allowed square footage of accessory buildings per lot. The habitable area with a ceiling height of seven feet or greater of the guest cottage may not exceed 700 square feet and the attached garage may not exceed 700 square feet for a total of a maximum of 1,400 square feet of land surface coverage.

Sec. 23.51. - Hardship.

"Hardship" means the same as that term is defined in Minnesota Statutes, chapter 394.

Sec. 23.51.1. - Habitable area.

Any portion of a structure with a ceiling height of seven feet or greater shall be considered habitable space and calculated as part of the square footage of said structure.

Sec. 23.51.2. - Hazardous waste.

"Hazardous waste" means any waste material so defined by Minn. Stat. § 116.06, subd. 13 or described or listed as hazardous waste in Minn. Rules chapter 7045, known as Minnesota Pollution Control and Hazardous Waste Division Hazardous Waste Rules, or other applicable state or federal law or rules.

Sec. 23.52. - Height of building.

"Height of building" means the vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if it is a flat roof, to the deck line of mansard roofs and to the mean height between eaves and ridges of gable, hip and gambrel roofs. Except: water-oriented structures located less than the permitted setback requirement in all shoreland districts and accessory buildings less than 200 square feet in all districts shall not exceed ten feet in total height, from the average ground level adjoining the building at the highest point of the roof.

Sec. 23.53. - Home occupation.

A use conducted as a business, profession, occupation or trade entirely within a residential dwelling or within an accessory building to a residential dwelling and which use is accessory, incidental and secondary to the principal dwelling and property and does not change the essential residential character or appearance of the dwelling or property.

Sec. 23.54. - Immediate incorporation.

"Immediate incorporation" means the land spreading and mixing of septage and/or manure with the top soil by means such as injection equipment, discing, moldboard plowing, or chisel plowing, to a minimum depth of six inches within two hours of land spreading.

Sec. 23.54.1. - 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. Examples include rooftops, sidewalks, decks, patios, driveways, paved parking lots, storage areas, and concrete, asphalt or gravel roads.

Sec. 23.54.2. - Improvement.

Making a nonconforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed. This does not include an expansion, enlargement or repair.

Sec. 23.55. - Incorporation.

"Incorporation" means the land spreading and mixing of septage and/or manure with the top soil by means such as injection equipment, discing, moldboard plowing, or chisel plowing, to minimum depth of six inches within 48 hours of land spreading.

Sec. 23.56. - Industrial use.

"Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Sec. 23.56.1. - Inoperative vehicle.

See section 23.133.05.1, *Vehicle, inoperative*.

Sec. 23.57. - Intensive vegetation clearing.

"Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Sec. 23.57.1. - Interested party.

"Interested party" means any owner of record, occupying tenant, or lienholder of record.

Sec. 23.57.2. - Interim feedlot permit.

A permit expiring no later than two years from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

Sec. 23.58. - Intermittent stream.

"Intermittent stream" means any stream which flows at certain times during the year, such as after a rainstorm or during wet weather. Intermittent streams receive water from surface runoff, springs or melting snow and have definable banks. Any intermittent stream mapped on Soil Conservation Service soil surveys or United States Geological Survey quadrangle maps may be included within this definition. All Class 7 limited resource value water listed in parts 7050.0380 and 7055.0310 are included within this definition.

Sec. 23.59. - Junkyard.

A place maintained for keeping, storing, piling, exchanging, cleaning, packing, disassembling, handling, buying or selling in commercial quantities, whether temporarily, irregularly or continually, any old, used or secondhand material of any kind, including used motor vehicles, inoperative motor vehicles, machinery and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles from which its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard, for the keeping of unlicensed motor vehicles or the remains thereof. This shall not prohibit the keeping of one unlicensed motor vehicle within an enclosed building in residential districts or any number of inoperative or unlicensed vehicles kept in an enclosed building in other districts, except that two inoperative or unlicensed motor vehicles may be kept outside of an enclosed building in the agriculture district. If more than two inoperative or unlicensed vehicles are kept outside of a building in any agricultural zoned district then these vehicles must be screened from public view.

Sec. 23.60. - Kennel.

Any lot, premises, place, building, tract of land, abode, or vehicle wherein or whereupon five or more dogs six months of age or older are kept, congregated, confined, owned and/or permanently or temporarily boarded. A kennel does not include a pound owned and operated by any political subdivision of the state.

Sec. 23.61. - Land spreading.

"Land spreading" means placement of septage and/or manure on the surface or incorporated into the soil beneath the soil surface in accordance with all state statutes, rules, standards and guidelines.

Sec. 23.62. - Land spreading site.

"Land spreading site" means any tract of land on which an individual land spreads or incorporates more than 10,000 gallons of septage per year.

Sec. 23.62.1. - Land use plan.

"Land use plan," or comprehensive plan, is a compilation of goals, policies, statements, standards, tools and maps for guiding the physical, social and economic development, both public and private, of the county as adopted or approved and amended by the county board.

Sec. 23.62.2. - Last known address.

"Last known address" means the address shown on the records of the Meeker County Assessor's Office or a more recent address known to the enforcement officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the officer after a reasonable search.

Sec. 23.63. - Lime treatment.

"Lime treatment" means to raise the pH of septage above 12, at a minimum, by alkali addition and without the addition of more alkali shall remain at 12, at a minimum, for a period of 30 minutes.

Sec. 23.64. - Lot.

"Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Sec. 23.65. - Lot, corner.

A "corner lot" is a lot of which at least two adjacent sides abut for their full length upon a street.

Sec. 23.66. - Lot, coverage.

The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Sec. 23.67. - Lot, double frontage.

A "double frontage lot" is a lot that extends from one street to another street or from one street to a shoreline.

Sec. 23.68. - Lot, interior.

An "interior lot" is a lot other than a corner lot.

Sec. 23.69. - Lot line, front.

Any lot line abutting a street right-of-way shall be considered a front lot line.

Sec. 23.70. - Lot line, rear.

The "rear lot line" is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten feet long, lying most distantly from the front lot line and wholly within the lot. With the exception of a double frontage lot, every lot shall have a rear lot line.

Sec. 23.71. - Lot line, side.

A "side lot line" is any lot line not a front or rear lot line.

Sec. 23.72. - Lot of record.

A lot that is part of a subdivision, the map of which has been recorded in the office of the county recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the county recorder.

Sec. 23.73. - Lot width.

"Lot width" means the shortest distance between side lot lines.

Sec. 23.73.1. - Lumber mill and rough lumber processing.

"Lumber mill and rough lumber processing" means a commercial operation that saws or processes logs for lumber/wood products such as pallets, shipping containers, wood shavings or similar products.

Sec. 23.73.2. - Mail.

"Service by mail" means depositing the item with the United States Postal Service addressed to the intended at his or her last known address with first class postage prepaid thereon.

Sec. 23.73.3. - Maintenance.

The normal upkeep of a structure, i.e., the replacement of windows and doors which are the same size and located in the exact same location as the window or door which is being replaced. Siding, external roof surfaces or exterior finish, i.e., paint or stain.

Sec. 23.74. - Manufactured home (mobile home).

A structure only designed to be transportable and suitable for year-round occupancy as a dwelling unit and containing the same water supply, waste disposal, mechanical, electrical conveniences and other provisions as required for on-site erected housing whether mounted on wheels, frames, jacks or permanent foundations.

Sec. 23.74.1. - Manure, solid (liquid).

Solid manure that dries sufficiently (with or without bedding added) to make it a stackable solid. All other manure will be considered liquid manure.

Sec. 23.74.2. - Manure storage area.

An area where animal manure or runoff containing animal manure is stored or placed until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

Sec. 23.74.3. - Metes and bounds.

"Metes and bounds" means a description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the direction and length of the lines forming the boundaries of the property.

Sec. 23.75. - Migratory labor camp.

Temporary or permanent facilities provided by the employer on his own land or elsewhere for the housing of workers who for seasonal purposes are employed in the planting, harvesting or processing of crops.

Sec. 23.75.05. - Mini-storage buildings.

The term "mini-storage building" means a type of building utilized for the sole purpose of storage, whether it be private or public storage. Size shall be limited to 5,000 square feet. The maximum number of storage buildings allowed per site is two.

Sec. 23.76. - Minnesota definitions.

Unless clearly in conflict with the definitions or other provisions of this ordinance, or otherwise clearly inapplicable, definitions established by the State of Minnesota by statute or case law shall apply to this ordinance.

Sec. 23.77. - Motel or motor court.

A "motel" or "motor court" is a business comprising a series of attached or semidetached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.

Sec. 23.77.1. - MPCA.

The Minnesota Pollution Control Agency as established in Minnesota Statutes, chapter 116.

Sec. 23.78. - Nonconformity.

"Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Sec. 23.78.1. - Non-farm residence.

A residence where the principal occupation of its residents is other than farming.

Sec. 23.79. - Normal high-water mark.

A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the normal high-water mark is not evident, setbacks shall be measured from the lake or stream bank.

Sec. 23.79.05. - Nuisance.

A "nuisance" means any substance, matter, emission, or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety, or sanitary condition of the county. This includes, without limitation, excessive or noxious noise, odors, vibrations, air pollution, smoke, liquid or solid wastes, heat, glare or dust. The term nuisance does not apply to normal agricultural practices being conducted in an appropriately zoned area and in conformance with the provisions of this ordinance or practices at businesses operating under the terms and provisions of a conditional use permit.

Sec. 23.79.1. - Official zoning map and directory.

The areas comprising those zoning districts and boundaries of said districts as shown upon the map and directory attached hereto and made a part of this ordinance being designated as the official zoning map and directory for the county with all proper notations, references and other information shown thereon.

Sec. 23.80. - Ordinary high water level.

"Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Sec. 23.80.1. - Ordinary high water level setback.

The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level.

Sec. 23.81. - Other definitions.

Certain chapters of this ordinance contain other definitions applicable particularly to such chapters. In case of any conflict between the article on definitions and other definitions, the other definitions shall prevail in the chapters where applicable.

Sec. 23.81.1. - Owner.

"Owner" means those shown to be owner or owners on the records of the Meeker County Recorder's Office.

Sec. 23.81.2. - Parcel.

A lot or tract of land.

Sec. 23.82. - Parking space.

An area of not less than 170 square feet exclusive of drives or aisles to be used for the storage or parking of motor vehicles.

Sec. 23.82.1. - Pastures.

Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained throughout the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

Sec. 23.83. - Pasture crops.

"Pasture crops" means crops such as legumes, grasses, grain stubble and clover which are consumed by animals while grazing.

Sec. 23.84. - Patio.

An unenclosed, level, landscaped and/or surfaced area built at ground level, or built to a height not to exceed 12 inches above ground level, and attached or functionally related to a dwelling unit. A patio shall not be considered a structure.

Sec. 23.85. - Permanent foundation.

A concrete floating slab or concrete piers set to a minimum depth below the normal frost line or a concrete, concrete block, or wood foundation set around the circumference of a structure to a minimum depth below the normal frost line.

Sec. 23.85.1. - Permit.

Written governmental permission issued by an authorized official, commission or board, empowering the holder thereof to do some act not allowed without such authorization.

Sec. 23.85.2. - Permitted use.

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Sec. 23.86. - Person.

Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation who are responsible for the violation.

Sec. 23.86.1. - Personal service.

"Personal service" means service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

Sec. 23.87. - Place of habitation.

"Place of habitation" means an apartment, manufactured home, dwelling, residence or other structure, occupied or intended to be occupied on a day-to-day basis by an individual, group of individuals, family unit, or group of family units.

Sec. 23.88. - Planning commission.

The planning commission shall be the planning commission of the county, as appointed by the county board of commissioners.

Sec. 23.89. - Plastic limit.

"Plastic limit" means a soil moisture content below which the soil may be manipulated for purposes of installing a soil treatment system, and above which manipulation will cause compaction and puddling.

Sec. 23.89.1. - Plat.

"Plat" means a map or drawing, conforming to Minnesota Statutes, chapter 505, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record of title.

Sec. 23.90. - Ponding.

"Ponding" means the pooling of septage for a period of over 24 hours.

Sec. 23.91. - Porch, unenclosed.

An entrance to a building which may include steps, a landing, railings and a roof but not enclosed either partially or completely above the landing by windows, screens or siding.

Sec. 23.91.1. - Practical difficulties.

The following factors, which are not all inclusive, define practical difficulties, which is the standard applied in determining a variance request:

1. Whether the use is allowed in the zoning district;
2. Whether the variance request is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive land use plan and official map;
3. Whether the property owner proposes to use the property in a reasonable manner not permitted by an official control;
4. Whether the plight of the landowner is due to circumstances unique to the property not created by the landowner;
5. Whether the practical difficulty claimed by the applicant is based solely on economic considerations alone; and
6. Whether granting the variance will alter the essential character of the locality;
7. Authority to impose conditions.

Sec. 23.91.2. - Premises.

"Premises" means any building, structure, shelter or land wherein or whereon animals are kept or confined or people are residing.

Sec. 23.92. - Privacy fence.

"Privacy fence" means an artificially constructed barrier of wood, stone, brick or other material, higher than 42 inches but not exceeding six feet, designed to screen an area from view.

Sec. 23.92.1. - Primary (principal) building.

A building in which is conducted the principal use of the lot or site.

Sec. 23.92.2. - Principal use.

The primary or predominant use of any lot or site.

Sec. 23.92.3. - Property.

"Property" means any parcel of land whether vacant or not, whether any structure thereon is occupied or not, or whether submerged or not.

Sec. 23.93. - Public utility.

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under governmental regulation to the public electricity, gas, steam, water, sewage and waste disposal, communication or transportation facilities.

Sec. 23.94. - Public waters.

"Public waters" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a.

Sec. 23.95. - Recreational area.

"Recreational area" is the area allowed within the shore impact zone for residential lots and conservation subdivisions.

Sec. 23.96. - Recreational camping area.

Any area used on a daily, nightly, weekly or longer basis for the accommodation of three or more units consisting of tents, travel trailers and whether use of such accommodation is granted free of charge or for compensation.

Sec. 23.97. - Recreational camping vehicle.

The words "recreational camping vehicle" shall mean any of the following:

- A. Travel trailer means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational or vacation use.
- B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- C. Motor-home means a portable, temporary dwelling to be used for travel, recreation and vacation and constructed as an integral part of a self-propelled vehicle.
- D. Camping trailer means a fold structure mounted on wheels and designed for travel, recreation and vacation use.

Sec. 23.98. - Recreational trails.

"Recreational trails" means any designated trail or golf course for public use.

Sec. 23.98.1. - Recreation use area.

"Recreation use area" is the area allowed within the shore impact zone for residential lots and conservation subdivisions.

Sec. 23.98.2. - Recycling facility.

A building that is not a junkyard and in which recoverable resources, such as paper, glass and metal products, are collected, separated, flattened, crushed, or bundled prior to those recoverable resources being shipped to others who will use the recovered materials to manufacture new products.

Sec. 23.98.3. - Repair, ordinary.

An ordinary repair is replacing or restoring a structure or its parts that have become worn, damaged or decayed and as is defined in Minnesota Rule 1300.0120, subp. 6.

Sec. 23.98.4. - Replacement, reconstruction or restoration.

Construction that matches original conditions.

Sec. 23.99. - Residential and commercial development.

(This definition is only for the land application of septage.) "Residential and commercial development" means ten or more places of habitation concentrated within ten acres of land. The term also includes apartment buildings or complexes having ten or more units, schools, churches, hospitals, nursing homes, businesses, and offices.

Sec. 23.100.1. - Responsible party.

A responsible party means any one or more of the following:

- A. An owner, occupant or agent,
- B. An assignee or collector of rents,
- C. A contract for deed vendee,
- D. A mortgagor in possession,
- E. A receiver, executor or trustee,
- F. A lessee,
- G. A mortgagee in possession,
- H. Other person, firm or corporation exercising apparent control over a property.

Sec. 23.100.2. - School.

A public school as defined in Minnesota Statutes 120.05 or a nonpublic school or a nonsectarian nonpublic school as defined in Minnesota Statutes § 123.932.

Sec. 23.100.3. - Screening.

The method by which a view of one site or structure from another adjacent site is shielded, concealed, or hidden.

Sec. 23.101. - Selective cutting.

The removal of single scattered trees.

Sec. 23.102. - Semi-public use.

"Semi-public use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sec. 23.102.1. - Semi-trailer.

"Semi-trailer" means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its weight or that of its load rests upon and is carried by the truck-tractor, or shall include a trailer drawn by a truck-tractor, semi-tractor combination.

Sec. 23.103. - Sensitive resource management.

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

Sec. 23.104. - Septage.

"Septage" means those solids and liquids removed during regular maintenance of a septic tank or aerobic tank or those solids and liquids which are removed from a holding tank or any other part of an on-site sewage holding or treatment system that receives domestic sewage wastes.

Sec. 23.105. - Setback.

"Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility or use and an ordinary high water level, sewage treatment system, top of a bluff, street or road right-of-way line, property line, or other facility or use.

Sec. 23.106. - Sewage treatment system.

"Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in section 19.04H of this ordinance.

Sec. 23.107. - Sewer system.

"Sewer system" means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Sec. 23.107.1. - Shared-interest community.

Contiguous 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 three weeks 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.

Sec. 23.108. - Shelterbelt.

A planting strip of grass, trees or shrubs established and maintained for the purpose of screening or limiting the view, odor, dust, sound, wind or other nuisances, resulting from property uses.

Sec. 23.109. - Shooting preserve.

A state-licensed, pay-to-hunt enterprise consisting of 100 to 1,000 contiguous acres and operated under provisions of Minnesota Statutes § 97A.115.

Sec. 23.110. - 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 structure setback.

Sec. 23.111. - Shoreland.

"Shoreland" means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Sec. 23.112. - Shoreline.

The ordinary high water level of a lake, pond or flowage.

Sec. 23.112.1. - Sign.

Any name, identification, description, display, illustration, picture, structure, emblem, or device which is affixed to, painted, situated, located, or represented upon a building, bench, structure, vehicle, or piece of land, which is intended to direct attention to an object, product, place, activity, person, organization, business, information or other subject matter. The structure supporting or intended to support a sign shall be considered part of that sign.

Sec. 23.112.2. - Sign, permanent.

A sign that is permanently affixed to a building, other unmovable structure, or the ground.

Sec. 23.112.3. - Sign, temporary.

A sign intended for use for only a limited period of time.

Sec. 23.113. - Significant historic site.

"Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes § 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.

Sec. 23.114. - Significant wetland.

"Significant wetlands" means having a significant water storage or wildlife habitat.

Sec. 23.115. - Single-family dwelling (minimum building standards).

The following minimum standards shall apply to single family dwellings in addition to any other standards or conditions contained within this ordinance.

A. The structure shall have a permanent foundation as defined in this ordinance.

- B. The minimum width of the structure, excluding manufactured homes, shall be 24 feet, as measured across the narrowest portion. Width measurements shall be measured from principal walls.
- C. A single family dwelling shall contain a minimum of 800 square feet of floor area as measured on any one level of the dwelling. An attached garage, carport or other attached structure shall not be measured as part of the square feet of a dwelling.
- D. The structure shall have a pitched roof, covered with shingles or tile, with a minimum of eight-inch eaves.

Sec. 23.116. - Sinkhole.

"Sinkhole" means a closed depression in an area of karst topography that is formed either by solution of surficial limestone or by collapse or underlying caves.

Sec. 23.116.1. - Site.

Any tract, lot or parcel of land or combination of contiguous lots, parcels or tracts of land.

Sec. 23.116.2. - Site plan.

The development plan for one or more lots or parcels of land on which is shown the existing and proposed conditions of the said lot or parcel as required in this ordinance and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Sec. 23.117. - Soil textural classification.

"Soil textural classification" means the relative portion of the soil separates: sand, silt and clay (as set forth in The Guide for USDA Soil Textural Classification).

- Coarse texture is United States Department of Agriculture (USDA) Textural Classification's sand and loamy sand.
- Medium texture is USDA Textural Classification's sandy loam, silt, silt loam, and sandy clay loam.
- Fine texture is USDA Textural Classification's clay loam, silty clay loam, sandy clay, silty clay, and clay.

Sec. 23.117.1. - Solid waste.

"Solid waste" means garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations or community activities.

Sec. 23.117.2. - Specified anatomical areas.

- A. Less than completely and opaquely covered human genitals, pubic region, buttock anus, or female breast(s) below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Sec. 23.117.3. - Specified sexual activities.

- A. Actual or simulated sexual intercourse, oral copulation anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

- B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- F. Erotic or lewd touching, fondling or other sexually-oriented contact within animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

Sec. 23.118. - Steep slope.

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

Sec. 23.118.1. - Storage building.

"Storage building" means any building or improvement subordinate to a principal use which is 200 square feet or less, as described in section 22.03.A.9. If on any site there is more than one storage building 200 square feet or less, only the first structure 200 square feet or less shall be deemed a "storage building" and all subsequent structures 200 square feet or less shall be considered "accessory structure or facility" buildings as described in section 23.01.

Sec. 23.119. - Story.

That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five feet above the average established grade.

Sec. 23.120. - Story, half.

A "half story" is an upper most story lying under a sloping roof, the useable floor area of which does not exceed 75 percent of the floor area of the story immediately below it and not used or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling. A half story containing independent apartments or living quarters shall be deemed a full story.

Sec. 23.121. - Street.

Any thoroughfare or way dedicated to the use of public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or other similar designation, or a private street open to restricted travel and at least 40 feet in width including the land in the right-of-way.

Sec. 23.122. - Structure.

Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and privacy and solid fences but excluding underground utilities and split rail and chain link fences.

Sec. 23.123. - Structure alteration.

Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

Sec. 23.124. - Subdivision.

"Subdivision" means land that is divided into two or more lots, tracts, parcels or other divisions for the purpose of development, sale, rent, or lease.

Sec. 23.125. - Surface tile inlet.

"Surface tile inlet" means a perforated conduit directly connected to drainage tile for the purpose of draining surface water and runoff.

Sec. 23.126. - Surface water-oriented commercial use.

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

Sec. 23.127. - Surface waters.

"Surface waters" means any water basins or watercourses defined as natural watercourses or public waters in Minnesota Statutes, section 103, subdivisions 14 and 15, respectively.

Sec. 23.127.1. - Tillable.

See section 23.25.7, *Cropland, farmed (tillable)*.

Sec. 23.127.2. - Tillable, non.

See section 23.25.8, *Cropland, non-tillable*.

Sec. 23.128. - Toe of the bluff.

"Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Sec. 23.129. - Top of the bluff.

"Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Sec. 23.129.1. - Tower, commercial wireless communication.

A structure privately or publicly owned, used for commercial purposes, upon which radio, television, cellular telecommunications, personal communication services or other communication antenna and/or equipment of a similar nature is mounted, excluding towers used for business band, citizens band, amateur radio, personal television reception antennae, or other similar personal uses.

Sec. 23.129.2. - Tower, personal.

A structure privately or publicly owned, used for non-commercial purposes, upon which an antenna and/or equipment of a similar nature is mounted for personal radio, television or other personal communications use including, but not limited to, business band, citizens band, amateur radio, short wave radio and personal television reception.

Sec. 23.129.3. - Tower, wind.

A structure publicly or privately owned that converts the kinetic energy of moving air into electrical energy.

Sec. 23.130. - Tourist home.

A "tourist home" shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family unit are herein provided and occupied as a home or family unit, are rented without cooking facilities to the public for compensation and catering primarily to the traveling public.

Sec. 23.130.1. - Tract.

An area, parcel, site, piece of land, or property which is the subject of an application or permit request in this ordinance.

Sec. 23.130.2. - Transfer of development right.

The conveyance of development rights by deed, easement or other legal instrument authorized by the county to another parcel of contiguous land, and the recordation of that conveyance in the land records of Meeker County.

Sec. 23.131. - Utility room.

A room or space specifically designed and constructed to house any home utilities such as the heating unit and laundry facilities.

Sec. 23.132. - Use.

The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used or for which they are occupied or maintained.

Sec. 23.132.1. - Use variance.

Permitting a use of land other than that prescribed by the zoning regulations that may or may not change the character of the zoning district and where the applicant has established a practical difficulties.

Sec. 23.133. - Variance.

The waiving of the strict application of the requirements of this ordinance by the board of adjustment. Variance means the same as that term is defined or described in Minnesota Statutes, chapter 394 (also see section 23.04.1, Area Variance, and section 23.132.1, Use Variance).

Sec. 23.133.05. - Vehicle.

A self-propelled device used for the transportation of people or goods over land surfaces. A vehicle shall not include farm machinery or farm implements in a farmyard or farm building site.

Sec. 23.133.05.1. - Vehicle, inoperative.

A vehicle not able to run under its own power without mechanically altering or repairing its parts. This does not include batteries.

Sec. 23.133.06. - Vehicle, unlicensed.

A vehicle not having a valid or current registration (license) plate or tabs.

Sec. 23.133.1. - Warrantied system.

"Warranted systems" are technologies or designs for which documentation and a warranty has been submitted to the MPCA. Warranted systems are considered an experimental system.

Sec. 23.134. - Watercraft.

"Watercraft" includes but is not limited to motor boats, rowboats, sailboats, sailboards, canoes, kayaks, paddle boats, rowing shells or sculls, all-terrain vehicles used in water, personal watercraft (also called jet skis, water scooters, wet-cycles, etc.), and inflatables over nine feet long.

Sec. 23.135. - Water-oriented accessory structure or facility.

"Water-oriented accessory structure or facility" means a small, above-ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Sec. 23.136. - Well.

"Well" means any water well as defined in Minnesota Statutes § 156A.02, subdivision 1.

Sec. 23.137. - Wetland.

"Wetland" means any lands as defined in Minnesota Statutes, section 103G.005, subd.19.

Sec. 23.137.1. - Wooded area.

Must have ten trees with a diameter of eight inches or more measured at a point two feet or more above ground, excluding all vegetation lying within the wetland boundaries as defined in section 23.137 of the Meeker County Zoning Ordinance and fence line timber. Fence line timber means trees located within 40 feet of the perimeter of the quarter-quarter.

Sec. 23.138. - Yard.

A space not occupied by a building or buildings, open to sky, and on the same lot as the principal building.

Sec. 23.139. - Yard, front.

A yard extending across the full width of the lot and lying between the front lot line and a line at a distance therefrom as specified by the regulations.

Sec. 23.140. - Yard, rear.

A yard extending across the full width of the lot and lying between the rear lot line and a line at a distance therefrom as specified by these regulations.

Sec. 23.141. - Yard, side.

A yard between the side lot line and a line at a distance therefrom as specified by the regulations. Least width is the minimum allowed on one side and the sum is the minimum total of both sides.

Sec. 23.141.1. - 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.

Sec. 23.142. - Youth facility.

A public playground, park, public swimming pool, public library, or licensed day care facility.

Sec. 23.143. - Zoning administrator.

The zoning administrator of the county shall be appointed by the county board as an employee of the county for the purpose of discharging the duties of the office.

ARTICLE 24. - DATE OF ENACTMENT AND REPEALER

Sec. 24.01. - Effective date.

This ordinance shall be effective the 27th day of July, 2001.

Sec. 24.02. - Repealer.

Upon the effective date, all prior Meeker County Zoning Ordinance are hereby repealed except that:

- A. Any prosecutions and enforcement actions pending for violation of a prior ordinance may continue if the activity also constitutes a violation of this ordinance.
- B. Any activity that constituted a violation of a previous zoning ordinance (as opposed to a nonconforming use) shall not be considered a nonconforming use as defined at article 4 for the purposes of this ordinance.
- C. Any applications pending under a repealed ordinance shall be converted to and comply with the provisions of this ordinance without additional filing fees.
- D. All current members of the planning commission and board of adjustment under the repealed ordinance shall continue to fill their terms to expiration as members under this ordinance.

Sec. 24.03. - Previously zoned A-2 land.

Upon the effective date, all land previously zoned A-2 shall be zoned A-1.

Sec. 24.04. - Date of passage.

Date of Passage: \_\_\_\_\_

<i>VOTE:</i>	<i>For:</i>	_____	<i>Against:</i>	_____
		_____		_____
		_____		_____
		_____		_____

Sec. 24.05. - Summary.

The following is deemed to be a summary of this ordinance suitable for publication pursuant to Minnesota Statutes 375.51.

Removal of the A-2 General Agricultural zoning district; incorporation of various provisions of the A-2 district into the A-1 Agricultural Preservation District; transfer of properties currently zoned A-

2 into the A-1 district; establishing residential density options in the A-1 district; amending permitted uses in the A-1 district; amending the conditional uses in the A-1 district; providing for temporary second dwellings in the A-1 district; providing for the size and number of accessory buildings in the A-1 district; amending the site development regulations in the A-1 district; creating a conservation subdivision article that includes terms, definitions, development standards, open space requirements, utility (well and septic) requirements, lot and building design requirements, buffer zone requirements, street requirements, subdivision procedures, permitted uses, accessory uses, design standards, setback and area requirements, landscaping requirements and off street parking requirements; creation of an article allowing the conveyance of development rights and defining the procedures and requirements for transfer; creation of a cease and or abate ordinance enforcement process in addition to current enforcement remedies; increasing the misdemeanor fine to \$1,000.00; modifying height regulations in article 3.10; removing the general ground coverage limitation in article 3.13f.; redefining destruction of nonconforming structures; creating an amortization period to bring nonconforming signs into compliance; re-defining requirements for land use permits, conditional use permits, variance permits and temporary land use permits; re-defining the findings required for issuance of a conditional use permit; re-defining conditions that may be imposed on a conditional use permit; establishing time limits for decisions on applications for conditional use permits; establishing conditions for re-applying for a conditional use permit; establishing time limits for making decisions on variance requires; amending the appeals process for administrative, board of adjustment or county board decisions; establishing time limits for appeals; amending findings required for re-zoning or ordinance amendments; establishing time limits for re-zoning and ordinance amendment applications; adds and amends requirements for preparation, submission and review of site plans; adds ability to require performance bonds to ensure compliance with a site plan; re-defining and adding conditional uses in the R-1 Suburban Residential District; re-defining and limiting the number of accessory uses in the R-1 district; re-defining side yard setbacks in the R-1 district; re-defining and adding conditional uses in the R-2 Rural Residential District; re-defining and limiting the number of accessory uses in the R-2 district; re-defining the side yard setbacks in the R-2 district; re-defining permitted uses in the C-1 Commercial District; redefining the conditional uses in the C-1 district; re-defining accessory uses in the C-1 district; re-defining the side yard setbacks in the C-1 district; re-defining conditional uses in the C-2 Neighborhood Commercial District; re-defining the side yard setbacks in the C-2 district; re-defining permitted uses in the I-1 General Industry District; redefining conditional use in the I-1 district; re-defining side yard setbacks in the I-1 district; creating and defining a classification called natural sensitive lakes and listing lakes in that classification; listing lakes that are designated natural environment lakes; listing lakes that are designated recreational development lakes; listing lakes that are designated general development; creating and amending lot area width standards for sewered and unsewered lakes; establishing docking, mooring and over-water storage of limitations for controlled access lots; amending setbacks for dwellings adjacent to public waters; providing for restoration of shoreland vegetative screening; providing restrictions on excavation in bluff and shore impact areas; providing restrictions for riprap along shorelines; incorporating MN Rules 7020.2005 relating to restrictions imposed on animal feedlots in Shoreland Management Overlay District SM-O; establishing accessory building size limits; amending exterior storage performance standards, amending fence performance standards; re-defining and amending the performance standards for home occupations; amending performance standards for individual sewage treatment systems; amending land alterations, grading and filling performances standards; redefining "manufactured home"; re-defining and amending the performance standards relating to nuisances and related violations; requiring land use permits for all permanent signs and billboards and setting minimum standards therefore; exempting authorized or recorded drainage systems from surface runoff performance standards; amending performance standards for temporary buildings and uses; amending performance standards for vegetation established adjacent to highway right-of-way; establishing standards for vegetation removal in the CVO district; amending the performance standards for mineral and material extraction; amending performance standards for hot mix plants, aggregate washing, concrete manufacture and concrete and bituminous recycling; amending requirements for a second dwelling for a caregiver; adding performance standards for cellular communications and personal communication services towers and facilities; amending article 23, Definitions, by adding new terms; re-defining current terms and removing terms; adding an article allowing the purchase and transfer of development rights pursuant to Minn. Stat. § 394.25; adding an

article establishing interim use permits that provides when they can be issued, the conditions that may be placed on them and the procedures that will be followed in applying for and considering an application; as well as adding and deleting headings, correcting typographical and grammatical errors, renumbering provisions and other minor housekeeping items.

The effective date of the Ordinance is July 27, 2001. Copies of this ordinance are available for inspection and purchase at the Office of the County Auditor and Zoning Administrator, Meeker County Courthouse, Litchfield, Minnesota, during normal business hours.

#### ZONING ORDINANCE - LEGISLATIVE HISTORY

This is a chronological listing of the ordinances of the county used to amend the zoning ordinance between its adoption in 1992 and the final ordinance included prior to the 2018 publication.

Legislation	Adoption Date	Effective Date
Amendment of	8-12-1992	11-23-1992
Amendment of	11-18-1992	12-24-1992
Amendment of	6-2-1993	6-17-1993
Amendment of	4-20-1994	5-1-1994
Amendment of	8-3-1994	8-11-1994
Amendment of	2-1-1995	2-9-1995
Amendment of	7-5-1995	7-13-1995
Amendment of	8-2-1995	8-10-1995
Amendment of	4-17-1996	5-16-1996
Amendment of	6-19-1996	6-27-1996
Amendment of	9-4-1996	9-12-1996
Amendment of	10-16-1996	10-24-1996
Amendment of	12-19-1996	12-26-1996
Amendment of	4-1-1998	4-9-1998
Amendment of	4-15-1998	5-13-1998

Amendment of	5-4-1999	5-6-1999
Amendment of	7-11-2000	7-20-2000
Amendment of	7-17-2001	7-27-2001
Amendment of	10-9-2001	10-19-2001
Amendment of	4-9-2002	4-19-2002
Amendment of	5-13-2003	5-22-2003
Amendment of	3-16-2004	3-25-2004
Amendment of	9-9-2004	9-22-2004
Amendment of	5-17-2005	5-27-2005
Amendment of	11-1-2005	11-10-2005
Amendment of	3-14-2006	3-23-2006
Amendment of	5-1-2007	5-17-2007
Amendment of	8-7-2007	8-16-2007
Amendment of	3-11-2008	3-20-2008
Amendment of	6-10-2008	6-19-2008
Amendment of	8-12-2008	8-21-2008
Amendment of	3-10-2009	3-19-2009
Amendment of	8-11-2009	8-20-2009
Amendment of	12-15-2009	12-24-2009
Amendment of	4-12-2011	4-21-2011
Amendment of	8-16-2011	8-25-2011

Amendment of	5-21-2013	5-30-2013
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STATE LAW REFERENCE TABLE

This table shows the location within each part of this publication, either in the text or notes following the text, of references to Minnesota Statutes (Minn. Stats.).

Minn. Stats. Section	Section this Publication
<i>Floodplain Management Ordinance</i>	
chs. 104—394	Pt. 1, § 1.0
ch. 104	Pt. 1, § 1.0
<i>Subdivision Ordinance</i>	
394.21—394.37	Pt. 2, § 8.04
ch. 505	Pt. 2, § 3.04
—	Pt. 2, § 4.05
505.02	Pt. 2, § 5.02
<i>Wild And Scenic River Ordinance</i>	
104.31—104.40	Pt. 3, § 1
105.42	Pt. 3, § 8
105.44	Pt. 3, § 10
116C.61	Pt. 3, § 8
<i>Zoning Ordinance</i>	

15.99	Pt. 4, § 6A.02
—	Pt. 4, § 6B.02
—	Pt. 4, § 7.02
—	Pt. 4, § 8.02
—	Pt. 4, § 9A.02
—	Pt. 4, § 9B.02
—	Pt. 4, § 10.02
ch. 84C	Pt. 4, § 12A.02
—	Pt. 4, § 12A.04
84C.01—84C.05	Pt. 4, § 12A.04
93.44—93.51	Pt. 4, § 23.36
97A.115	Pt. 4, § 23.109
103D.011—103D.925	Pt. 4, § 2.06
ch. 103E	Pt. 4, § 22.25
103F.201 et seq.	Pt. 4, § 19A.00
103F.201	Pt. 4, § 19A.05
103F.301—103F.345	Pt. 4, § 2.07
—	Pt. 4, § 19A.00
—	Pt. 4, § 19B.13
103F.355	Pt. 4, § 2.07
103G.005, subd. 13	Pt. 4, § 23.127

103G.005, subd. 15	Pt. 4, § 23.94
	Pt. 4, § 23.127
103G.005, subd. 15a	Pt. 4, § 23.94
103G.005, subd. 19	Pt. 4, § 23.137
103G.245	Pt. 4, § 19A.04
—	Pt. 4, § 20.07
103G.405	Pt. 4, § 19A.04
<i>Zoning Ordinance</i>	
105.42	Pt. 4, § 19A.04
105.44, subd. 5 (1971)	Pt. 4, § 19A.07
112.36—112.39	Pt. 4, § 21.01
115.55, subd. 5a	Pt. 4, § 19A.05
115.55, subd.6	Pt. 4, § 22.13
115.56, subd. 3(b)	Pt. 4, § 22.13
ch. 116	Pt. 4, § 23.77.1
116.06, subd. 13	Pt. 4, § 23.51.2
116.07, subd. 71	Pt. 4, § 22.10
116C.61	Pt. 4, § 19A.04
—	Pt. 4, § 22.08
116C.691—116C.697	Pt. 4, § 22.35
116D.04, subd. 1a	Pt. 4, § 23.33.2

116D.04, subd. 2a	Pt. 4, § 23.33.3
116I.02—116I.05	Pt. 4, § 22.08
116I.06, subd. 3 (1979 supp)	Pt. 4, § 22.08
120.05	Pt. 4, § 23.100.2
120A.05	Pt. 4, § 11.06
—	Pt. 4, § 22.10
123.932	Pt. 4, § 23.100.2
ch. 145A	Pt. 4, § 22.10
145A.01—145A.08	Pt. 4, § 22.13
145A.04, subd. 8	Pt. 4, § 22.10
156A.02, subd. 1	Pt. 4, § 23.136
ch. 160	Pt. 4, § 12B.01
160.08, subd. 3	Pt. 4, § 12B.01
160.18, subd. 3	Pt. 4, § 12B.01
160.27, subds. 1—13 (2006)	Pt. 4, § 12B.01
216B.1691	Pt. 4, § 22.24.1
216C.06, subd. 17	Pt. 4, § 22.24.1
216C.25	Pt. 4, § 22.24.1
ch. 216F	Pt. 4, § 22.35
216F.011	Pt. 4, § 22.35
245A.11, subd. 2a	Pt. 4, § 22.31

245A.11, subd. 2b	Pt. 4, § 22.31
245A.11, subd. 3	Pt. 4, § 22.31
298.75	Pt. 4, § 22.15
307.08	Pt. 4, § 23.113
ch. 327	Pt. 4, § 22.16
375.18, subd. 12	Pt. 4, § 19B.10
<i>Zoning Ordinance</i>	
375.51	Pt. 4, § 22.13
—	Pt. 4, § 24.05
ch. 394	Pt. 4, § 19A.00
—	Pt. 4, § 19A.02
—	Pt. 4, § 22.24.1
—	Pt. 4, § 23.51
—	Pt. 4, § 23.133
394.21—394.37	Pt. 4, § 5.03
—	Pt. 4, § 5.04
394.25	Pt. 4, § 11.06
—	Pt. 4, § 12A.01
—	Pt. 4, § 24.05
394.27	Pt. 4, § 3.06
394.27, subd. 7 (2006)	Pt. 4, § 7.02

394.33, subd. 1	Pt. 4, § 19A.07
471.705	Pt. 4, § 3.13
500.30	Pt. 4, § 22.24.1
ch. 505	Pt. 4, § 19A.00
—	Pt. 4, § 19A.06
—	Pt. 4, § 19B.01
—	Pt. 4, § 23.25.4
—	Pt. 4, § 23.89.1
505.02, subd. 1	Pt. 4, § 19A.06