REDWOOD COUNTY ZONING ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVIENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND THE USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, THE DENSITY OF POPULATION AND THE DIVISION OF THE COUNTY INTO DISTRICTS FOR THE ORDERLY FUTURE DEVELOPMENT OF THE AREA OF REDWOOD COUNTY, MINNESOTA, OR PARTS THEREOF OUTSIDE THE INCORPORATED LIMITS OF THE MUNICIPALITIES.

THE REDWOOD COUNTY, MINNESOTA BOARD OF COMMISSIONERS ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known, cited and referred to as the Redwood County Zoning Ordinance, except as referred to herein, where it shall be known as this Ordinance.

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SECTION 2 INTENT

This Ordinance is adopted for the purpose of: protecting the public health, safety, comfort, convenience and general welfare; dividing the unincorporated portions of the county into zones and districts and regulating therein the location, construction, reconstruction, alteration and use of structures and land; promoting orderly development of the residential, business, industrial, recreational and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing for the administration of this Ordinance and defining the powers and duties of the administrating officer as provided herein; prescribing penalties for the violation of the provisions in this Ordinance or any amendment to this Ordinance.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 3
JURISDICTION, SCOPE AND INTERPRETATION

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SECTION 3 JURISDICTION, SCOPE AND INTERPRETATION

SUBDIVISION 1. JURISDICTION

The jurisdiction of this Ordinance shall apply to all the area of the Redwood County outside the incorporated limits of municipalities.

SUBDIVISION 2. SCOPE

From and after the effective date of this Ordinance, 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 Redwood 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 non-conforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

SUBDIVISION 3. INTERPRETATION

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

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 4
CLASSIFICATION OF DISTRICTS

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SECTION 4 CLASSIFICATION OF DISTRICTS

SUBDIVISION 1. ZONING DISTRICTS

For the purposes of this Ordinance Redwood County is hereby divided into classes of districts, which shall be designated as follows:

1. "FP" FLOOD PLAIN DISTRICT

2. "S" SCENIC RIVER DISTRICT

3. "A" AGRICULTURAL DISTRICT

4. "R-1" RURAL RESIDENTIAL DISTRICT

5. "U-E" URBAN EXPANSION DISTRICT

6. "B-1" HIGHWAY BUSINESS DISTRICT

7. "I-1" LIMITED INDUSTRY DISTRICT

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SUBDIVISION 2. ZONING MAP

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps, and said maps are hereby made a part of this Ordinance; said maps shall be known as the "County Zoning Maps". Said maps, consisting of sheets and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said maps, and amendments thereto shall be recorded on said Zoning Maps within thirty (30) days after official publication of amendments. The official Zoning Maps shall be kept on file in the Zoning Administrator's office.

SUBDIVISION 3. DISTRICT BOUNDARIES

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad right-of-ways or such lines extended or lines parallel or perpendicular thereto, or section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and district boundary line, they indicate that the District boundary line runs parallel to the road centerline at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Appeals from the commissioners or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment in accordance with the provisions of Section 26 of this Ordinance.

SUBDIVISION 4. PERMITTED USES

No structures, building or tract of land shall be devoted to any use other than a use permitted hereinafter in the Zoning District in which such structure, or tract of land shall be located, with the following exceptions:

1. Conditional uses allowed in accordance with the provisions of Section 25 of this Ordinance.

2. Any proposed structure or structure under construction which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance shall be a legal non-conforming structure, provided that construction of the structure is completed within one year after the effective date of this Ordinance,.

3. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations, which do not extend or intensify the non-conforming use.

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SUBDIVISION 5. USES NOT PROVIDED FOR IN ZONING DISTRICT

Whenever, in any zoning district, a use is neither specifically permitted or denied the use shall be considered prohibited. In such cases the County Board or the Planning Commission, on their own initiative or upon request of a property owner may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The County Board or Planning Commission, upon receipt of the study shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for the development within the county.

SUBDIVISION 6. 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" AGRICULTURE DISTRICT until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

REDWOOD COUNTY ZONING ORDINANCE
SECTION 5
"FP" Floodplain District

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SECTION 5 "FP" FLOODPLAIN DISTRICT

SUBDIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE

1. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners of Redwood County, Minnesota does ordain as follows:

2. Findings of Fact:

   A. The flood hazard areas of Redwood County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

   B. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

   C. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

3. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subdivision 1, Part 2, Subpart A by provisions contained herein.

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SUBDIVISION 2. GENERAL PROVISIONS

1. Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of Redwood County shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2. Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Redwood County, Minnesota and Incorporated Areas with Map Numbers 27127CIND1A and 27127CIND2A and all Flood Insurance Rate Map panels therein indicated on the Flood Insurance Rate Map Index for Redwood County, Minnesota and Incorporated Areas that apply to the unincorporated areas of Redwood County, Minnesota; all of the aforementioned documents being dated July 16th, 2013 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the County Auditor and the County Zoning Administrator.

3. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

4. Interpretation:

   A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

   B. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

5. Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

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

7. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

8. Definitions: Unless specifically defined 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.

   A. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

   B. Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

C. Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(1.) Certain conditions as detailed in the zoning ordinance exist.

(2.) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

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

E. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

F. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

G. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Redwood County.

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

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I. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

J. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

K. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

L. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

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

N. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

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

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

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

R. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

S. 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, recreational vehicles not meeting the exemption criteria specified in Subdivision 9, Part 3, Subpart A of this Ordinance and other similar items.

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

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

(1.) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(2.) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

V. 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.

9. Detachments: The Flood Insurance Rate Map panels adopted by reference into Subdivision 2, Part 2 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Redwood County after the date of adoption of this ordinance, the newly detached floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of detachment.

SUBDIVISION 3. ESTABLISHMENT OF ZONING DISTRICTS

1. Districts:

A. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Subdivision 2, Part 2 of this Ordinance.

B. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Subdivision 2, Part 2 of this Ordinance as being within Zone AE but being located outside of the floodway.

C. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A and those areas designated as Zone AE without a floodway on the Flood Insurance Rate Map adopted in Subdivision 2, Part 2.

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2. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Subdivisions 4, 5, and 6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Subdivision 9.

B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Subdivision 11.

C. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Subdivision 10 of this Ordinance.

SUBDIVISION 4. FLOODWAY DISTRICT (FW)

1. Permitted Uses:

   A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

   B. Industrial-commercial loading areas, parking areas, and airport landing strips.

   C. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

   D. Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses:

   A. The use shall have a low flood damage potential.

   B. The use shall be permissible in the underlying zoning district if one exists.

   C. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

3. Conditional Uses:

   A. Structures accessory to the uses listed in Subdivision 4, Part 1 above and the uses listed in Subparts B through H immediately below.

   B. Extraction and storage of sand, gravel, and other materials.

   C. Marinas, boat rentals, docks, piers, wharves, and water control structures.

   D. Railroads, streets, bridges, utility transmission lines, and pipelines.

   E. Storage yards for equipment, machinery, or materials.

   F. Placement of fill or construction of fences.

   G. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subdivision 9, Part 3 of this Ordinance.

   H. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

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4. Standards for Floodway Conditional Uses:

A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

B. All floodway conditional uses shall be subject to the procedures and standards contained in Subdivision 10, Part 4 of this Ordinance.

C. The conditional use shall be permissible in the underlying zoning district if one exists.

D. Fill:

(1.) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(2.) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(3.) As an alternative, and consistent with Paragraph (2.) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

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E. Accessory Structures:

(1.) Accessory structures shall not be designed for human habitation.

(2.) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(a.) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(b.) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3.) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used

solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

(a.) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(b.) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

(c.) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

F. Storage of Materials and Equipment:

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

(2.) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

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G. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

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

SUBDIVISION 5. FLOOD FRINGE DISTRICT (FF)

1. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Subdivision 5, Part 2 and the "Standards for all Flood Fringe Uses" listed in Subdivision 5, Part 5.

2. Standards for Flood Fringe Permitted Uses:

A. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

B. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Subdivision 4, Part 4, Subpart E, Paragraph (3).

C. This section reserved for future use.

D. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

E. The provisions of Subdivision 5, Part 5 of this Ordinance shall apply.

3. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Subdivision 5, Part 2, Subparts A and B and or any use of land that does not comply with the standards in Subdivision 5, Part 2, Subparts C and D shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Subdivision 5, Parts 4 and 5 and Subdivision 10, Part 4 of this Ordinance.

4. Standards for Flood Fringe Conditional Uses:

A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(1.) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2.) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(a.) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings

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shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(b.) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

B. Basements, as defined by Subdivision 2, Part 8, Subpart B of this Ordinance, shall be subject to the following:

(1.) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(2.) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Subdivision 5, Part 4, Subpart C of this Ordinance.

C. All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

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D. This section reserved for future use.

E. Storage of Materials and Equipment:

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

(2.) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

F. The provisions of Subdivision 5, Part 5 of this Ordinance shall also apply.

5. Standards for All Flood Fringe Uses:

A. This section reserved for future use.

B. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for

such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

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

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

E. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

F. Standards for recreational vehicles are contained in Subdivision 9, Part 3.

G. 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.

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SUBDIVION 6. GENERAL FLOOD PLAIN DISTRICT

1. Permissible Uses:

A. The uses listed in Subdivision 4, Part 1 of this Ordinance shall be permitted uses.

B. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Part 2 immediately below. Subdivision 4 shall apply if the proposed use is in the Floodway District and Subdivision 5 shall apply if the proposed use is in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

A. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood

protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(1.) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(2.) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

(3.) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

(4.) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

B. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

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(1.) Estimate the peak discharge of the regional flood.

(2.) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(3.) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subdivisions 4 and 5 of this Ordinance.

SUBDIVISION 7. SUBDIVISIONS

1. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

2. Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Subdivision 6, Part 2 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

3. Removal of Special Flood Hazard Area Designation: 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.

SUBDIVISION 8. PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

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1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 4 and 5 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

3. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SUBDIVISION 9. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 7 of this Ordinance.

2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subdivision 5 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subdivision 5, Part 5, Subpart A, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

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

3. Recreational vehicles that do not meet the exemption criteria specified in Subdivision 9, Part 3, Subpart A below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subdivision 9, Part 3, Subparts C and D below.

   A. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subpart B immediately below and further they meet the following criteria:

      (1.) Have current licenses required for highway use.

      (2.) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

      (3.) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

   B. Areas Exempted For Placement of Recreational Vehicles:

      (1). Individual lots or parcels of record.

      (2.) Existing commercial recreational vehicle parks or campgrounds.

      (3.) Existing condominium type associations.

   C. Recreational vehicles exempted in Subdivision 9, Part 3, Subpart A lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be

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treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Subdivisions 4 and 5 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood-free location should flooding occur.

D. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(1.) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Subdivision 5, Part 5, Subpart A 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.

(2.) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Subdivision 10, Part 4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Subdivision 9, Part 3, Subpart A, Paragraphs (1) and (2) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 8, Part 3 of this Ordinance.

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SUBDIVISION 10. ADMINISTRATION

1. Zoning Administrator: A Zoning Administrator or other official designated by the County Board of Commissioners shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subdivision 12 of the Ordinance.

2. Permit Requirements:

A. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

B. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

C. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

D. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

E. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subdivision 12 of this Ordinance.

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F. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

G. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

H. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

I. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

3. Board of Adjustment:

A. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

B. Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

C. Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(1.) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2.) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3.) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

E. Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within fifteen (15) days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of

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Adjustment may prescribe appropriate conditions and safeguards such as those specified in Subdivision 10, Part 4, Subpart F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Subdivision 12. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

F. Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

G. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. 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.

4. Conditional Uses. The Planning and Zoning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for consideration.

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A. Hearings. Upon filing with the Zoning Administrator an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

B. Decisions. The Planning and Zoning Commission shall arrive at a decision on a conditional use within sixty (60) days. In granting a conditional use permit the Planning and Zoning Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Subdivision 10, Part 4, Subpart F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Subdivision 12. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

C. Procedures to be followed by the Planning and Zoning Commission in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

(1.) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning and Zoning Commission for determining the suitability of the particular site for the proposed use:

(a.) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of

materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

(b.) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(2.) Transmit one copy of the information described in Paragraph 1, Subparagraph (a) above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(3.) Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

D. Factors Upon Which the Decision of the Planning and Zoning Commission Shall Be Based. In passing upon conditional use applications, the Planning and Zoning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

(1.) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2.) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(3.) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(4.) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5.) The importance of the services provided by the proposed facility to the community.

(6.) The requirements of the facility for a waterfront location.

(7.) The availability of alternative locations not subject to flooding for the proposed use.

(8.) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9.) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10.) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11.) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

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(12.) Such other factors which are relevant to the purposes of this Ordinance.

E. Time for Acting on Application. The Planning and Zoning Commission shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to Subdivision 10, Part 4, Subpart C of this Ordinance. The Planning and Zoning Commission shall render a written decision within sixty (60) days from the receipt of such additional information.

F. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning and Zoning Commission shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

(1.) Modification of waste treatment and water supply facilities.

(2.) Limitations on period of use, occupancy, and operation.

(3.) Imposition of operational controls, sureties, and deed restrictions.

(4.) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(5.) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

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SUBDIVISION 11. NONCONFORMING USES

1. 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. Historic structures, as defined in Subdivision 2, Part 8, Subpart U, Paragraph (1) of this Ordinance, shall be subject to the provisions of Subdivision 11, Part 1, Subparts A through E of this Ordinance.

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

B. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Subparts C and F below.

C. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the

conditions of this Subdivision are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Subdivisions 4 or 5 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

D. If any nonconforming use is discontinued for l2 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of l2 months.

E. If any nonconforming use or structure is substantially damaged, as defined in Subdivision 2, Part 8, Subpart T of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Subdivisions 4, 5 or 6 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

F. If a substantial improvement occurs, as defined in Subdivision 2, Part 8, Subpart U of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Subdivisions 4 or 5 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

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SUBDIVISION 12. PENALTIES FOR VIOLATION

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

2. Nothing herein contained shall prevent Redwood County from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

A. In responding to a suspected Ordinance violation, the Zoning Administrator and 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.

B. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

C. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the 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.

D. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SUBDIVISION 13. AMENDMENTS

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

All amendments to Redwood County Zoning Ordinance Section 5 “FP” Floodplain District, including amendments to the “FP” Floodplain District boundaries on the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the “FP” Floodplain District on the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to Redwood County Zoning Ordinance Section 5 “FP” Floodplain District and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 6
"S" SCENIC RIVER DISTRICT

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SECTION 6 "S" SCENIC RIVER DISTRICT

SUBDIVISION 1. PURPOSED AND JURISDICTION

The "S" SCENIC RIVER DISTRICT is intended to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of overcrowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values and to promote the general welfare.

The public waters of Redwood County have been classified consistent with criteria found in Minnesota Rule Part 6120.3300, and the Protected Waters Inventory Map for Redwood County, Minnesota.

As mandated by the Minnesota Wild and Scenic Rivers Act, the Department of Natural Resources has established statewide standards and criteria for designating, classifying, and managing the state's Wild and Scenic Rivers. Pursuant to Minnesota Rules 6105.1250 the Minnesota River defined along the boundary of Redwood County is designated as "scenic" and shall be regulated according to the provisions of the Minnesota Chapter 6105, Wild, Scenic and Recreational Rivers.

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The boundaries of the "S" Scenic River District shall include all lands described in Minnesota Rules 6105.1290 as Land Use District Descriptions and Acreages of the Minnesota River Management Plan of Minnesota Rules 6105, Wild, Scenic and Recreational Rivers. In case of conflict between the official zoning map and the legal descriptions of prescribed in the Minnesota Statutes 6105.1290, the legal descriptions shall prevail.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the "S" SCENIC RIVER DISTRICT.

1. Any agricultural use (as specified in the Agricultural District).

2. Any managed forestry use.

3. Any governmental campgrounds, subject to the Minnesota River Management Plan specifications.

4. Any governmental open space recreational uses, subject to the Minnesota River Management Plan specifications.

5. Any governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.

6. Any private road and minor public street.

7. Any public accesses, road access type with boat launching facilities, subject to the Minnesota River Management Plan specifications.

8. Any public accesses, trail access type, subject to the Minnesota River Management Plan specifications.

9. Any sewage disposal system.

10. Any sign approved by federal, state or local government which is necessary for public health and safety and signs indicating areas that are available, or not available for public use.

11. Any single-family dwelling (as specified in the Agricultural District).

SUBDIVISION 3. CONDITIONAL USES

The following uses may be permitted in the "S" SCENIC RIVER DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provisions of Section 25 of this Ordinance.

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1. Any essential service facility as regulated in Section 18 of this Ordinance.

2. Any private campgrounds, subject to the Minnesota River Management Plan specifications.

3. Any private open space recreational uses, subject to the Minnesota River Management Plan specifications.

4. Any public road subject to the standards and criteria of Subdivision 9 of this Section.

5. Any temporary dock.

SUBDIVISION 5. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

The following dimensional requirements shall apply to every platted lot or plot of land created by metes and bounds description in the "S" SCENIC RIVER DISTRICT.

1. Lot Size and Width.

   A. Every lot or plot of land shall contain at least five (5) acres.

B. Every lot or plot of land shall have a minimum width of not less than two hundred fifty (250) feet at the building line, and if said lot abuts a scenic river or designated tributary, it shall have not less than two hundred fifty (250) feet of frontage.

2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements.

A. Front Yard.

(1.) There shall be a minimum front yard setback of sixty-seven (67) feet from the right-of-way of any public road or highway.

(2.) There shall be a minimum front yard of one hundred (100) feet provided from the right-of-way line of all four-lane Highways.

(3.) In the event any building is located on a lot at the intersection of two or more roads or highways, such lot shall have a front yard abutting each such road or highway.

B. Side yard.

(1.) Every agricultural building shall have minimum side yard setbacks of ten (10) feet as measured from the parcel line.

(2.) Every non-agricultural building shall have minimum side yard setbacks of fifteen (15) feet as measured from the parcel line.

C. Rear yard.

(1.) Every agricultural building shall have a minimum rear yard setback of ten (10) feet as measured from the parcel line.

(2.) Every non-agricultural building shall have a minimum rear yard setback of forty (40) feet as measured from the parcel line.

D. Ordinary high water mark. There shall be a minimum setback of one hundred fifty (150) feet from the ordinary high water mark of a scenic river, and a setback of one hundred (100) feet from any tributary of a scenic river when such tributary is designated in the management plan.

E. Bluffline. There shall be a minimum setback of thirty (30) feet from any bluffline.

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3. Height Requirements. Every permitted, conditional permitted or accessory building shall meet the following height requirements.

   A. All buildings shall not exceed thirty-five (35) feet in height.

4. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

SUBDIVISION 6. CONFINED FEEDLOT REGULATIONS

Confined feedlots may be allowed in any "S" SCENIC RIVER DISTRICT in accordance with the provisions of Section 17 of this Ordinance.

SUBDIVSION 7. VEGETATIVE CUTTING PROVISIONS

On lands in the "S" SCENIC RIVER DISTRICT within one hundred fifty (150) feet of the normal high water mark of the Minnesota River and lands within one hundred (100) feet of the normal high water mark of its tributaries designated in the Minnesota River Management Plan, and on lands thirty (30) feet landward of the bluffline on the Minnesota River, the following standards shall apply to vegetative cutting.

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1. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.

2. Selective cutting of trees in excess of four (4) inches in diameter at breast height is permitted provided that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.

3. The above provisions will not be deemed to prevent:

   A. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards;

   B. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

4. Clear cutting anywhere in the "S" SCENIC RIVER DISTRICT is subject to the following standards:

   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 stripes are, in all cases, shaped and blended with the natural terrain.

C. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.

D. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be preformed in the same spring, or the following spring.

SUBDIVISION 8. GRADING AND FILLING PROVISIONS

The following standards for grading and filling shall apply to lands in the "S" SCENIC RIVER DISTRICT.

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 "S" SCENIC RIVER DISTRICT.

2. Grading and filling in 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 and shall be controlled by the local ordinance.

3. 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 trap sediment are employed.

   D. Fill is stabilized to accepted engineering standards.

4. Excavation of material from, or filling in of the "S" SCENIC RIVER DISTRICT, or construction of any permanent structures or navigational obstructions therein is prohibited.unless authorized by a permit from the Commissioner of the DNR pursuant to Minnestoa Statutes, Section 103G.245..

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5. No state or local authority shall authorize the drainage or filling in of wetlands within the "S" SCENIC RIVER DISTRICT.

SUBDIVISION 9. PUBLIC ROAD AND RIVER CROSSINGS

The following standards for public road and river crossings shall apply in the "S" SCENIC RIVER DISTRICT.

1. Permits.

   A. A permit as established in Minnesota Statutes, Section 103G.245, is required for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water. In reviewing permit applications required for road or railroad crossings, primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities.

   B. A Conditional Use Permit shall be required for any construction of new public roads, or the reconstruction of any existing public roads within the "S" SCENIC RIVER DISTRICT. Public roads include township, county, and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. Public roads also include public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A Conditional Use Permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.

2. Standards and criteria for construction of new public roads or the reconstruction of any existing roads with the "S" SCENIC RIVER DISTRICT shall be subject to the standards and criteria of Minnesota Rules 6105.0200.

SUBDIVISION 10. REVIEW AND CERTIFICATION OF LOCAL LAND USE DECISIONS

Procedure established.
In order to ensure that the standards herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain local land use decisions. These certain decisions consist of any decisions which directly affect the use of land within a wild, scenic, or recreational river land use district, and are one of the following types of action:

A. Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.

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B. Granting a variance from a provision of the local land use ordinance which relates to the zoning dimension provisions of part 6105.0110 and any other zoning dimension provisions established in the management plan.

C. Approving a plat which is inconsistent with the local land use ordinance.

Compliance with decision guides.

No such action shall be effective unless and until the commissioner has certified that the action complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan; and conforms to the following decision guides:

A. A land use ordinance or amendment must comply with the act, the statewide standards and criteria, and the management plan.

B. The granting of a variance requires the presence of these conditions:

1. The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.

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 the comprehensive management plan adopted by the commissioner.

3. There are exceptional circumstances unique to the subject property which were not created by the landowner.

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.

6. Exception: where a setback pattern from the normal high water mark has already been established on both sides of the proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots which do not meet the minimum lot width restrictions of the ordinance.

C. Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

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Procedures for the certification process.

A. 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 the local ordinance shall be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.

B. The local authority shall notify the commissioner of its final decision on the proposed action, within ten days of the decision.

C. The commissioner shall, no later than 30 days after receiving notice of the final decision, communicate to the local authority either certification of approval, with or without conditions, or notice of nonapproval.

D. The action becomes effective when and only when either:

1. the final decision taken by the local authority has previously received certification of approval from the commissioner; or

2. the local authority receives certification of approval after its final decision; or

3. thirty days have elapsed from the day the commissioner received notice of the final decision, and the local authority has received from the commissioner neither certification of approval nor notice of nonapproval; or

4. the commissioner certifies approval after conducting a public hearing.

E. In the case of notice of nonapproval of an ordinance or a variance or an inconsistent plat, either the applicant, or the chief executive officer of the county or municipality, may, within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within the 30 days, the notice of nonapproval becomes final.

F. Also:

1. The hearing shall be held in an appropriate local community within 60 days of the demand for it but not before two weeks' published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statutes, section 103G.31, subdivisions 2, 6, and 7.

2. Within 30 days after the hearing, the commissioner shall either certify approval of the proposed action, or deny it. The decision shall be based upon

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findings of fact made on substantial evidence found in the hearing record. On concluding that the proposed action satisfies the standards and criteria of part 6105.0230, subpart 2, then the commissioner shall certify approval; otherwise, the commissioner shall deny it.

SUBDIVISION 11. REVIEWING APPLICATIONS FOR CONDITIONAL USE PERMITS

A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.

SUBDIVISION 12. COPIES OF ALL PLATS SUPPLIED TO THE COMMISSIONER

Copies of all plats within the boundaries of "S" SCENIC RIVER DISTRICT shall be forwarded to the Commissioner within ten (10) days of approval by the local authority.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 7
"A" AGRICULTURAL DISTRICT

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Effective after 12:00 a.m. January 15, 2006.

SECTION 7 "A" AGRICULTURAL DISTRICT

SUBDIVISION 1. PURPOSE

The "A" AGRICULTURAL DISTRICT is intended to provide a district which will allow extensive areas of the County to be retained in agricultural use; control scattered non-farm development; preserve woodlands and other areas of aesthetic and scenic value, which, because of their physical features, are desirable as water retention areas, habitat for plant and animal life, green space or other environmental uses beneficial to the County.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the "A" AGRICULTURAL DISTRICT.

1. Any agricultural use involving the growing of crops or the grazing of livestock.
2. Any agricultural building.
3. Any Level I or II home occupation as regulated in Section 16, Subdivision 8 of this Ordinance.
4. Any park, recreational area, wildlife area, game refuge, or forest preserve owned by a governmental agency.
5. Any single-family dwelling subject to the provision of Subdivision 6 of this Ordinance.
6. Any government building.
7. Any agriculturally related business engaged in feed or seed sales, commercial manure application, and custom tillage/harvesting.
8. Any farm drainage or irrigation.
9. Any agricultural related business related to plant nurseries, tree farms, sod farms "U-pick" produce farms, apple orchards, etc that only sell products that are raised on the premises
10. Any farm winery which sells its products off-premises only.
11. The sale of agricultural products grown on the premises or at a temporary roadside stand, provided that space necessary for parking and loading of customer vehicles shall be furnished off the public right-of-way.
12. Private fish and wildlife ponds.
13. Private burial plots.
14. The land spreading of septage subject to the provisions of the Redwood County Septic Ordinance.
15. Temporary dwelling, during construction (use up to one year).
16. Any owner-operated business engaged in aerial spraying of agricultural chemicals.
17. Any feedlot not exceeding 300 animal units.
18. Any seasonal dwelling not offered for vacation rental.

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19. Any building or structure normally considered accessory to a residential use, such as a detached garage, swimming pool, or garden shed.
20. Signs and Billboards as regulated by Section 16, subdivision 03.
21. Any in-home daycare or home schooling, as regulated in Minnesota Statutes.

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the "A" AGRICULTURAL DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provision of Section 25 of this Ordinance.

1. Any commercial outdoor recreational area, outdoor event, game preserve, including organized group camps, golf courses and clubs, and gun clubs.
2. Any private or commercial dog kennel.
3. Any cemetery or memorial garden.
4. Any riding academy or stable.
5. Any essential service line as regulated in Section 18 of this Ordinance.
6. Any essential service structure as regulated in Section 18 of this Ordinance.
7. Any bed and breakfast or boarding house as defined by this Ordinance.
8. Any business related to farm tractor, truck, or automobile sales or repair.
9. Any agricultural related business related to plant nurseries, tree farms, sod farms, "U-pick" produce farms, apple orchards, etc that sell products not raised on the premises.
10. Any agricultural related business whose primary purpose is processing crops, livestock, or game.
11. Any farm winery business offering products for sale on the premises.
12. Any church or other dedicated place of worship.
13. Any Level III home occupation as regulated in Section 16, Subdivision 8 of this Ordinance.
14. Cellular Telecommunication Towers, Personal Communication Service Towers and Facilities, and Wind Energy Towers and Facilities.
15. Any feedlot over 300 animal units.
16. Any fur farm or exotic game farm.
17. Any commercial grain or agricultural chemical or fuel storage facility.
18. Any school, not including in-home day care or homeschooling as regulated in Minnesota Statutes
19. Any day care center
20. Any veterinarian clinic
21. Any radio or TV tower.
22. Any commercial or public compost site.
23. Any contractor yard.
24. Any commercial truck wash.
25. Any public wastewater treatment facility.
26. Any rural-oriented commercial use.
27. Concrete and asphalt recycling and hotmix asphalt plants
28. Any recreational trail or park intended for motorized vehicles.

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29. Construction of more than two dwellings on a single lot or parcel.
30. Transfer stations, including canister sites
31. Mixed municipal solid waste land disposal facility.
32. Ash, construction and demolition debris, and industrial solid waste land disposal facilities.

A proposed use not listed as a Permitted or Conditional Use shall be deemed prohibited.

SUBDIVISION 4. INTERIM USE

1. Extraction, processing or storage of sand, gravel, stone, clay, fill material or any other raw materials as regulated in Section 16, Subdivision 5 of this Ordinance.

SUBDIVISION 5. DENSITY, LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

1. Density

A. The density of residential dwellings shall not exceed six (6) dwelling units per 40 acres or quarter-quarter section.

1. Lot Size, Width, and Depth.

A. Every buildable lot shall contain an area of not less than two and one-half (2.5) acres of area, except that the minimum lot area shall not apply to the sale of any legal nonconforming lots of record at the time of enactment of this Ordinance.

B. Every buildable lot shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than two hundred (200) feet.

2. Yard Requirements. Every building shall meet the following yard requirements:

A. Front Yard.

(1.) There shall be a minimum front yard setback of sixty-seven (67) feet from right-of-way of any public road;.

(2.) There shall be a minimum front yard setback of one hundred (100) feet provided from the right-of-way line of all four-lane highways.

(3.) In the event any building is located on a lot at the intersection of two or more roads or highways, such lot shall have a front yard

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abutting each such road or highway.

B. Side Yard. Every building shall have minimum side yard setbacks of ten (10) feet as measured from the parcel line.

C. Rear Yard. Every building shall have a minimum rear yard setback of ten (10) feet as measured from the parcel line.

3. Height Requirements. Every permitted or conditionally permitted building shall meet the following height requirements.

A. All buildings shall not exceed thirty-five (35) feet in height.

B. Agricultural buildings shall be exempt from the height requirements.

C. Permitted and Conditionally Permitted towers shall be subject to the height limitations set forth in the Wind Tower Management and Telecommunications Tower Management ordinances.

4. Fences.

A. All fences shall be constructed at a sufficient distance from the public road right-of-way so as to avoid:

a. The blocking of site-lines on the public roadway, including visibility at intersections; and

b. The creation of snow drifts in the road right-of-way.

B. Any fence exceeding eight (8) feet in height shall be subject to all building setback and total height requirements.

C. Any fence eight (8) feet in height or less must be constructed so that all parts of the fence are entirely within the property boundaries of the land owned by the owner of the fence.

5. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

SUBDIVISION 6. REGULATIONS FOR DWELLINGS

The following provisions shall regulate the placement of any dwelling in an "A" AGRICULTURAL DISTRICT:

1. No more than two (2) dwellings shall be sited on a separately surveyed and described parcel.

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2. The construction of a new dwelling within the setback required in this ordinance for a feedlot from a dwelling shall not make said feedlot a non-conforming use. However, the feedlot shall be required to observe all applicable regulations related to expansion of the feedlot. An applicant seeking to construct such a dwelling shall sign and record a notice that the feedlot pre-existed the dwelling. Said notice shall include a copy of the current feedlot CUP(s).

1. Not more than three (3) residential lots shall be permitted per quarter/quarter section of land.

2. The following will be allowed as exceptions to this Subdivision:

   A. The replacement of any dwelling with another dwelling

   B. Any legal nonconforming lot of record, as defined by this Ordinance shall be considered buildable provided all remaining ordinance provisions are met.

3. Site Plan Required to construct dwelling. Presentation of a plan is required illustrating the location of the dwelling on the site, the dwelling floor plans, location of the septic tank, drainfield and secondary drainfield site, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 8
"R-1" RURAL RESIDENTIAL DISTRICT

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Effective after 12:01 a.m. August 1, 2006.

SECTION 8 "R-1" RURAL RESIDENTIAL DISTRICT

SUBDIVISION 1. PURPOSE

The "R-1" RURAL RESIDENTIAL DISTRICT is intended to provide a district which occurs in the small unincorporated villages and rural residential subdivisions allowing low density residential development and on-lot utilities where municipal or community utility systems are not available.

SUBDIVISION 2. PERMITTED USES

1. Any agricultural use involving the growing of crops or the grazing of livestock (pasture) for personal, non-commercial use.

2. Any convalescent or nursing home caring for 6 or fewer persons.

3. Any Level I or II home occupation as regulated in Section 16, Subdivision 8 of this Ordinance.

4. Any park, recreational area, wildlife area, game refuge, or forest preserve owned by a governmental agency.

5. Any single-family dwelling.

6. Any residential subdivision, pursuant to the Redwood County Subdivision Ordinance.

7. Any community center.

8. Any mobile, manufactured, or modular home or the like as regulated in Section 16, Subdivision 7 of this Ordinance.

9. Any farm drainage or irrigation.

10. Temporary dwelling, during construction (use up to one year).

11. Any sign as regulated by Section 16, subdivision 03.

12. Any in-home daycare or home schooling, as regulated in Minnesota Statutes.

13. Any building or structure normally considered accessory to a residential use, such as a detached garage, swimming pool, or garden shed.

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SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the "R-1" RURAL RESIDENTIAL DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provisions of Section 25 of this Ordinance.

1. Any cemetery or memorial garden.

2. Any essential service line as regulated in Section 18 of this Ordinance.

3. Any essential service structure as regulated in Section 18 of this Ordinance.

4. Any golf course, country club or public swimming pool, provided that no principle structure shall be located within fifty (50) feet of any lot line of an abutting lot in an "R-1" RURAL RESIDENTIAL DISTRICT.

5. Any Level III home occupation as regulated in Section 16, Subdivision 8 of this Ordinance.

6. Any convalescent or nursing home caring for more than 6 persons.

7. Any church or other dedicated place of worship.

8. Any multifamily dwelling.

9. Any government building such as a fire station, police station, township hall.

10. The sale of agricultural products grown on the premises or at a temporary roadside stand, provided that space necessary for parking and loading of customer vehicles shall be furnished off the public right-of-way.

11. Any school.

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A proposed use not listed as a Permitted or Conditional Use shall be deemed prohibited. New confined feedlots or commercial or private kennels are prohibited.

SUBDIVISION 4. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

Every lot in an "R-1" RURAL RESIDENTIAL DISTRICT on which any permitted or conditionally permitted use is erected shall meet the following minimum standards.

2. Lot Size, Width and Depth.

   A. Every lot shall contain an area of not less than two and one half (2.5) acres, except that

the minimum lot area shall not apply to the sale of legal nonconforming lots of record at the time of enactment of this Ordinance.

B. Every lot shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than two hundred (200) feet.

3. Yard Requirements. Every building shall meet the following yard requirements:

A. Front Yard.

(1.) There shall be a minimum front yard setback of sixty-seven (67) feet from the right-of-way of any public road; except that a twenty-five (25) foot setback may be used for any minor street serving a residential subdivision.

(2.) There shall be a minimum front yard setback of one hundred (100) feet provided from a right-of-way line of all four-lane highways.

(3.) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.

B. Side Yard. Every building shall have minimum side yard setbacks of ten (10) feet as measured from the parcel line.

C. Rear Yard. Every building shall have a minimum rear yard setback of forty (40) feet as measured from the parcel line.

4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements.

A. All buildings shall not exceed thirty-five (35) feet in height.

B. Agricultural buildings shall be exempt from the height requirements.

2. Fences.

A. All fences shall be constructed at a sufficient distance from the public road right-of-way so as to avoid:

a. The blocking of site-lines on the public roadway, including visibility at intersections; and

b. The creation of snow drifts in the road right-of-way.

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B. Any fence exceeding six (6) feet in height shall be subject to all building setback and total height requirements.
C. Any fence six (6) feet in height or less must be constructed so that all parts of the fence are entirely within the property boundaries of the land owned by the owner of the fence.
D. No fence in the front yard of any building shall exceed 4 feet in height.

6. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations

SUBDIVISION 5. REGULATIONS FOR DWELLINGS

The following provisions shall regulate the placement of any dwelling in an "R-1" RURAL RESIDENTIAL DISTRICT:

1. Each dwelling shall be sited on a separately surveyed and described parcel.

2. The construction of a new dwelling within the setback required in this ordinance for an existing feedlot from a dwelling shall not make said feedlot a non-conforming use. However, the existing feedlot shall be required to observe all applicable regulations related to expansion of the feedlot. An applicant seeking to construct such a dwelling shall sign and record a notice that the existing feedlot pre-existed the dwelling. Said notice shall include a copy of the current feedlot CUP(s).

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3. Each dwelling lot shall front and abut a public road for a distance of not less than sixty-six (66) feet.

4. Not more than eight (8) residential lots shall be permitted per quarter/quarter section of land, except in a platted subdivision meeting the requirements of Redwood County Ordinance.

5. The following will be allowed as exceptions to this Subdivision:

   A. The replacement of any existing dwelling.

   B. Any legal nonconforming lot of record as defined by this Ordinance shall be considered buildable provided all remaining ordinance provisions are met.

6. Site Plan Required to construct dwelling. Presentation of a plan is required illustrating the location of the dwelling on the site, the dwelling floor plans, location of the septic tank, drainfield and secondary drainfield site, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 9
"UE" URBAN EXPANSION DISTRICT

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SECTION 9 "UE" URBAN EXPANSION DISTRICT

SUBDIVISION 1. PURPOSE

The "UE" URBAN EXPANSION DISTRICT is intended to provide an area adjacent to incorporated municipalities which is designed to:

- Contain and manage urban development within planned urban areas where basic services such as sewers, water facilities, and police and fire protection can be provided efficiently and economically.

- Conserve resources by encouraging orderly development of land.

- Preserve farmland and open space.

- Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.

- Provide property owners greater security in long-range planning and investments.

- Make it possible for utility extensions, transportation facilities and schools to be designed and located so as to match population growth more closely.

- Preserve and enhance the livability of the area.

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It is intended that the status of all areas in this district be reviewed, jointly by the appropriate planning bodies or their representatives once per calendar year. Upon completion of this review each of the planning bodies should recommend to the appropriate governing bodies any land use changes for the "UE" URBAN EXPANSION DISTRICT. Recommendations for changes may include the following:

- The addition or removal of land from the "UE" URBAN EXPANSION DISTRICT.

- The rezoning of land to a more appropriate land use classification.

- The orderly annexation of land.

- The revising of land use plans and ordinances affecting land within the "UE" URBAN EXPANSION DISTRICT.

- It is intended that development in the "UE" URBAN EXPANSION DISTRICT occur via orderly transition from farm to urban uses by:

- Annexation, rezoning and development of the areas adjacent to the incorporated limits of the existing urban centers.

- Contiguous development as a logical extension of similar urban land uses and zoned to the appropriate district.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the "UE" URBAN EXPANSION DISTRICT.

1. Any agricultural use involving the growing of crops or the grazing of livestock (pasture).

2. Any cemetery or memorial garden.

3. Any church.

4. Any Level I or II home occupation as regulated in Section 16, Subdivision 8, of this Ordinance.

5. Any government building.

6. Any park, recreational facility, wildlife area, game refuge or forest preserve owned by a governmental agency.

7. Any single-family dwelling subject to the provisions of Subdivision 7 of this Section.

8. Any farm drainage and irrigation.

9. Any agricultural related business engaged in feed or seed sales, commercial manure application, and custom tillage/harvesting.

10. Any farm winery which sells its products off-premises only.

11. The sale of agricultural products grown on the premises or at a temporary roadside stand, provided that space necessary for parking and loading of customer vehicles shall be furnished off the public right-of-way.

12. Private fish and wildlife ponds.

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13. Any agricultural related business related to plant nurseries, tree farms, sod farms, "U-pick" produce farms, apple orchards, etc that only sell products that are raised on the premises.

14. Temporary dwelling, during construction (use up to one year).

Any building or structure normally considered accessory to a residential use, such as a detached garage, swimming pool, or garden shed.

15.

16. Any bed and breakfast or boarding house as defined by this Ordinance.

17. Any Sign or billboard as regulated by Section 16 subdivision 03.

18. Any in-home daycare or home schooling, as regulated in Minnesota Statutes.

19. Any single-family residential subdivision subject to the following provisions:

A. The subdivision shall be designed with the intention of connecting to municipal utilities when such utilities become available.

B. The subdivision shall be designed for eventual incorporation by the municipality. The affected governmental units shall plan for the extension of streets and utilities between the municipal boundary and the proposed subdivision.

C. The subdivision shall be designed for the future re-subdivision to accommodate additional residential units on lot sizes of an appropriate urban density when urban utilities are available. A copy of this proposed re-subdivision shall be reviewed and approved by the affected governmental units prior to approval of the original subdivision plat.

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SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the "UE" URBAN EXPANSION DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provision of Section 25 of this Ordinance.

1. Any essential service line as regulated in Section 18 of this Ordinance.

2. Any essential service structure as regulated in Section 18 of this Ordinance.

3. Any golf course, country club, or public swimming pool.

4. Any Level III home occupation as regulated in Section 16, Subdivision 8 of this Ordinance.

5. Private burial plots.

6. The land spreading of septage subject to the provisions of the Redwood County Septic Ordinance.

7. Any owner-operated business engaged in aerial spraying of agricultural chemicals.

8. Any seasonal dwelling.

9. Any private or commercial dog kennel.

10. Any cemetery or memorial garden.

11. Any business related to farm tractor, truck, or automobile sales or repair.

12. Any agricultural related business related to tree farms, "U-pick" produce farms, apple orchards, etc that sell products not raised on the premises.

13. Any church or other dedicated place of worship.

14. Any school.

15. Any veterinarian clinic.

16. Any radio or TV tower.

17. Any commercial or public compost site.

18. Any contractor yard.

19. Any commercial truck wash.

20. Any public wastewater treatment facility.

21. Any health or day care center.

22. Construction of multiple dwellings on a single lot or parcel.

A proposed use not listed as a Permitted or Conditional Use shall be deemed prohibited. New confined feedlots are prohibited.

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SUBDIVISION 4. INTERIM USES

1. Any extraction, processing or storage of sand, gravel, stone, clay, fill material, or any other raw materials as regulated in Section 16, Subdivision 5 of this Ordinance.

SUBDIVISION 5. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS FOR LOTS SERVED BY ON-LOT UTILITIES

1. Lot Size, Width and Depth.

   A. Every buildable lot shall contain an area of not less than two and one-half (2.5) acres of area, except that the minimum lot area shall not apply to the sale of legal nonconforming lots of record at the time of enactment of this Ordinance.

   B. Every buildable lot shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than two hundred (200) feet.

   C. Every buildable lot shall front and abut a public road for a distance of not less than sixty-six (66) feet.

2. Yard Requirements. Every building shall meet the following yard requirements:

   A. Front Yard.

      (1.) There shall be a minimum front yard setback of sixty-seven (67) feet from the right-of-way of any public road; except that a twenty-five (25) foot setback may be used for any minor street serving a residential, commercial, or industrial subdivision.

      (2.) There shall be a minimum front yard of one hundred (100) feet provided from the right-of-way line of all four-lane highways.

      (3.) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.

   B. Side Yard. Every building shall have minimum side yard setbacks of ten (10) feet as measured from the parcel line.

   C. Rear Yard. Every building shall have a minimum rear yard setback of ten (10) feet as measured from the parcel line.

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3. Height Requirements. Every building shall meet the following height requirements:

A. All buildings shall not exceed thirty-five (35) feet in height.

B. Agricultural buildings and permitted and conditionally permitted towers shall be exempt from the height requirements.

C. Conditionally permitted commercial and industrial buildings shall, subject to the approval of the County Board and Planning Commission, be exempt from the height requirements provided that said buildings are designed by a licensed engineer and constructed by a licensed contractor.

2. Fences.

A. All fences shall be constructed at a sufficient distance from the public road right-of-way so as to avoid:

a. The blocking of site-lines on the public roadway, including visibility at intersections; and

b. The creation of snow drifts in the road right-of-way.

B. Any fence exceeding eight (8) feet in height shall be subject to all building setback and total height requirements.

C. Any fence eight (8) feet in height or less must be constructed so that all parts of the fence are entirely within the property boundaries of the land owned by the owner of the fence.

D. No fence in the front yard of any building shall exceed 4 feet in height.

4. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

SUBDIVISION 6. LOT SIZE, SETBACK AND YARD REQUIREMENTS FOR RESIDENTIAL SUBDIVISIONS

1. Lot Size, Width and Depth

A. Any residential subdivision requiring a Conditional Use Permit as described in Subdivision 3, Paragraph 5 of this Section may alter the zoning development standards to conform to the zoning requirements of the incorporating municipality as follows:

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(1.) The lot size, width and depth requirements shall be designed for future re-subdivision to accommodate additional residential lots. This proposed re-subdivision shall be submitted prior to approval of the original plat.

(2.) In cases where municipal utilities will be immediately available the lot size, width and depth requirements may be altered to conform to the zoning requirements of the incorporating municipality.

2. Yard Requirements. The yard requirements shall be the same as Subdivision 5, Paragraph 2 of this Section.

3. Height Requirements. The height requirements shall be the same as Subdivision 5, Paragraph 3 of this Section.

4. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

SUBDIVISION 7. REGULATIONS FOR DWELLINGS

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The following provisions shall regulate the placement of any single-family, non-farm dwelling in an "UE" URBAN EXPANSION DISTRICT:

1. Each dwelling shall be sited on a separately surveyed and described parcel.

The construction of a new dwelling within the setback required in this ordinance for a feedlot from a dwelling shall not make said feedlot a non-conforming use. However, the feedlot shall be required to observe all applicable regulations related to expansion of the feedlot. An applicant seeking to construct such a dwelling shall sign and record a notice that the feedlot pre-existed the dwelling. Said notice shall include a copy of the current feedlot CUP(s).

2. The following will be allowed as exceptions to this Subdivision:

A. The replacement of any dwelling with another dwelling shall be permitted.

Any legal nonconforming lot of record as defined by this Ordinance shall be considered buildable provided all remaining ordinance provisions are met.

Site Plan Required to construct dwelling. Presentation of a plan illustrating the location of the dwelling on the site, dwelling floor plans, location of the septic tank, drainfield and secondary drainfield site, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.

REDWOOD COUNTY ZONING ORDINANCE
SECTION 10
"B-1" HIGHWAY SERVICE BUSINESS DISTRICT

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SECTION 10 "B-1" HIGHWAY SERVICE BUSINESS DISTRICT

SUBDIVISION 1. PURPOSE

The "B-1" HIGHWAY SERVICE BUSINESS DISTRICT is intended to provide a district which will allow highway oriented businesses, closely related to existing urban areas. The trade area population served by these establishments requires easy access; therefore, it is desirable to group the uses at locations along major traffic routes providing for appropriate and adequate access. These uses should be designed to standards that will not impair the traffic carrying capabilities of abutting roads and highways.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the "B-1" HIGHWAY SERVICE BUSINESS DISTRICT.

1. Retail sales and service uses.
2. Health and day care centers.
3. Grocery stores.
4. Restaurants/cafes serving non-intoxicating beverages
5. Clubs and lodges that serve non-intoxicating beverages
6. Convenience stores.
7. Office uses.
8. Recreation vehicle and equipment sales and service.
9. Farm implement sales and service.
10. Motor vehicle sales and service.
11. Plant nursery, tree farm, and seasonal produce stand.
12. Equipment rental shop.
13. Manufactured home sales lot.
14. Self-service storage facility.
15. Funeral home and crematorium.
16. Building material sales lot.
17. Car wash operation.
18. Small engine and appliance repair.
19. Residential dwellings
20. Auto or truck repair and auto body repair.
21. Medical and health care uses.
22. Public recreation facility.
23. Commercial and health recreational facilities.
24. Welding and machine shop.
25. Contractor yards.
26. Wholesale business use.
27. Truck stop use.

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28. Government buildings
29. Churches
30. Essential services – minor.
31. Any sign or billboard as regulated under section 16 subdivision 03
32. Any Level I or II home occupation as regulated under Section 16, subdivision 8, of this ordinance

SUBDIVSION 3. CONDITIONAL USES

The following uses may be allowed in the "B-1" HIGHWAY SERVICE BUSINESS DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provisions of Section 25 of this Ordinance.

1. Essential services – major.
2. Hotels and motels.
3. Tavern/bar/liquor establishments.
4. Clubs and lodges that serve intoxicating beverages.
5. Bed and breakfast establishments.
6. Telecommunication towers
7. Veterinary/animal clinics and commercial breeding and/or boarding kennels.
8. Light manufacturing.
9. Commercial recreational and entertainment facilities when contained within a building.
10. Warehousing and distributing uses.
11. Freight transportation terminal.
12. Yard waste facility.
13. Bulk storage use.
14. Auto or motor vehicle reduction, salvage yard, recyclable center, and junkyard when totally screened.
15. Concrete ready mix plants.
16. Commercial grain and agricultural production facilities, commodity storage facilities, and feed and fertilizer plants
17. Commercial and non-commercial wind energy conversion systems including wind energy conversion substations.
18. Apartment buildings.
19. Shopping centers or strip malls.
20. Biofuel production facility.
21. Solar energy conversion systems – solar farms including energy conversion substations .25 acres in area or larger.
22. Biomass conversion facility
23. Adult establishments as regulated by the Redwood County Adult Establishments Ordinance
24. Level III Home occupations as regulated under Section 16, subdivision 8, of this ordinance.

A proposed use not listed as a Permitted or Conditional Use shall be deemed prohibited.

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SUBDIVISION 4. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

Every lot in a "B-1" HIGHWAY SERVICE BUSINESS DISTRICT on which any permitted or conditionally permitted use is erected shall meet the following minimum standards.

1. Lot Size and Width.

   A. No minimum lot size is required; however, the lot size shall be adequate to meet the setback, yard and other requirements of this Ordinance.

   B. Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

   A. Front Yard.

      (1.) There shall be a minimum front yard setback of sixty-seven (67) from the right-of-way of any public road.

      (2.) There shall be a minimum front yard of one hundred (100) feet provided from the right-of-way line of all four-lane highways.

      (3.) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.

   B. Side Yard. Every building shall have minimum side yard setbacks of fifteen (15) feet as measured from the parcel line, except that no building shall be located within thirty (30) feet of any Residential or Agricultural District.

   C. Rear Yard. Every building shall have a minimum rear yard setback of forty (40) feet as measured from the parcel line.

3. Lot Coverage. Buildings shall occupy not more than fifty (50) percent of the lot area.

4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements.

   A. All buildings shall not exceed thirty-five (35) feet in height.

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B. Buildings designed and used principally for agricultural purposes shall be exempt from the height requirements.

5. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 11
"I-1" INDUSTRY DISTRICT

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SECTION 11 "I-1" INDUSTRY DISTRICT

SUBDIVISION 1. PURPOSE

The "I-1" INDUSTRY DISTRICT is intended to provided a district for a broad range of industrial activities. Because of their potential adverse effects on other county land uses, these industrial developments should be located in areas capable of providing adequate utilities and transportation facilities and standards should be applied to control noise, odor, dust, smoke, glare or other hazards.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the "I-1" INDUSTRY DISTRICT:

1. Light manufacturing

2. Any wholesaling, warehousing and terminal operations including those with the outdoor storage of materials such as: construction materials, lumber, machinery and equipment.

3. Any research, development or testing laboratory.

4. Any contractor's office or storage yard.

5. Any agricultural use involving the growing of crops.

6. Any agricultural building.

7. Public garages and equipment yards.

8. Any use that is listed as a permitted use in the "B-1" Highway Service District

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SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the "I-1" INDUSTRY DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provisions of Section 25 of this Ordinance.

1. Any airports and commercial heliports, including aircraft landing fields, runways, flight and flying schools, together with hangers, terminal buildings, and other auxiliary facilities.

2. Any Railroad, railroad switching and classification yards, repair shops and roundhouses.

3. Any essential service line as regulated in Section 18 of this Ordinance.

4. Any essential service structure as regulated in Section 18 of this Ordinance.

5. Any junk yard, salvage yard, or recycling facility.

6. Heavy Manufacturing.

7. Any outside storage of material for an industrial processing plant.

8. Any grain elevators, feed, fertilizer, and chemical plants.

9. Bulk fuel and anhydrous ammonia storage.

10. Any dwelling.

11. Any use that is listed as a conditional use in the "B-1" Highway Service District

12. Waste tire processing facilities.

13. Facilities designed to process source separated materials, including but not limited to, recyclable materials, source separated organic materials and batteries.

A proposed use not listed as a Permitted or Conditional Use shall be deemed prohibited.

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SUBDIVISION 4. INTERIM USES

1. Extraction, processing or storage of sand, gravel, stone or any other raw materials as regulated in Section 16, Subdivision 5 of this Ordinance.

SUBDIVISION 6. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

Every lot in an "I-1" INDUSTRY DISTRICT on which any permitted or conditionally permitted use is erected shall meet the following minimum standards.

1. Lot Size and Width.

   A. No minimum lot size is required; however, the lot size shall be adequate to meet the setback, yard and other requirements of this Ordinance.

   B. Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

   A. Front Yard.

(1.) There shall be a minimum front yard setback of sixty-seven (67) from the right-of-way of any public road.

(2.) There shall be a minimum front yard of one hundred (100) feet provided from the right-of-way line of all four-lane highways.

(3.) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.

B. Side Yard. Every building shall have two (2) side yards. Each side yard shall have a width of not less than fifteen (15) feet; except that no building shall be located within thirty (30) feet of any Residential or Agricultural District.

C. Rear Yard. There shall be a minimum rear yard of forty (40) feet.

3. Lot Coverage. Buildings shall occupy not more than fifty (50) percent of the lot area.

4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements.

A. All buildings shall not exceed thirty-five (35) feet in height.

B. Agricultural buildings shall be exempt from the height requirements.

C. Conditionally permitted commercial and industrial buildings shall, subject to the approval of the County Board and Planning Commission, be exempt from the height requirements provided that said buildings are designed by a licensed engineer and constructed by a licensed contractor.

D.

7. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 15
SOLAR POWER MANAGEMENT

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SUBDIVISION 1. TITLE

The title of this ordinance is the Redwood County Solar Power Management Ordinance, and will be referred to herein as "this Ordinance".

SUBDIVISION 2. PURPOSE

This ordinance is established to set forth processes for permitting solar energy systems and to regulate the installation and operation of solar energy systems within Redwood County pursuant to Minnesota Statutes Chapters 216C.25, 500.30, and Minnesota Rules Chapter 1325.1100, as amended, in order to promote the health, safety, and general welfare of the citizens of Redwood County.

SUBDIVISION 3. JURISDICTION

The regulations of this Ordinance shall apply to all the area of Redwood County outside the incorporated limits of municipalities.

SUBDIVISION 4. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Where the provisions of this Ordinance impose greater restriction than those of any statute, other ordinance or regulations, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

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SUBDIVISION 5. EXEMPTIONS

Solar arrays with a generator nameplate capacity under one (1) kilowatt, and solar thermal systems with a solar collector surface under fifty (50) square feet in area, are exempt from the requirements of this ordinance.

SUBDIVISION 6. PERMIT REQUIRED

Land Use Permits, Conditional Use Permits, and Variances shall be applied for and reviewed under the procedures established by Redwood County Ordinance and Minnesota Statutes Chapter 394. A Land Use Permit must be obtained from the Zoning Administrator by the landowner prior to construction or installation of any solar energy system that is subject to this Ordinance.

1. An application for a permit under this section for a solar energy system is not complete unless it contains the following:

    a. Address, Township, Section, and legal description of the property on which the solar energy system is proposed to be installed.

b. General description of the solar energy system, including type, size (area) of the array, generator nameplate capacity, and total height.

c. Setbacks from property lines, public ditches and tile lines, road rights-of-way, neighboring dwellings, and natural waterways.

d. A site plan showing the existing property lines, existing buildings, and the proposed location of the Solar energy system on the parcel.

2. In addition to the permit application requirements in part 1 above, an application for a permit under this section for a Large Solar Energy System is not complete unless it contains the following:

   a. A site plan of existing conditions showing the following:

      i. The names of the adjacent property owners and current use of those properties.

      ii. Existing public and private roads, showing widths of the roads and any associated easements.

      iii. Location and size of any abandoned wells, sewage treatment systems and dumps.

      iv. Topography at 2' intervals (or less) and source of contour interval.

      v. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)

      vi. Waterways, watercourses, lakes and public water wetlands.

      vii. The 100-year flood elevation and Regulatory Flood Protection Elevation, if available. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.

      viii. The shoreland district boundary, the ordinary high water level and the highest known water level, and the toe and top of any bluffs within the project boundaries, if any portion of the project is located in a shoreland district.

      ix. Surface water drainage patterns.

   b. A site plan of proposed conditions showing the following:

      i. Approximate location and spacing of solar panels.

      ii. Location of access roads.

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iii. Proposed location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.

iv. New electrical equipment other than at the existing building or substation that is the connection point for the Large Solar energy system.

v. Proposed erosion and sediment control measures.

vi. Proposed stormwater management measures.

c. Proposed specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks, if known.

d. A description of the method of connecting the array to a substation.

e. A decommissioning plan ensuring that facilities are properly removed in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. If necessary, the Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

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SUBDIVISION 7. DISTRICT REGULATIONS

Solar energy systems will be permitted, conditionally permitted or not permitted based on the size (acreage) of the solar energy system and land use district as established in the table below (P=Permitted, C=Conditionally Permitted, NP=Not Permitted):

District	Small Solar Energy System	Large Solar Energy System
1. Agriculture	P if under 1 acre in area; C if 1 acre or larger	C
2. Rural Residential	P if under .025 acres in area; C if .025 acres or larger	NP
3. Urban Expansion	P if under .25 acres in area; C if .25 acres or larger	C
4. Hwy Service Business	P if under .25 acres in area; C if .25 acres or larger	C
5. Industrial	P if under .25 acres in area; C if .25 acres or larger	C
6. Floodplain-Flood fringe	P if under 1 acre in area; C if 1 acre or larger	NP
7. Floodplain-Floodway	C	NP

8. Shoreland	P if under 1 acre; C if 1 acre or larger	C
9. Scenic River	P if under .025 acres; C if .025 acres or larger	NP

Nothing herein shall be construed to exempt a solar energy system from the regulations, requirements, and standards of the District in which it is located.

SUBDIVISION 8. SETBACKS AND STANDARDS

1. Solar energy systems shall be subject to the structure setbacks set forth in each respective Zoning District in respect to property lines, road right-of-way lines, County tile lines, and County and Judicial Ditches.

    a. The Zoning Administrator may waive the judicial and county tile line setback requirements upon a written recommendation approving such waiver from the Redwood County Drainage Inspector. Such waiver will take into consideration the depth of the tile, the structural integrity of the tile, the soil characteristics, the location of the tile to surrounding structures, and any other information deemed to be of importance. The written waiver, if approved, shall state that by reducing the minimum setback requirement the project will not negatively affect the structure or utility of the tile and will not create problems for the future maintenance or relocation of the tile.

2. Any ground mounted solar energy system larger than .25 acres in area must be located at least 150 feet away from any dwelling, other than the project owner's dwelling.

3. Standards for all Solar Energy Systems.

    A. Height. Solar energy systems are subject to the following height requirements:

        a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height for structures in the zoning district in which the system is being installed, and shall not extend more than 10 feet above the building or roof on which they are mounted.

        b. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt, except that in the Rural Residential ground or pole-mounted solar energy systems shall not exceed 10 feet in height.

    B. Location within Lot. Solar energy systems must meet the accessory structure setback for the zoning district.

        a. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems that are parallel to the roof surface shall not extend beyond the

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exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least 2 feet. Exterior piping for solar thermal systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

b. Ground-mounted Solar Energy Systems.

i. Ground-mounted solar energy systems may not extend into the side-yard, rear, or road right-of-way structure setback when oriented at minimum design tilt.

ii. Ground-mounted solar energy systems that result in the creation of one or more acres of impervious surface, must comply with the MPCA Construction Stormwater Permit Requirements.

C. Rural Residential District.

a. The total solar collector surface area of pole or ground mount solar energy systems in the Rural Residential district shall not exceed ten percent of the lot area.

b. Ground- or pole-mounted solar energy systems shall not exceed 10 feet in height when oriented at maximum tilt.

c. Ground or pole-mounted solar energy systems shall be fully screened from neighboring residential properties.

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D. Building and roof-mounted solar energy systems cannot be installed without a written certification of a qualified engineer or building inspector licensed by the State of Minnesota that the building or roof is structurally capable of bearing the solar energy system.

E. Approved Solar Components. Electric solar energy system components must have a Underwriters Laboratory (UL) listing.

F. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.

G. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

H. Vegetative screening or buffering of the solar energy system may be required as part of the conditions of approval. Screening or buffering shall be based on the

proximity of the system to residential buildings and to abutting public rights-of-way.

4. Standards for Large Solar Energy Systems.

   A. Stormwater Management and Erosion and Sediment Control shall meet the requirements of the MPCA Construction Stormwater Permit requirements.

   B. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

   C. Other standards and codes. All Large Solar Energy Systems shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.

   D. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground, to the extent practicable.

   E. Wetlands. All Large Solar Energy Systems shall be in compliance with all applicable Federal, state, and local wetland laws, rules, and regulations and shall provide copies of all wetland permits obtained in connection with the Large Solar Energy System to Redwood County upon request.

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SUBDIVISION 9. DECOMMISSIONING

In the event that a solar energy system is unused or abandoned for a period of 12 consecutive months, the solar energy system must be removed by the system owner or landowner.

1. All structures and foundations must be completely removed and the soil and vegetation restored.

2. Removal must occur within 90 days of a determination that the solar energy system is unused or abandoned, unless a plan is developed and submitted to and approved by the Zoning Administrator outlining the steps and schedule for returning the system to service or for decommissioning the solar energy system.

3. Disposal of structures, foundations, and any other equipment or material must conform to Federal, State, and local laws, rules, and ordinances.

SUBDIVISION 10. ADOPTION

The Redwood County Solar Power Management Ordinance is hereby enacted by the Redwood County Board of Commissioners on the _____ day of _____, 2015.

_____

Chair, Redwood County Board of Commissioners

ATTEST:

_____

EFFECTIVE DATE: _____

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SECTION 16 GENERAL REGULATIONS

SUBDIVISION 1. PURPOSE

The guiding of land development into a compatible relationship of the uses depends upon the maintenance of certain standards. In the various Use Districts, the permitted, accessory, conditional, and interim uses shall conform to the standards enumerated in this Section.

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SUBDIVISION 3. SIGNS

Subpart 1. Title

The title of this ordinance is the Redwood County Sign Ordinance, and will be referred to herein as "this Subdivision".

Subpart 2. Purpose and Intent

It is not the purpose or intent of this Subdivision to regulate the message displayed on any sign, nor is it the purpose or intent of this Subdivision to regulate any indoor sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the county in order to promote the public health, safety and welfare.

2. Maintain, enhance and improve the aesthetic environment by preventing visual clutter that is harmful to the appearance of the county in order to protect the natural scenic beauty of roadsides in Redwood County.

3. Improve the visual appearance of the county while providing for effective means of communication, consistent with constitutional guarantees and the county's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the county.

5. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety welfare.

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Subpart 3. Application and Jurisdiction

The provisions of this Subdivision shall apply to all land within the county which is not within the boundaries of an incorporated city.

Subpart 4. Permit Required

No sign shall be erected, reconstructed, or moved in the county without first securing a zoning permit from the county. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to Zoning Administrator and shall contain the following information:

1. Names and addresses of the owners of the display structure and property;

2. The location, including the address at which any signs are to be erected and the road/street on which they are to front;

3. The cost of the sign;

4. Type of sign (i.e. wall sign, monument sign, and the like);

5. If the proposed sign is along a state trunk highway or interstate highway, the application shall be accompanied by copies of any permit or permits that are required to be obtained from the road authority.

Subpart 5. Exemptions

1. Permit Exemptions: The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Subdivision or any other law or ordinance regulating the same.

   A. The changing of the display surface of a sign already permitted by Redwood County.

   B. Signs six square feet or less in size.

   C. Signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.

   D. Temporary and portable signs as defined and regulated within this Ordinance.

2. Maximum Sign Size Exemptions: Notwithstanding any contrary requirements in this Ordinance, any property located within a residential zoning district on which there is a church, school, university or college, hospital, club, library, apartment building and/or complex or similar uses can display a sign, not to exceed 32 square feet in area, subject to all applicable setback, maximum height, and other limitations. Such signs may be illuminated and include dynamic displays, subject to the limitations and regulations in Subpart 8. Dynamic Displays.

3. Exempt From Regulation: Signs authorized by the responsible road authority or public entity and located within the public right-of-way shall be exempt from the requirements of this Ordinance.

Subpart 6. General Provisions

1. Size: The maximum surface area for signs shall be limited based on the Zoning District in which a sign is located, in order to ensure that signs are sized appropriately and do not interfere with the other permitted uses in each Zoning District.

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A. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush (i.e. back to back).

B. Size requirements by Zoning District:

i. No sign located in the Rural Residential District shall exceed 16 square feet in surface area and the cumulative surface area of all signs on an individual property shall not exceed 22 square feet unless a Conditional Use Permit is first applied for and obtained.

ii. No sign located in the Scenic River District shall exceed 32 square feet in surface area and the cumulative surface area of all signs on an individual property shall not exceed 38 square feet unless a Conditional Use Permit is first applied for and obtained.

iii. No sign located in the Floodplain District, Agricultural District, Urban Expansion District, or Shoreland District shall exceed 64 square feet in surface area and the cumulative surface area of all signs on an individual property shall not exceed 70 square feet unless a Conditional Use Permit is first applied for and obtained.

iv. No sign located in the Highway Service Business District or Limited Industry District shall exceed 400 square feet in surface area and the cumulative surface area of all signs on an individual property shall not exceed 600 square feet unless a Conditional Use Permit is first applied for and obtained.

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C. Signs over 256 square feet in area require engineered submittals.

D. Wall signs placed or painted on the exterior walls of buildings shall not extend beyond the wall surface.

E. Irrespective of any regulations herein to the contrary, on a site on which multiple parcels are being offered for sale, a sign not exceeding 64 square feet in surface area may be displayed.

2. Setbacks:

A. Any portion of any sign exceeding six square feet shall be set back ten feet from any right-of-way line and ten feet from any property line, unless a more restrictive requirement is stated in paragraphs B and C below.

B. Any portion of any sign exceeding 128 square feet shall be set back 30 feet from any right-of-way line or residential property line and shall be located a minimum of 660 feet from all other signs exceeding 128 square feet on the same side of the

roadway. In order to reduce the potential of adverse visual impact upon abutting residential uses, any sign exceeding 128 square feet shall be located no closer than 200 feet from any dwelling.

C. Any portion of any sign exceeding 256 square feet shall be set back 100 feet from any right-of-way line or residential property line and shall be located a minimum of 1320 feet from all other signs exceeding 128 square feet on the same side of the roadway. In order to reduce the potential of adverse visual impact upon abutting residential uses, any sign exceeding 256 square feet shall be located no closer than 400 feet from any dwelling.

3. Area:

A. The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof.

B. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

C. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush (i.e. back to back). Except for the allowance for a two-sided, flush sign, each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage.

4. Height:

A. The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached. Any sign not attached to a building must be no higher than 35 feet above ground level.

B. The bottom of any sign must be 15 feet above the street grade if located within 30 feet, as measured from the right-of-way line, of the intersection of two or more public roads or a public road and railroad.

5. Repairs and Maintenance:

A. Any sign located in the county which may now be or hereafter become out of order, rotten, abandoned, or unsafe, shall, be removed or otherwise properly

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secured in accordance with the terms of this Subdivision by the owners thereof or by the owners of the grounds on which said sign shall stand. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this Subdivision and upon a permit issued by the Zoning Administrator.

B. All sign locations shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being directed in writing by the Zoning Administrator shall be cause for revocation of the existing permit and removal of the sign or signs on said location or locations.

6. Flood lighting, if used, shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residential structure. Signs may not be illuminated beyond any lot line. Signs incorporating electricity or electrical devices must be installed in accordance with the Minnesota State electrical code.

7. Floodplain, Shoreland, and Scenic River District. Any sign located in the Floodplain District, the Shoreland District, or the Scenic River District must conform to the requirements thereof, in addition to the requirements of this Ordinance. In the event that this Ordinance conflicts with the Floodplain Ordinance, the Shoreland Ordinance, or the Scenic River Ordinance, the most restrictive rule shall control.

8. Sign Ownership: All signs shall be properly identified stating the name and address of the individual or firm responsible for the sign.

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Subpart 7. Dynamic Displays

Dynamic Displays on Signs are allowed subject to the following conditions, in addition to the other requirements of this Ordinance:

1. Dynamic Displays are allowed only on Monument and Pylon Signs in non-residential zoning districts.

2. A dynamic display must display static foreground images for intervals of at least two seconds per image. Static foreground images may be accompanied by the display of background animation.

3. The text of a Dynamic Display must be limited to ten words per image to allow passing motorists to read the entire copy with minimal distraction.

4. Dynamic Displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the Sign owner must immediately stop the Dynamic Display when notified by the county that it is not complying with the standards of this ordinance.

5. Dynamic Display Brightness Standards.

   A. In no case shall the luminance from a Dynamic Display exceed 0.3 foot candles over ambient lighting conditions when measured at a distance based on the following formula: $Distance = \sqrt{Area\ of\ Sign\ x\ 100}$

   B. All signs with Dynamic Displays shall be equipped with an ambient light sensor and an automatic dimmer control that automatically controls the brightness to comply with these requirements.

Subpart 8. Temporary and Portable Signs

No zoning permit is required for display of temporary and portable signage that is in compliance with the standards specified below.

1. All temporary and portable signs must conform to the size, height, and setback limitations, and any other applicable regulations, for the zoning district in which the sign is located.

2. Notwithstanding number 1 above, no temporary or portable signs shall be more than 15 feet above final grade.

3. All temporary and portable signs shall be limited to a period of time not to exceed 30 consecutive days with a maximum cumulative posting of the signs not exceeding 120 days in any calendar year.

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4. No sign or promotional device shall be placed or located in such a manner that prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching or merging traffic.

5. No sign or promotional device shall be placed or located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.

6. No sign or promotional device shall be placed or located within a "public right-of-way", which shall mean the area on, below or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the local government unit has an interest, including other dedicated rights-of-way for travel purposes.

7. Temporary and portable signs or promotional devices shall be allowed off-site with the permission of the property owner, subject to the requirements of this Ordinance.

8. Banners are permitted when securely fasted to the building on all four corners with wall anchors. Banners are also allowed on ground level, secured so that the banner is not

waving or moving. The surface area of the banner shall be included in the total square footage of the allowable signage for an entire site.

Subpart 9. Unauthorized Signs

The following signs are unauthorized signs:

1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic-control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

2. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

3. Private signs, other than public utility warning signs, are prohibited within public rights-of-way and easements, or on any other public property unless the sign is specifically authorized by the responsible public authority.

4. Any sign(s) placed near the intersection of public roads, or public roads and railroads, in such a manner as to cause any obstruction of vision to a motorist and/or pedestrian as determined by the appropriate road authority.

5. Any sign containing obscene pictures or wording.

6. Flashing signs and signs giving off direct light that may be confused with traffic, aviation, or emergency signaling are prohibited.

7. No sign shall be erected or maintained that would obstruct a clear view of an intersection of a public road or a railroad for a distance of 500 feet, or that would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty.

8. The following signs are not permitted in residential zoning districts:

   A. Awning signs
   B. Balloon Signs
   C. Canopy Signs
   D. Flashing Signs
   E. Marquee Signs

9. No private sign shall be erected that resembles any official marker erected by a government agency or otherwise constitutes a traffic hazard.

10. Illuminated or light-up signs are not allowed in the Rural Residential District.

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11. Signs giving off intermittent, flashing or rotating beam of light shall be prohibited.

Subpart 10. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The County Board hereby declares that it would have adopted this ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Subpart 11. Substitution

The owner of any sign which is otherwise allowed by this ordinance may substitute noncommercial speech in lieu of any other commercial or noncommercial speech. This substitution of speech may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

Subpart 12. Enactment

The Redwood County Sign Ordinance is hereby enacted by the Redwood County Board of Commissioners on the 1st day of March, 2016.

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_____

Chair, Redwood County Board of Commissioners

ATTEST:

_____

EFFECTIVE DATE: _____

Subpart 1. Purpose.

This ordinance is established to prevent structures and trees from encroaching on the public drainage system in Redwood County. The public drainage system in the county promotes the health, safety, and welfare of residents by enhancing the economic conditions of the county and draining away excess water which is a breeding ground for mosquitoes and other insects.

Subpart 2. Judicial and County Ditches.

A. There shall be a minimum setback of one hundred (100) feet from the top edge of any Judicial or County drainage ditch for the erection of and maintenance of all structures, buildings, and the like.

B. There shall be a minimum setback of seventy-five (75) feet from the top edge of any Judicial or County drainage ditch, with the exception of Judicial Ditch 37, for the planting or natural growth of all trees and shrubs.

C. Judicial Ditch 37 shall have no minimum setback for planting or natural growth of trees and shrubs. However, all trees and shrubs may be managed at the discretion of the Redwood County Ditch Inspector, pursuant to Minnesota Statutes Chapter 103E.

D. There shall be a minimum setback of sixteen and ½ (16.5) feet from the top of any Judicial or County drainage ditch to any fence.

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Subpart 3. Judicial and County Tile Lines.

A. There shall be a minimum setback of one hundred (100) feet from any Judicial or County tile lines for the erection of and maintenance of all structures, buildings, and the like.

B. There shall be a minimum setback of seventy-five (75) feet from any Judicial or County tile lines for the planting or natural growth of all trees and shrubs.

C. There shall be no setback required between a tile line and any fence, provided that the fence does not interfere with the performance of the tile line and that the County shall not be liable for the cost of removal or replacement of any fence needing to be moved in order to conduct tile maintenance or repair.

D. The Zoning Administrator may waive the judicial and county tile line setback requirements upon a written recommendation approving such waiver from the Redwood County Drainage Inspector. Such waiver will take into consideration the depth of the tile, the structural integrity of the tile, the soil characteristics, the location of the tile to surrounding structures, and any other information deemed to be of importance. The written waiver, if approved, shall state that by reducing the minimum setback requirement the project will not negatively affect the structure or utility of the tile and will not create problems for the future maintenance or relocation

of the tile. Redwood County is not responsible for any damage to any structure, building, or other property occurring due to the waiver of the tile line setback.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION X
ENVIRONMENTAL REVIEW

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SECTION X ENVIRONMENTAL REVIEW

SUBDIVISION 1. PURPOSE

1. The purpose of the Environmental Review Program section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statute 116D.04 as amended, to implement the Environmental Review Program in accordance with Minnesota Rules, Chapter 4410. Further, Environmental Review Guidance documents compiled by the Minnesota Environmental Quality Board (EQB) will be referenced as needed to assist in County procedure.

SUBDIVISION 2. ACTIONS REQUIRING ENVIRONMENTAL ASSESSMENT WORKSHEETS (EAW)

1. General: The purpose of an EAW is to rapidly assess in brief document form the environmental effects associated with a proposed project. The EAW serves primarily to aid in the determination of whether an EIS is needed for a proposed project and to serve as a basis to begin the scoping process for and EIS.

2. EAW Required. An EAW shall be prepared for a project that meets or exceeds the thresholds of any of the EAW categories listed in part 4410.4300 or any of the EIS categories listed in part 4410.4400.

3. Discretionary EAW. The Redwood County Board of Commissioners, upon recommendation from the Zoning Administrator, may require the preparation of an EAW for any project:

   A. when a project is not exempt under part 4410.4600 and when a governmental unit with approval authority over the proposed project determines that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects;
   B. when a project is not exempt under part 4410.4600 and when a governmental unit with approval authority over a proposed project determines pursuant to the petition process set forth in part 4410.4600 that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects;
   C. whenever the EQB determines that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects (this item shall not be applicable to a project exempt under part 4410.4600 or to a project for which a governmental unit, with approval authority over the project, has made a prior negative or positive determination concerning the need for an EAW concerning the project); or
   D. when the proposer wishes to initiate environmental review to determine if a project has the potential for significant environmental effects.
   E. When a project is in or near an area that is considered to be environmentally sensitive or aesthetically pleasing.
   F. When a project is likely to have disruptive effects such as generating traffic or noise.
   G. When a project generates valid public questions or controversy concerning possible environmental effects due to the proposed action.

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SUBDIVISION 3. EXEMPTION FROM REVIEW

1. Projects exempt from the preparation of an EAW or EIS are specified in Minnesota Rules, Chapter 44100.4600.

SUBDIVISION 4. ACTIONS REQUIRING ENVIRONMENTAL IMPACT STATEMENTS (EIS)

1. General: The purpose of an EIS is to provide information to governmental units, the proposer of the project, and other persons to evaluate proposed projects which have the potential for significant environmental effects, to consider alternatives to the propose project, and to explore methods for reducing adverse environmental effects.

2. EIS Required: An EIS shall be prepared for any project that meets or exceeds the thresholds of any of the EIS categories listed in part 4410.4400.

3. Discretionary EIS: An EIS shall be prepared when the responsible governmental unit determines that, based on the EAW and any comments or additional information received during the EAW comment period, the proposed project has the potential for significant environmental effects, or when the responsible governmental unit and proposer of the project agree that an EIS should be prepared.

SUBDIVISION 5. COST AND PREPARATION AND REVIEW

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1. Payment of Costs: No permit for an action for which an EAW or EIS is required shall be issued until all costs or preparation and review which are to be paid by the applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this Ordinance and the rules adopted by reference by this Ordinance, and pursuant to any written agreement entered into by the applicant for the permit or permits and the County Board under the provision of Paragraph E of this Subdivision.

2. Agreements Concerning Cost of Preparation and Review: The applicant for a permit for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided by State Rule.

SUBDIVISION 6: REVIEW PROCEDURES AND ADMINISTRATION

1. The Zoning Administrator shall be the responsible person for the administration of the Environmental Review Program and shall determine whether an action for which a permit is required is an action for which an EAW or EIS is mandatory or discretionary and shall notify the Redwood County Board of Commissioners of these proposed actions.

2. When it is determined that Redwood County is the responsible governmental unit for EAWs and EISs, such EAWs and EISs shall be prepared by or under the supervision of the Zoning Administrator and shall be reviewed by the Planning Commission and the County Board of Commissioners.

3. When reviewing an EAW or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations or other alternatives which would lessen the environmental impact of the action. The County Board may require these design alterations to be made as a condition for

issuing the permit when it finds the design alterations are necessary to lessen the environmental impact of the action.

4. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board of Commissioners whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds that the project thresholds are met or exceeded as specified in Minnesota Rules, Chapter 4410.4400.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION X
EXCAVATION AND EXTRACTION OF EARTH MATERIAL

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SUBDIVISION 1. PURPOSE

Purpose. To protect the public health, safety and general welfare, to protect natural landscapes from unregulated extraction activities, to protect against incompatible land uses and to provide for environmentally sound reclamation of land disturbed through mechanical extraction processes. All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform to the provisions of this Subdivision and any other ordinance or regulations of Redwood County. The extraction of ferrous and nonferrous minerals in the unincorporated areas of the County must be conducted consistent with the provisions of Minnesota Rules Chapters 6130, 6132, 6105 and Minnesota Statutes Chapter 93.

SUBDIVISION 2. EXCEPTIONS

1. The following exceptions are exempted from the requirements of this Subdivision.

    A. Excavations that are ancillary to the construction of permitted structures, provided such structure is constructed immediately following such excavation and the areas surrounding such structure are backfilled immediately following completion.

    B. Excavations for permitted impounding of water for agricultural purposes including wildlife ponds.

    C. Excavations that are part of a permitted state or local water quality improvement project such as but not limited to public ditch improvement, stream re-meander, or stream or wetland restoration.

    D. Excavations for the construction or remodeling of a structure if a permit has been issued.

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SUBDIVISION 3. PERMITS REQUIRED

Grading and Filling Permit Required: No person shall operate a borrow site or conduct temporary grading as defined in Section 22 of this Ordinance, without first making application for and obtaining a Grading and Filling Permit from the Zoning Administrator. If the proposed project poses issues to the public health, safety and general welfare, the Zoning Administrator may require the applicant to apply for an Interim Use Permit.

Interim Use Permit Required: For all grading, excavating, extracting or filling activities not exempted in Subdivisions 3 and 4 above, a person must submit an application to the Zoning Administrator for an Interim Use permit to be heard before the County Planning Commission and approved or denied by the County Board of Commissioners.

1. Permit Application: The applicant shall complete an Interim Use Permit application on the forms provided by the Zoning Administrator. The required application materials shall include, but not be limited to:

    A. The name, address, phone number, and email address of the operator of the excavation or extraction operation.

    B. The name, address, phone number and email address of all owners and lessors of the excavation or extraction site.

C. Description of the tract, or tracts of land and the total number of acres to be mined by the applicant. Description shall include the Section, Town, Range and County in which the land is located with sufficient clarity so that it may be located and distinguished from other lands.

D. A narrative outlining the type of material to be excavated or extracted, mode of operation (including any extraction, processing, transport or storage activities), estimated quantity of material to be extracted, plans for drilling, blasting or sawing, and other pertinent information to thoroughly explain the request.

E. The estimated time frame to operate the site or facility, including hours per day, days per week, months per year and the number of years of potential operation (not to exceed ten years from the date of issuance of the Interim Use Permit).

F. In addition to the application materials required above, the following requirements shall accompany the request for a Grading and Filling Permit or an Interim Use Permit:

G. A detailed map or maps of the land drawn at a scale of 1" = 100' or larger to adequately illustrate the site or facility showing the following:

a. Existing Site Conditions:

1. Property boundaries.
2. A map with existing topographical features at ten (10) foot contour intervals.
3. Existing vegetation including plant community.
4. Existing buildings and other structures.
5. Existing pipelines, power lines or other utilities.
6. Easements that may affect the site or facility.
7. Public roads, road right of way and trails including access points
8. Location of water courses, draining systems and impounded waters.

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b. Proposed Site Conditions:

1. Outline of the extent of the maximum area to be excavated or extracted.
2. Vertical profile of the area and proposed depth to be extracted including overburden and other geological features to the extent known
3. Location of any sign, fence, road, trail, railroad, building, structure, utility, right of way, vegetation, and other cultural feature within and immediately adjacent to the proposed excavation site or facility.
4. Buildings, equipment storage areas, operation areas, and any other uses required in the extraction, processing, storage and transportation process within the maximum extent of the site or facility.
5. An estimate or bid of the reclamation costs of each phase of the restoration process or of the restoration of the entire site if phasing is not planned.
6. An illustrative and written description of planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of 1" = 100' or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, home-site, recreational, or other uses including food, shelter, and groundcover for wildlife. The

reclamation plan shall include the final grades of the proposed site including elevations and contour lines at five (5) foot intervals.

SUBDIVISION 4. CONDITIONS OF PERMIT

1. The County Board of Commissioners, as a prerequisite to the granting of a permit or after a permit has been granted, may place upon the application conditions or restrictions in a manner consistent with State Agency guidance, Rule and Statute to:

   A. Prescribe exploratory borings, monitoring wells, dewatering methods and plans as needed.

   B. Prescribe methods in the removal, storage and transport of material.

   C. Ensure the site or facility is maintained within the geographical limits to which the permit was issued. The Board may require that the site be surveyed by a licensed surveyor, at the applicant's expense.

   D. Limit the amount of top soil removed from the site to ensure adequate site reclamation.

   E. Limit the hours of operation.

   F. Provide for adequate dust, noise and vibration mitigation.

   G. Properly fence and sign any pit, excavation, site or facility.

   H. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not be dangerous from caving or sliding banks.

   I. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful.

   J. Limit the timeframe associated with the validity of the permit including permit renewal.

   K. Provide for the restoration of highways, streets or other public transportation routes away from the premises.

   L. Provide for the purpose of retaining impounded waters, a reservoir of sufficient strength and durability and maintain such reservoir in safe and proper condition.

   M. Provide for a comprehensive reclamation plan including, grading, seeding, and restoring the reclaimed site after extraction is completed so as to render it usable, to avoid erosion and an unsightly mar on the landscape.

SUBDIVISION 5. INSURANCE AND SURETY REQUIREMENTS

1. The applicant shall provide proof of bodily injury, property damage and public liability insurance to Redwood County in the amount of at least $1,500,000 per occurrence. The Redwood County Board of Commissioner's reserves the right to require additional amounts of coverage, including blasting insurance, if blasting is to be allowed as part of the permit.

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2. The applicant shall post a bond, cash deposit, irrevocable letter of credit or other security to Redwood County in the amount of $2,000 per acre, a minimum of $10,000 or 125% of the estimated or bid value supplied by the applicant in Subdivision 4 3E above, whichever is greater. The County Board of Commissioners reserve the right to require a higher security amount or an alternative method of calculating the estimated cost or bid of reclamation, if at the reasonable discretion of the County, the unique characteristics of the proposed project requires more substantial restoration or reclamation.

3. The above referenced reclamation security, or surety, is required to assure proper operation and reclamation of the site. Reclamation securities shall include the following:

   A. Reclamation sureties shall be for a term extending a minimum of one year beyond the ending date of the Interim Use Permit, and shall include a provision for notification of the County at least thirty (30) days prior to cancellation or renewal. Failure to maintain or renew the surety in conjunction with any permit renewal will result in the revocation of the Interim Use Permit.

   B. The surety shall be used to reimburse the County for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit.

   C. The surety shall be used after non-renewal of the permit or the failure to execute the restoration plan.

   D. The surety shall be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

   E. When and if the portions of the bonded property are completely rehabilitated pursuant to the reclamation plan, and such restoration is certified as complete by the Zoning Administrator, the Zoning Administrator shall contact the applicant and the surety protecting the restored acreage shall be returned to the applicant or canceled.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION X
HOME OCCUPATIONS

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SECTION X HOME OCCUPATIONS

SUBDIVISION 1. PURPOSE

Regulations pertaining to home occupations are intended to encourage economic development in the County, enable individuals to work from their homes, maintain compatibility of home occupations with other uses permitted in the underlying zoning district and mitigate potential conflicts of use to maintain the public health, safety and welfare.

SUBDIVISION 2. PERMITS REQUIRED

There are three classifications of home occupations Level I, Level II, and Level III. Level I does not require a permit before beginning the home occupation. Level II requires that a home occupation permit be obtained prior to starting the home occupation. Level III requires that a conditional use permit be obtained prior to starting a home occupation at the Level III threshold described below in Subdivision 6. If the intensification of use pertaining to an existing home occupation expands to a higher level, additional permitting may be necessary. Obtaining a permit for expansion to a higher level home occupation is not considered automatic or assumed.

In the event a home occupation has unanticipated unique and substantial impacts on the surrounding area, the Zoning Administrator reserves the right to move that home occupation to a higher level which may require additional permits.

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SUBDIVISION 3. GENERAL CONDITIONS

A. The home occupation must be incidental and subordinate to the primary use of the home as a permanent residential dwelling.

B. The home occupation must not create odor, dust, noise, vibration, glare, or electrical disturbances noticeable outside the dwelling or outbuilding

C. No outside storage of materials, equipment or product associated with the home occupation may occur other than what is allowed in the underlying district classification.

D. The home occupation must comply with all rules and regulations of federal, state, county and local agencies. Any required license, permit or approval from said agencies must be obtained prior to County permit approval.

E. Home occupations with an on-site sewage treatment system shall only generate normal domestic household strength waste unless;

   a. A plan for off-site disposal of waste is approved
   b. A new septic system designed to handle the waste is approved and installed
   c. The existing septic system is modified to handle the waste and is monitored to confirm it is doing so.

F. Adequate parking for employees and customers shall be provided for on the site subject to the county off-street parking and loading ordinance.

SUBDIVISION 4. LEVEL I HOME OCCUPATIONS

1. The following criteria govern Level I home occupations:

   A. The maximum combined floor area of the dwelling and an accessory building utilized for the home occupation shall not be more than 400 square feet.

   B. No persons other than the occupants of the residential dwelling shall be employed in the home occupation.

   C. No such home-occupation shall require substantial interior or exterior alteration of the dwelling.

SUBDIVISION 5. LEVEL II HOME OCCUPATIONS

1. The following criteria govern Level II home occupations:

   A. The maximum combined floor area of the dwelling and an accessory building utilized for the home occupation shall not be more than 1000 square feet.

   B. No persons other than the occupants of the residential dwelling shall be employed in the home occupation.

   C. No such home-occupation shall require substantial interior or exterior alteration of the dwelling.

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SUBDIVISION 6. LEVEL III HOME OCCUPATIONS

1. The following criteria govern Level III home occupations:

   A. The maximum combined floor area of the dwelling and an accessory building utilized for the home occupation shall not be more than 5,000 square feet.

   B. The home occupation shall not have more than 5 employees.

   C. Through the conditional use permit process the Zoning Administrator can recommend conditions including but not limited to: hours of operation, parking, universal/handicapped access, signage and lighting, well and septic inspection, compliance and upgrade, solid waste disposal, limits on exterior storage or display of product or material related to the home occupation or whatever conditions necessary to maintain public health, safety and welfare.

REDWOOD COUNTY ZONING ORDINANCE
SECTION X
LAND APPLICATION OF Organic Waste AND CONTAMINATED SOILS

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SUBDIVISION 1. PURPOSE

Regulations pertaining to the land application of organic waste and contaminated soil are intended to mitigate against the potential impact to the environment. In general, the land application of organic waste and petroleum and agricultural pesticide, herbicide, and fertilizer contaminated soil are regulated by the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Agriculture. However, to maintain the general health, safety and public welfare the following regulations apply. Land application of waste shall not create a public nuisance or any condition that adversely affect the environment, public health, safety and general welfare.

SUBDIVISION 2. NOTIFICATION REQUIREMENTS FOR ORGANIC WASTE

1. Notification Requirements. It is a violation of this Ordinance for any person to land apply organic waste without notifying the Zoning Administrator of the proposed land application activity. The responsible person shall submit such notification no less than 48 hours prior to the initiation of the land application activities.

2. For each type of organic waste proposed to be land applied, the responsible person (as defined as the applicator, landowner or tenant) shall submit to the Zoning Administrator a description of the proposed land application activities including:

   A. Identification of the proposed land application site(s) in Redwood County by township, range, quarter, quarter, quarter section and if available, by County parcel identification number.

   B. The description of the organic waste to be land applied and the amount of waste in tons, gallons or cubic yards.

   C. The results of tests that characterize the organic waste. Testing to characterize organic wastes that are yard waste or source separated food waste is not required.

   D. Identification of the proposed land application areas on soil survey plates and maps available from the National Resource Conservation Service, identifying site features from which separation distances are required and the acreage on which land application is proposed.

   E. The results of any soil tests and recommended application rates from a Minnesota Department of Agriculture certified laboratory for the field where the applicator, landowner or tenant proposes to land apply organic waste.

   F. The names, addresses and telephone numbers of the waste generator, applicator and transporter if different from the applicator, landowner or tenant.

   G. The status of certifications and licenses of the applicator and transporter if required by the MPCA.

   H. A description of the land application method and incorporation method proposed and the month(s) of the year that land application activities will occur.

   I. Evidence of notification to affected cities and townships.

   J. The status of any approvals required by the State.

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SUBDIVISION 3. PERFORMANCE STANDARDS FOR ORGANIC WASTE

1. The following performance standards apply toward the land application of organic waste :

   A. Mixed municipal solid waste and hazardous waste shall not be land applied.

   B. Organic waste applied to land shall be applied at rates that do not exceed acceptable agronomic rates. It is the responsibility of the applicator of the organic waste to provide proof of the relevant agronomic rates to the satisfaction of the Zoning Administrator.

   C. Organic waste shall not be land applied unless the land will be cropped within the current cropping season (September 1 of one year to August 31 of the following year).

   D. All land applied organic waste shall be incorporated within twenty-four (24) hours of application, except for organic waste applied according to paragraph G. below.

   E. All land applied organic waste shall not be applied on land with slopes greater than six percent (6%)

   F. Application of organic waste shall not take place within the following setback requirements or within areas otherwise restricted by other existing State or Local requirements.

USE	SETBACK
• Residences, businesses or pubic buildings	300 feet
• Private drinking water supply wells	200 feet
• Irrigation wells	200 feet
• Designated shoreland	300 feet
• Community drinking water supply wells	1000 feet

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   G. If the organic waste is to be applied to land that is actively used for grazing animals or is being cropped for hay and the organic waste is not incorporated, the following additional criteria shall apply:

      a. The land applied material and the land application activities shall not create a nuisance condition due to debris, attraction to vermin, visual impact or odors.

      b. The land applied material and the land applied activities shall not have detrimental effects to growing crops, the natural environment or to human and animal health.

      c. The land applied material shall not translocate (move) and its impacts shall not be transmitted via animals grazing or moving across the land application site(s).

      d. The land applied material shall not migrate from the site of application via wind or overland water flow.

      e. Land application of organic waste shall not take place when the ground is frozen or snow covered.

f. In the event of noncompliance with the above criteria, the responsible party shall immediately incorporate the organic waste, or take alternative mitigating actions subject to the approval of the Zoning Administrator.

H. The responsible person (applicator, landowner or tenant) shall keep records for each land application site for a period of five (5) years including: all notification information required above.

SUBDIVISION 4. EXEMPTION FROM LAND APPLICATION REQUIREMENTS FOR ORGANIC WASTE

1. Exempted Land Application. A responsible person is exempt from the notification and reporting requirements above if the amount of organic waste applied is less than 1,000 pounds per cropping year, the area on which the organic waste is less than one acre in size, and the material is evenly distributed and incorporated across the site.

SUBDIVISION 5. CONTAMINATED WASTE LAND APPLICATION REQUIREMENTS

1. Petroleum or Agricultural Pesticide, Herbicide, or Fertilizer Contaminated Soil. Soil that has been determined by the Minnesota Pollution Control Agency (MPCA) to be contaminated with petroleum, or soil that has been determined by the Minnesota Department of Agriculture (MDA) to be contaminated with agricultural pesticides, herbicides, or fertilizers, may be land spread upon issuance of a permit pursuant to the following provisions.

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A. The person to land apply petroleum or agricultural pesticide, herbicide, or fertilizer contaminated soil in Redwood County must notify the Zoning Administrator of the proposed activity.

B. Notification is done by submitting to the Zoning Administrator copies of all forms require by the MPCA including:

1. the application for the land treatment site;

2. the application to land treat the specific plot of soil;

3. the copies of the site pre-approved; and

4. plot approval issued by the MPCA prior to the initiation of the land application activities.

C. The responsible person shall submit such notification no less than thirty (48) hours prior to the initiation of the land treatment activities. Failure to notify is a violation of this Ordinance.

D. Application of any contaminated soil shall not take place within the following setback requirements or within areas otherwise restricted by other existing State or Local requirements.

USE	SETBACK
• Residences, businesses or pubic buildings	300 feet
• Private drinking water supply wells	200 feet
• Irrigation wells	200 feet
• Designated shoreland	300 feet
• Community drinking water supply wells	1000 feet

E. The Zoning Administrator may impose conditions upon the land application of contaminated soils to assure compliance with this Ordinance.

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SUBDIVISION 6. PERFORMANCE STANDARDS

1. Relationship to Other Laws. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state of federal pollution control or environmental protection law or regulation

2. Noise. Noise shall be measures on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence beat frequency, shrillness or intensity, except for noise from agricultural sources. Noise generated by agricultural use shall be exempt.

3. Vibration. Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

4. Glare and Heat. Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.

5. Odors. Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of obnoxious 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. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, except odors from agricultural sources

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6. Toxic or Noxious Matter. Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

7. Exterior Storage. All materials and equipment shall be stored within a building or fully screened so as not to be visible from the adjoining properties, except for the following: construction on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats and recreation vehicles, less than twenty (20) feet in length, are permissible if stored in the rear yard not less than ten (10) feet distant from any property line.

8. Compliance. In order to insure 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. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the county, at the applicant's expense.

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SUBDIVISION 10. EXCEPTIONS AND MODIFICATIONS TO THE ZONING DEVELOPMENT STANDARDS

1. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:

   A. Monuments.

   B. Flag poles.

   C. Cooling towers.

2. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:

   A. Church spires, belfries or domes which do not contain usable spaces.

   B. Water towers.

   C. Chimneys or smokestacks.

   D. Radio or television transmitting towers.

   E. Essential service structures.

   F. Elevator penthouses.

   G. Grain elevators.

   I. Industrial structures subject to a CUP

3. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:

   A. Essential services.

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SUBDIVISION 11. SUBSURFACE SEWAGE TREATMENT SYSTEMS

Subpart 1. Purpose and Authority

1. This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county and may be referred to as the Septic Ordinance. It establishes:

   A. Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Redwood County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency,
   B. Requirements for issuing permits for installation, alteration, repair or expansion of SSTS,
   C. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan,
   D. Standards for upgrade, repair, replacement, or abandonment of SSTS,
   E. Penalties for failure to comply with these provisions,
   F. Provisions for enforcement of these requirements, and
   G. Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Zoning and Shoreland Ordinance.

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2. Purpose and Intent

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

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

      (1.) The protection of lakes, rivers and streams, wetlands, and groundwater in Redwood County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County .

      (2.) The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.

(3.) The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

(4.) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

(5.) The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

3. Authority

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

4. Effective Date

The provisions set forth in this Ordinance shall become effective on the date on which it is adopted by the Redwood County Board of Commissioners.

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Subpart 2. Definitions

The following words and phrases shall have the meanings ascribed to them in this Subpart. If not specifically defined in this Subpart, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have the same meaning as provided in Section 22 of Redwood County Ordinance titled "Rules and Definitions." Words or phrases that are not defined here or in the standards adopted by reference or in Section 22 of Redwood County Ordinance titled "Rules and Definitions" shall have the common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and the words "may" and "should" are permissive.

Authorized Representative: An employee or agent of Redwood County.

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

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

Construction Season: The construction season is April 15 through October 15. Construction outside of that time must be undertaken only with the consent of the Department.

County: Redwood County, Minnesota.

County Board: The Redwood County Board of Commissioners.

Department: The Redwood County Environmental Office or any successor office or department charged by the County Board with enforcing the Septic Ordinance.

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

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 5 hereof.

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

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

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

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

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

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

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

MPCA: Minnesota Pollution Control Agency.

Permanent Dwelling: A structure that is used as a primary place of residence.
Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is licensed on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

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

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Seasonal Dwelling: A structure containing only one dwelling unit which is: 1) constructed and used as a secondary place of residence or for vacation and recreational purposes; 2) unoccupied for three or more consecutive months in any one calendar year; 3) not heated continuously throughout the winter; AND 4) lacks many of the basic amenities of a typical permanent dwelling.

Septic Ordinance: The Septic Ordinance is Section 16, Subdivision 11of Redwood County Ordinance, titled "Subsurface Sewage Treatment Systems."

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

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

State: The State of Minnesota.

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

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

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

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

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

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

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Subpart 3. General Provisions

1. Scope

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

2. Jurisdiction

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

3. Administration

The Department shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the County shall review this and revise and update this Ordinance as necessary. The County shall employ or retain under contract qualified and

appropriately licensed professionals to administer and operate the SSTS program.

4. Liability

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

Subpart 4. General Requirements

1. Retroactivity

A. All provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

B. All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080. 2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.

2. Upgrade, Repair, Replacement, and Abandonment

A. An existing SSTS must not be expanded unless a valid Certificate of Compliance for the SSTS is on file with the Department. If no valid Certificate of Compliance is on file, then expansion of the SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

B. In the event that the owner of an existing SSTS undertakes a bedroom addition to the structure served by the existing SSTS, the owner must upgrade, repair, or abandon and replace the existing SSTS during the next full construction season unless the following conditions are met:

(1.) The owner must sign and record with the Redwood County Recorder a waiver, in a form approved by the Redwood County Attorney, stating that the owner understands that additional sewage flow from the use of the additional bedroom may shorten the life-span of the existing SSTS and indemnifying the County against claims arising from failure of the existing SSTS.

(2.) If the existing SSTS was installed on or before January 3rd, 1996, the owner must provide a Certificate of Compliance from a septic inspector licensed by the State of Minnesota to inspect septic systems.

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(3.) No permit shall be issued by the Department for any bedroom addition until the above conditions are met, or until the owner applies for and obtains a permit to construct an SSTS from the Department.

C. In the event that the owner of an existing SSTS serving a building or land use classified as an "other establishment" under Minnesota Rules Chapter 7081 expands the structure or use, including the hiring of additional employees to work at the site, the owner must upgrade, repair, or abandon and replace the existing SSTS during the next full construction season so that the SSTS can handle the relevant design flow calculated according to Table 1 in Minnesota Rules Chapter 7081.0130.

D. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500,Subp.4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within two full construction seasons of receipt of a Notice of Noncompliance.

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

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

G. Continued use of an existing treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Department.

H. Disagreements regarding periodically saturated soil determinations between licensed SSTS businesses shall be resolved by the Department. Disagreements regarding periodically saturated soil determinations between a licensed SSTS business and the Department shall be resolved by hiring, at the property owner's expense, an independent third party licensed SSTS business to resolve the disagreement by making its own independent determination.

3. SSTS in Floodplains

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

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4. Class V Injection Wells

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

5. SSTS Practitioner Licensing

No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by the MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

Owners who wish to install or construct their own systems must sign an agreement, in a form approved by the Redwood County Attorney, indemnifying the county against claims due to the failure of the owner to comply with the provisions of this ordinance.

6. Prohibitions

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

B. It is unlawful for any person to maintain, occupy, or use any building which produces sewage that is not provided with a wastewater treatment system that disposes of wastewater in a manner that complies with the provisions of this Ordinance.

C. 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.

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

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Subpart 5. SSTS Standards

1. Standards Adopted by Reference

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

2. Amendments to Standards Adopted by Reference

A. The amendments to the standards adopted by reference shall include, but shall not be limited to, the following provisions and shall include all the provisions found in this Ordinance (the Septic Ordinance) which may conflict with the standards adopted by reference.

C. An SSTS absorption area must meet the following setbacks:

(1.) Twenty (20) feet from a structure used as a dwelling;
(2.) Twenty (20) feet from a basement, crawl space, or cellar of any structure;
(3.) Ten (10) feet from any structure which has no basement, crawl space, or cellar, other than a dwelling;
(4.) Any other setback required by law or ordinance which does not conflict with the above setbacks.

D. Survey elevations shall not be required on SSTS designs.

E. Event counters shall be required for SSTS other than SSTS for single family dwellings if the SSTS is deemed by the Department to require additional oversight.

F. Effluent screens and filter alarms shall be required for all SSTS providing post-tank treatment of sewage.

G. Sewage tanks and holding tanks shall be covered to a depth no greater than the maximum depth for which they are rated by the manufacturer.

3. Determination of Hydraulic Loading Rate and SSTS Sizing

Table IX entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" or Table IXa entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from Minnesota Rules, Chapter 7080.2150, Subp. 3(E)

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and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

4. Compliance Criteria for Existing SSTS

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

B. SSTS built after March 31, 1996 or SSTS located in a Shoreland area, or in a wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing above-grade SSTS 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. 7080.1500, Subp.4

5. Holding Tanks

Holding tanks may be used for buildings, other than permanent dwellings, with limited water use under the following conditions:

A. The owner shall install a holding tank in accordance with Minnesota Rules Section 7080.2290.

B. The owner shall maintain a valid contract with a licensed maintainer to pump and haul the holding tank to a licensed treatment facility.

C. The holding tank shall be regularly pumped according to a schedule agreed upon with the Department.

E. The owner or operator shall keep records of each date the tank is pumped, the volume of the liquid waste removed, and the treatment facility to which the waste was discharged and shall provide such records to the Department upon request.

6. Variances

A. A property owner may request a variance from the standards as specified in this ordinance pursuant to county policies and procedures, including but not limited to

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those policies and procedures found in Redwood County Ordinance Section 26 titled "Board of Adjustment."

B. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

Subpart 6. SSTS Permitting

1. Permit Required

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

B. An SSTS permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or expansion of an SSTS. The purpose of this permit is to ensure that the proposed SSTS construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioners. An SSTS permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

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C. SSTS Permit applications shall be made on forms provided by Redwood County and signed by the applicant or the applicant's agent and an appropriately certified practitioner including the practitioner's certification number and date of expiration. The applications shall include the documents listed in items (1.) through (4.) below.

(1.) Name, mailing address, and telephone number of applicant and licensed designer.

(2.) Property Identification Number and address or other description of property location.

(3.) Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730.

(4.) Design Report as described in Minnesota Rules, Chapter 7080.2430.

D. An SSTS permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

E. An Application for SSTS permit shall include a septic design made on an SSTS Design Form provided by the MPCA/University of Minnesota, as amended from time to time.

F. For any property on which an SSTS permit is required, approval and issuance of a valid SSTS permit must be obtained before a building or land use permit may be issued by the Department.

G. The Department may suspend or revoke a SSTS permit issued under this section for any false statements, misrepresentations of facts on which the SSTS permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid SSTS permit is obtained.

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2. Operating Permit

A. An Operating Permit shall be required of all owners of new Type IV SSTS, Type V SSTS, or MSTS or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a new Type IV SSTS, Type V SSTS, or MSTS until the Department certifies that the new Type IV SSTS, Type V SSTS, or MSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the new Type IV SSTS, Type V SSTS, or MSTS, and a valid Operating Permit is issued to the owner.

B. Application for an Operating Permit shall be made on an Operating Permit form substantially similar to the operating permit template provided by the MPCA and shall be submitted with the Application for SSTS permit and system design.

C. An SSTS permit shall not be approved until the required Application for Operating Permit is received by the Department.

D. Operating Permits shall be valid for as long as the owner abides by the terms of the Operating Agreement, or until work is done on the Type IV SSTS, Type V SSTS, or MSTS requiring the owner to obtain a new SSTS permit, or until the termination date, if any, listed on the Operating Permit, whichever first occurs.

E. The Department may suspend or revoke any operating permit issued under this section for failure to abide by the permit terms, or for any false statements or misrepresentations of facts on which the Operating Permit was issued. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance Subpart 4.2.E. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

Subpart 7. Management Plans

1. Purpose

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

2. Management Plan Requirements

A. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the SSTS permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

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B. Management plans shall be submitted on forms provided by the University of Minnesota. Management plans may be customized by licensed designers in order to display a company name and logo.

C. SSTS that are not operated under a management plan or operating permit must have solids removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

Subpart 8. Compliance Management

1. New Construction or Replacement

A. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. SSTS found not to be in compliance with 7080.1500, Subp. 4A or 7081.0080, Subp. 3 must be repaired or replaced in the next full construction season or as directed under Minnesota Statutes, Chapter 145A.

B. It is the responsibility of the SSTS owner or the owner's agent to notify the Department twenty four (24) hours prior to any permitted work on the SSTS. No portion of the SSTS shall be backfilled prior to any required inspection by the Department unless special arrangements have been made, in writing, with the Department, at the Department's sole discretion. If the Department is unable to inspect the SSTS within twenty four (24) hours of the scheduled inspection, then the licensed installer or SSTS owner is responsible to take pictures or video recording of the septic tank, absorption area, rock bed, distribution pipes, and any other component of the SSTS along with a detailed diagram with measurements of SSTS components and required setbacks prepared prior to backfilling or covering of the SSTS components.

C. Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the Department finds evidence of noncompliance.

2. Existing Systems

A. Compliance inspections shall be required when any of the following conditions occur:

(1.) When a septic permit is required to repair, modify, or upgrade an existing system;

(2.) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system;

(3.) At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

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B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by the MPCA. The following conditions must be assessed or verified:

(1.) Watertightness assessment of all treatment tanks including a leakage report;

(2.) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation verification report;

(3.) Sewage backup, surface seepage, or surface discharge including a hydraulic function report.

C. The certificate of compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A SSTS permit application must be submitted to the Department if the required corrective action is not a minor repair.

D. Certificates of compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

Subpart 9. Enforcement

1. Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

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2. Notice of Violation

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

A. A statement documenting the findings of fact determined through observations, inspections, or investigations;

B. A list of specific violation(s) of this Ordinance;

C. Specific requirements for correction or removal of the specified violation(s);
D. A mandatory time schedule for correction, removal and compliance with this ordinance.

3. Cease and Desist Orders

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

4. Prosecution

In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this ordinance.

5. Costs and Reimbursements

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

Subpart 10. Record Keeping

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

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Subpart 11. Annual Report

The department shall provide an annual report of SSTS permitting activities to the MPCA pursuant to reasonable deadlines established by the MPCA.

Subpart 12. Fees

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

Subpart 13. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Subpart 14. Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

Subpart 15. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Subpart 16. Adoption

The Redwood County Septic Ordinance is hereby adopted by Redwood County Board of Commissioners on the 6th day of May, 2014.

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\s\ Sharon Hollatz

Chairperson, Redwood County Board of Commissioners

ATTEST:

\s\ Vicki Knobloch

EFFECTIVE DATE: 5-6-14

SUBDIVISION 12. TREE AND SHRUB SETBACKS

Subpart 1. Tree and Shrub Setbacks

1. The setback for Trees and Shrubs planted for the purpose of establishing a windbreak, or which in effect operate as a windbreak, shall be established by using the University of Minnesota's Blowing Snow Design Tool, or similar tool approved by the Zoning Administrator.

Subpart 2. Performance Standards

1. The planting of all trees and shrubs shall not lead to the creation of snow drifts in the road right-of-way.
2. The planting of all trees and shrubs shall not create dangerous conditions for motorists by reducing or eliminating their field of view.
3. All trees and shrubs shall be setback at least 20 feet from the road right of way.
4. These performance standards shall apply to both new and existing trees and shrubs.

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SUBDIVISION 14. WILD OR DANGEROUS ANIMALS

1. No person shall harbor, maintain or control any wild or dangerous animal within the County without obtaining a Conditional Use Permit. A dangerous animal is one which is capable of inflicting severe bodily harm to humans, and shall include, but not limited to, the following species:

   A. Class mammalia. Members of the class mammalia which require a Conditional Use Permit are as follows:

      (1.) African buffalo (Syncerus caffer)

      (2.) Hippopotamus (Hippopotamus amphibius)

      (3.) Any member of the Family (Canidae), such as wolves, coyotes, dingoes, foxes and jackals, except domesticated dogs.

      (4.) Hyenas, all species except aardwolves (Proteles cristatus)

      (5.) (Family Hayaenidea)

      (6.) Wolverine (Gulo gulo)

      (7.) Honey badger or retel (Mellivora capensis)

      (8.) Old world badger (meles meles)

      (9.) Bears (Family Ursidae)

      (10.) Lions, jaguars, leopards, tigers (Genus Panthera)

      (11.) Clouded leopard (Neofelis nebulosa)

      (12.) Cheetah (Acinonyx jubatus)

      (13.) Cougar or mountain lion (Puma concolor)

      (14.) Elephants (Family Elephantidae)

      (15.) Rhinoceroses (Family Rhinocerotidae)

      (16.) Gibbons, siamangs (Family Hylobatidae)

      (17.) Orangutans, chimpanzees, gorillas (Family Pongidae)

      (18.) Baboons, drills, mandrills (Genus Papio)

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(19.) Macaques (Genus Macaca)

(20.) Gleada baboon (Theropithecus gelada)

B. Class reptilia. Members of the class reptilia which require a Conditional Use Permit are as follows:

(1.) Gavials (Family Gavialidae)

(2.) Crocodiles (Family Crocodylidae)

(3.) Alligators, caimans (Family Alligatoridae)

(4.) Cobras, (Family Elapidae)

(5.) Sea snakes, Coral Snakes(Subfamily Hydrophiinae)

(6.) Adders, vipers (Family Viperidae)

(7.) Pit vipers, rattle snakes (Subfamily Crotalinae)

(8.) All venomous rear-fanged species (Family Colubridae)

The following species of constricting snakes over eight feet in length:

(9.) Boa constrictor (Family Boidae), all subspecies

(10.) Anaconda (Eunectes murinus)

(11.) Indian python (Python molurus)

(12.) Reticulate python (python reticulatus)

(13.) Rock python (Python Sebae)

(14.) Gila monsters and beaded lizards (Family Helodermatidae)

(15.) Komodo dragon (Varanus komodoensis)

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C. Other animals. Any other animal which by its size, vicious nature or other characteristics is dangerous to human beings.

1. Wild animals. A "wild animal" means all of the dangerous animals listed in subsections (A) through (C) and also any other animal which is commonly considered wild and not domesticated or that because of its odors, cries or similar characteristics is not compatible with residential living.

2. Compliance. Anyone keeping or maintaining any wild animal when this ordinance is adopted, has 30 days in which to comply with the provisions of this subdivision. Extensions beyond 30 days may be granted by the County Board of Commissioners for a good cause, but in no case may an extension permanently exempt a person from the requirements of this subdivision.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 17
FEEDLOT REGULATIONS

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SECTION 17 ANIMAL CONFINEMENT FEEDLOTS

SUBDIVISION 1. PURPOSE

The production of farm animals and other agricultural products is an important part of the history, environment, and economy of Redwood County. Livestock, poultry, dairy products, and other agricultural commodities are produced within the County for consumption in Minnesota, the United States, and foreign countries. The continued health of the agricultural community and the production of these products are essential to the economic well-being of the County and its residents.

The County also contains a wealth of natural resources including an abundance of surface and groundwater. These resources must be protected from pollution to ensure the health of the public and to maintain safe, high quality water for recreational, residential, agricultural, and commercial use. Additionally, confining large herds of animals in a limited space generates odors, which may impact neighboring residents, commercial uses, and entire communities. The following regulations have been established to protect natural resources and the quality of life in Redwood 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, safety and welfare of Redwood County residents.

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SUBDIVISION 2. APPLICATION

1. The provisions of this Section apply in addition to and in conjunction with any and all other provisions contained within the Redwood County Zoning Ordinance, except to any extent expressly contradicted in this Section.

2. All feedlots in Redwood County shall comply with the minimum standards contained in Minnesota Rules Chapter 7020 and this Section.

SUBDIVISION 3. INTERPRETATION AND SEVERABILITY

1. Interpretation

   A. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

2. Severability

A. If any section, clause, provision, or portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected that determination.

SUBDIVISION 4. DEFINITIONS

For purposes of this Section the following definitions shall apply:

A. Animal Unit. An animal unit (A.U.) shall be defined as referenced in MN Rule 7020 governing feedlots.

B. Feedlot. Lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals in specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For the purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Feedlot includes existing feedlots, new feedlots, and unpermitted feedlots.

C. Existing Feedlot. An existing feedlot is a feedlot which was in use for the raising of livestock, at the time of the enactment of this Ordinance:
1.) pursuant to a valid conditional use permit; or
2.) as a legal non-conforming use; or
3) at an animal unit number not requiring a conditional use permit;

and the use of said feedlot has not at any time subsequently been abandoned for one year or more.

D. New Feedlot. A new feedlot is a feedlot legally established after the enactment of this Ordinance.

E. Unpermitted Feedlot. An unpermitted feedlot is a feedlot that is neither an existing feedlot or a new feedlot.

F. Land Owner. A land owner includes any natural or legal person or business entity having or claiming an interest in the real property upon which a feedlot is situated or having a contractual or permissive right to establish and/or maintain a feedlot operation on the real property.

G. Manure. Manure means treated or untreated excreta of poultry, livestock, or other animal confined for production purposes or a mixture of such excreta with feed, bedding, or other materials, in any form.

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H. Liquid Manure Storage Structures or Liquid Manure Storage Area (LMSA). A Liquid Manure Storage Structure means an area where liquid animal manure and process wastewaters are stored and/or processed. The terms and types of manure storage areas, all of which are considered LMSAs shall be defined as noted in MN Rule 7020 governing feedlots and future defined in the *Minnesota Pollution Control Agency Liquid Manure Storage Areas, MPCA guidelines for design, construction, and operation of all type of liquid manure storage areas, February 2017*. The terms and types of LMSAs described include: basin, pit, lagoon, anaerobic digester, reception or day pit/tank, wedge pit, settling basin, sunny day release basin and stacking slab.

I. Odor Annoyance Free Rating. Refers to the rating given to a proposed feedlot using the University of Minnesota's OFFSET odor estimation tool.

J. Solid Manure. Manure is considered solid when the manure has at least a 15% solids content and can be piled at and maintain a slope of 3:1 (horizontal to vertical).

K. Manure Stockpile. A stockpile is an accumulation of solid manure.

L. Temporary Manure Stockpile. A temporary stockpile is a manure stockpile which is in place for less than 1 year.

M. Incorporated. Manure is incorporated when it is applied to the land surface and is mechanically mixed into the soil within 24 hours after the application and before it rains.

N. Injected. Manure is injected when it is mechanically inserted or tilled into the soil during manure application.

O. Irrigation. Manure is applied by irrigation when it is deliberately discharged into the air under pressure by use of equipment such as traveling guns, center pivots, etc.

P. Surface Spread. Manure is surface spread when it is applied to the land surface and is not mechanically incorporated into the soil within 24 hours after the application.

Q. Casino. A casino is a property or contiguous properties used on a continuous basis primarily for casino purposes.

R. Drainage ditch. A drainage ditch means any County, Judicial, or private open drainage ditch.

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S. Steep slope. A steep slope is land having an average slope of 12 percent or more for a distance of 50 feet or more.

T. Population Center. A population center means public parks, corporate limits of any city, RR,B1,I districts, and concentrations of houses of 8 or more in 40 acres, as measured from the feedlot to the closest house in the concentration.

U. Rural use. A Rural use is any habitable residence, commercial, or industrial use, other than those owned by the owner or operator of the feedlot.

V. Protected entity. A protected entity is any land use from which a feedlot must maintain a setback.

SUBDIVISION 5. STANDARDS FOR ALL FEEDLOTS

1. Presumptions / Burden of Proof

A. There is a presumption that no feedlot existed previously on the site proposed for feedlot operation.

B. For a site to be considered an existing feedlot, the land owner or feedlot operator bears theburden of establishing, to the satisfaction of the Zoning Administrator and by a preponderance of the evidence, that the feedlot meets the definition of an existing feedlot.

C. The land owner bears the burden of establishing, to the satisfaction of the Zoning Administrator and by a preponderance of the evidence, all facts regarding the number of animal units maintained on a particular site for any particular period of time relevant to determining the permitting requirements applicable to a particular site.

D. The Zoning Administrator shall determine the boundaries of any feedlot.

E. Any building, structure, or fenced lot located in excess of 660 feet from the nearest building, structure, or fenced lot, or combination thereof, intended for the confined feeding, breeding, raising, or holding of animals shall be considered a separate and independent site for the purpose of determining whether it constitutes an existing feedlot.

F. Any proposed new or expanded feedlot(s) of a land owner proposed to be located within 660 feet of any existing feedlot(s) of that landowner shall be considered a single feedlot for the purpose of determining the required setbacks under Subd. 4 of this Section.

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2. Measurements

A. All distances shall be taken to the nearest increment.

B. All distances, unless otherwise specified, shall be measured horizontally.

3. Fencing

A. All uncovered manure storage structures shall be surrounded by metal, chain link, or wood fencing having a minimum height of six feet, with fencing of sufficient construction to exclude children and livestock.

B. This fencing shall be in place and maintained regardless of whether the manure storage structure is in use and until and unless the storage structure has been filled in as required in Section 16 Subd. 6 para. 14.

C. Uncovered manure storage structures in existence at the time of adoption of this ordinance shall have such fencing, in place no later than six months following adoption of this provision.

4. Odors

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A. The County believes that prolonged or objectionable odors resulting from the operation of a confinement feedlot and the related accumulation and disposal of manure can create an adverse impact on the environment and quality of life for the residents of the County. Any confinement feedlot operation, whether or not it is subject to a Conditional Use Permit, may be required to take responsible measures to minimize odors created in conjunction with the operation.

B. New feedlots and the expansion of existing feedlots shall meet at least a 94% odor annoyance free rating to the closest neighboring dwelling, other than that of the feedlot owner or operator.

C. New feedlots, or the expansion of existing feedlots which require a conditional use permit (CUP) are required to submit a completed Odor Reduction Plan on the forms provided by Redwood County.

5. Livestock Carcass Containment and Disposal

A. The Minnesota Board of Animal Health is responsible for the regulation and oversight of the disposal of livestock due to animal disease and general livestock mortality. Improper disposal increases the threat of disease to humans, animals and contamination of surface and ground water. Further, both the Minnesota Board of Animal Health and Minnesota

Pollution Control Agency offer guidance on livestock carcass burial, composting, incineration and rendering.

B. Unless slaughtered for human consumption, dead animals need to be disposed of within 72 hours.

C. Dead animals shall be screened from the public view.

D. Between the time of death and disposal, all feedlot operators must store the livestock carcass in an animal scavenger resistant enclosure.

E. Feedlot operators using on-site disposal methods, such as, but not limited to, composting, must store the livestock carcass in an animal scavenger resistant enclosure during the disposal process.

6. Siting of Feedlots

A. Feedlot siting, construction and maintenance shall utilize the guidelines provided in the MPCA Liquid Manure Storage Structure document dated February 2017, as may be amended from time to time.

B. Care shall be given when siting new feedlots to avoid locations which would:

a. place a protected entity between two or more feedlots such that both the prevailing summer and winter winds will carry feedlot odor to the protected entity; or
b. Materially increase the likelihood of the spread of disease to an existing feedlot

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SUBDIVISION 6. CONDITIONAL USE PERMITS

1. When Required

A Conditional Use Permit shall be obtained by a landowner in accordance with Section 25:

A. Whenever any feedlot surpasses 300 animal units, including whenever a new feedlot consisting of over 300 animal units is proposed.

B. Whenever any feedlot subject to a Conditional Use Permit is expanded to more than 200 animal units over the Conditional Use Permit level.

C. Whenever the construction of a liquid manure storage structure is proposed.

D. Whenever there is proposed to be a full conversion from one type of animal to another (such as cattle to hogs) at an existing feedlot..

2. Standards for Conditional Use Permits

A. Before a Conditional Use Permit Application may be considered, the applicant shall submit to the Redwood County Zoning Administrator:

(1.) A completed Redwood County Conditional Use Permit Application on forms supplied by the County; and

(2.) Relevant spread area agreements and any documents regarding the sale or transfer of manure in lieu of spread area agreements; and

(3.) Manure storage structure and/or building design documents; and

(4.) A completed Minnesota Pollution Control Agency Feedlot Permit Application, including but not limited to any related and/or accompanying documents; and

(5.) A completed Odor Reduction Plan on forms provided by Redwood County.

(6.) Animal Mortality Plan on forms provided by Redwood County.

(7.) The required application fee.

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B. The County may impose, in addition to the standards and requirements set forth elsewhere in this ordinance, additional conditions which the County Board considers appropriate to further any of the objectives identified or described in Section 25, Subd. 5 of this Ordinance. Such conditions may include, but are not limited to, the planting of trees or shrubs for use as a windbreak for the feedlot operation, the installation of fan filters, the use of pit treatment, updated odor reduction plan, and restrictions on the days or lands on which a manure storage structure may be disturbed or manure may be transferred, applied, incorporated, or injected.

C. All feedlots shall be operated consistent with the regulations of the State of Minnesota and the Redwood County Zoning Ordinance.

D. The Redwood County Board of Commissioners may require the applicant, or permit holder, to furnish and place in a dedicated account, to be administered by the County, an annual payment for reclamation purposes,

in the event that the feedlot is no longer in use or abandoned, based upon the Animal Units involved.

E. A landowner with a Conditional Use Permit shall report any changes in spread agreements or spread areas to the Redwood County Zoning Administrator no more than thirty days after the change.

SUBDIVISION 7. PROHIBITED AND RESTRICTED AREAS

1. Floodplain District.

   A. New Feedlots and the expansion of existing feedlots are prohibited in the Flood Plain District.

2. Shoreland District.

   A. New feedlots are prohibited in the Shoreland District.

   B. An existing feedlot or existing manure storage area located in shoreland may not expand beyond a capacity of 999 animal units or the manure produced by 999 animal units. 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.

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3. Steep slopes.

   A. A new feedlot involving open lots or partial confinement buildings may not be located within 300 feet of a steep slope.

SUBDIVISION 8. MINIMUM REQUIRED SETBACKS FOR FEEDLOTS

1. County Boundaries

   The minimum required setbacks for feedlots imposed by this Subdivision apply without regard to county boundaries.

2. Feedlot Setbacks

   A. Feedlots must meet the setbacks listed in the table below.

Feedlots Setbacks by Land Use Designation and Specific Land Use

USE	**0-5 A.U.** **(Category 1)**	**6-100 A.U.** **(Category 2)**	**101-2000 A.U.** **(Category 3)**	**2001-4000 A.U.** **(Category 4)**	**4000+ A.U.** **(Category 5)**
Rural use	None*	1/8 mile	1/4 mile	1/2 mile	1 mile

Seasonal dwelling	None*	1/8 mile	1/8 mile	¼ mile	½ mile
Population center	1/8 mile	1/4 mile	3/4 mile	1 mile	2 miles
Casino	1/8 mile	¼ mile	½ mile	3/4 mile	1 mile
Cemetery	1/8 mile	¼ mile	½ mile	3/4 mile	1 mile
Church or dedicated place of worship	1/8 mile	¼ mile	½ mile	3/4 mile	1 mile
Private well	100 ft.	100 ft.	100 ft.	200 ft.	300 ft.
Municipal well	1000 ft.	1000 ft.	1000 ft.	2000 ft.	2500 ft.
Drainage ditch	300 ft.	300 ft.	300 ft.	300 ft.	300 ft.
Golf Course	1/8 mile	1/4 mile	½ mile	3/4 mile	1 mile
Public Park	1/4 mile	½ mile	¾ mile	¾ mile	1 mile

* No more than 30 total animals allowed
** Applies to expansion of existing feedlots, new feedlots prohibited

B. A new category 4 feedlot, or a smaller feedlot expanding to become a category 4 feedlot, will be only be required to meet a ¼ mile setback from a rural use if it can meet and maintain an annoyance free rating of 97% or higher.

C. A new category 5 feedlot, or a smaller feedlot expanding to become a category 5 feedlot, will be only be required to meet a ½ mile setback from a rural use if it can meet and maintain an annoyance free rating of 97% or higher.

D. Existing feedlots (in their size, configuration, and animal unit count as of the adoption of this ordinance) are exempt from the minimum setback requirements of this Subdivision described in the table above. The purpose of this exemption is to allow existing feedlots to be rebuilt in the event they are destroyed by fire or other disaster.

E. In the event that any feedlot expands into a larger category of feedlot, as described in the above table, said feedlot must comply with the setback requirements for said larger category, unless the provisions of paragraph B or paragraph C above apply.

F. Any construction of a manure storage structure in connection with an existing feedlot must meet all feedlot setback requirements of this Subdivision.

G. The construction of a new protected entity, listed in the table above, within the setback required in this ordinance for a feedlot from a protected entity shall not make said feedlot a non-conforming use. However, the feedlot shall be required to observe all applicable regulations related to expansion of the feedlot.

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H. Paragraph G above notwithstanding, the setback required between a new dwelling and an existing feedlot shall be reciprocal to the setback required between a new feedlot and an existing dwelling, unless the new dwelling is built to replace an existing dwelling.

I. Any or all of these minimum setback requirements may be increased for feedlots requiring a conditional use permit at the discretion of the County Board of Commissioners upon a factual determination that such an increase is appropriate to further any of the objectives identified or described in Section 25, Subdivision 5 of this Ordinance.

SUBDIVISION 9. MINIMUM SETBACKS: MANURE STOCKPILES & APPLICATION

1. Stockpiled manure shall not be permitted to escape the stockpile by run-off or any other means except deliberate, intentional, and lawful removal.

2. Manure may not be applied at any rate greater than the maximum recommended agronomic rate for the crop to be planted and the time of application, agronomic rates to be determined by either the Redwood County Extension Office or the Minnesota Pollution Control Agency.

3. The following minimum setbacks are required for all new and existing stockpiles and all manure application:

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Category	Temporary Stockpile	Permanent Stockpile	Surface Spread	Irrigation	Incorporated/ Injected
Open Ditch (Public or Private)	300 feet	300	300 feet	300 feet	100 feet
Surface Tile Inlet/Intake	300 feet	300	100 feet	100 feet	16.5 feet
Lake	300 feet	300	300 feet	300 feet	100 feet
Public Road*	150 feet	300	25 feet	300 feet	5 feet
Residence **	660 feet	¼ mile***	300 feet	1000 feet	300 feet
River or Stream	300 feet	300	300 feet	300 feet	50 feet
100 Year/1% Floodplain	prohibited	prohibited	prohibited	prohibited	prohibited
Well (Municipal)	1000 feet	1000	1000 feet	1000 feet	1000 feet
Well (Private)	200 feet	200	200 feet	200 feet	200 feet

* as measured from outer right of way boundary **other than land owner's or operator's
*** or the feedlot setback distance, if the stockpile is located on the feedlot site and the manure is generated by the feedlot, whichever is less

SUBDIVISION 10. ENFORCEMENT

Enforcement of this Section may occur:

1. By means of criminal prosecution pursuant to Section 28 of this Ordinance and/or

2. By means of actions or proceedings to prevent, restrain, correct, or abate such violations pursuant to Section 28, Subd. 2 of this Ordinance; and/or

3. By revocation of the Conditional Use Permit pursuant to Section 25, Subd. 9 of this Ordinance, if the landowner is the holder of a Conditional Use Permit.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION X
ESSENTIAL SERVICES REGULATIONS

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SECTION X ESSENTIAL SERVICES REGULATIONS

SUBDIVISION 1. SCOPE OF REGULATIONS

1. For the purposes of this Ordinance essential facilities shall be classified into two categories (major and minor essential service facilities) and regulated according to the procedures described herein. The definitions of minor and major facilities shall be as follows:

Minor Essential Service Facilities:

1. All underground telephone lines,
2. All underground pipelines for local distribution,
3. All underground transmission lines for local distribution,
4. All overhead utility lines, except those defined as major essential services below,
5. All electric transmission lines less than 35kv,
6. All subsurface sewage treatment systems, including large SSTS (LSTS) as regulated by State law and Redwood County Septic Ordinance,
7. All telecommunications equipment approved by the road authority to be placed on existing structures within the road right-of-way,
8. All private and municipal drinking water wells and associated pumps and well-house structures; and
9. All public utility buildings not customarily considered industrial in use.

Major Essential Service Facilities:

1. All transmission pipelines (i.e., pipelines not required for local distributing network),
2. All overhead electrical transmission and substation lines in excess of 35 kv,
3. All electrical substations and similar essential services structures, and
4. All municipal sewage lagoons and mechanical sewage treatment plants.

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SUBDIVISION 2. EXEMPTIONS

The following land uses will not be considered Major Essential services as defined in this ordinance. However, they will still be subject to the performance standards described in Subdivision 5 below:

1. Required maintenance or rebuilding of any major or minor essential service facility that does not change or expand the capacity, or change the location of the existing facility.
2. Pipelines transporting potable water which are 4” or less in diameter.
3. Utility projects for which state or federal permitting specifically preempt local permitting authority, except that ancillary activities not specifically exempted by a state or federal permit, such as a staging area or laydown yard, are not exempt.

SUBDIVISION 3. INTENT AND PURPOSE

These regulations are established to regulate the installation of essential service facilities within Redwood County, authority over which has not been preempted by the state or federal government. This chapter shall be construed to provide the County with the maximum regulatory authority consistent with such other laws. These regulations encourage the creative and efficient development of essential service facilities so as to assure they will not have an undue or adverse impact on the preservation of agricultural land, natural environmental areas, lakes, streams, rivers, park and recreation areas, and so as not to impair existing and future transportation routes and drainage systems.

SUBDIVISION 4. MAJOR ESSENTIAL FACILITIES PROCEDURE

1. Applications for locating any major essential service facility in any zoning district shall require a Conditional Use Permit as regulated in Section 25 of this Ordinance in addition to being governed by the following procedures.

   A. The applicant shall, on forms provided by the County, file an application with the Zoning Administrator. 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.

   B. One set of the application materials required in Subdivision 4, paragraph 1 above shall be furnished to the County Engineer, who shall review the information and forward comments and recommendations to the County Planning Commission and County Board of Commissioners.

   C. 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.

2. Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed major essential service facility and shall file such report with the County Board of Commissioners.

3. Modifications of the project design, engineering, surveys, or other documents, to accommodate future drainage or roadway construction activities may be required.

4. Upon receipt of the report of the Planning Commission on the essential service facilities, 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 ordinance.

SUBDIVISION 5. PERFORMANCE STANDARDS FOR MAJOR AND MINOR ESSENTIAL SERVICES

1. Standards. For essential service facilities, the County Board establishes standards for construction as outlined in Table 1 which is hereby made a part of this Ordinance.

2. Conditions. In addition to the standards as provided in Table 1, the following conditions shall apply to all essential service facilities and be part of conditions set forth in any Conditional Use Permit:

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A. All drainage facilities and patterns shall be repaired to pre-construction 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 90 working days of the commencement of essential service construction of that individual section of land. For purposes of this subsection, working days are defined as: all days except days between November 15 and April 15 (winter), or any day when more that one-quarter inch of precipitation has fallen. For purposes of this subsection, section of land is defined as numbered section as defined by the Government Land Survey, or a portion of thereof.

C. Shelterbelts, windbreaks, fences, and vegetation shall be restored to pre-construction condition with the following exceptions:

   a. Written agreement with the landowner to restore the property to other than pre-construction condition.

D. Shelterbelts and windbreak replacement shall be to pre-construction density and may allow for operational maintenance of the essential service facility.

E. Critical areas (slopes greater than 12 percent, drainage ditch banks, and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched to a minimum width of 16 ½ feet as measured from the top of the ditch spoil bank on each side of the ditch.

F. Essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.

G. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained when and wherever possible.

H. All public or private tile lines or other drainage systems which are cut, damaged or disturbed in the construction of the essential service facility shall be restored and repaired to the previous condition and operable state without cost to the landowner or Ditch Authority.

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Table 1. Essential Service Installation Depths, Height and Coverage

	Minimum Depth under Ag. Land	Minimum Depth under Public ROW/Road	Minimum Clearance for Drainage Tile**	Minimum Depth Beneath Open Drainage Ditch	Minimum Height over Ag. Land
Pipelines- Natural Gas	30”	4’	12”	5’	N/A
Pipelines- Petroleum/Hydro Carbons	4.5’	4’	12”	5’	N/A
Pipelines-Water	6’	6’	12”	5’	N/A
Pipelines-Other	4.5’	4’	12”	5’	N/A
Powerlines-Underground	3’	3’	12”	5’	N/A

Powerlines-Overhead	N/A	N/A	N/A	N/A	20’
*Communication-Underground	3’	3’	12”	5’	N/A
*Communication-Overhead	N/A	N/A	12”	5’	20’

*Communication includes: Telephone, Internet, cable or other informational means.
**12” over or under

SUBDIVSION 6. INSPECTIONS

1. The County Board of Commissioners may require that a qualified inspector be on the site of installation of major essential service lines or structures. The Board will establish a fee schedule for inspections consistent with applicable state laws and county policies. With respect to pipelines the following shall apply.

   A. Before beginning construction, a person proposing to construct a pipeline shall pay an inspection fee to the County Treasurer. 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 Ordinance 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. During on site inspection, 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 filed by any owner or lessee or failure to comply with the terms of an easement agreement. The County Board shall preserve the log, reports and other records of the inspector.

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SUBDIVISION 7. PROVISIONS FOR MINOR ESSENTIAL SERVICE CONSTRUCTION

Provisions regarding the placement and installation of minor essential services shall meet all appropriate setback requirements as described throughout this Ordinance and permitted through standard permitting procedures associated with the primary use.

REDWOOD COUNTY ZONING ORDINANCE
SECTION 19
WIND POWER MANAGEMENT

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SECTION 19. WIND POWER MANAGEMENT

SUBDIVISION 1. PURPOSE

Purpose: This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Redwood County not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act, Minnesota Statutes § 216F, as the same may from time to time be amended. Nothing in this ordinance is intended to contravene, limit, or otherwise modify any wind power management or siting requirements of the State of Minnesota. If applicable, applicants will need to comply with any and all permitting and siting requirements of the State of Minnesota.

SUBDIVISION 2. DEFINITIONS

In addition to terms defined elsewhere in the Redwood County Zoning Ordinance, the following definitions shall apply to this section:

1. Aggregated Projects: 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. The planned kW generating capacity of the entire aggregated project will be used to determine whether an aggregated project is a Commercial WECS or Non-Commercial WECS.

2. Commercial WECS: A WECS of equal to or greater than 100 kW in total generating capacity. If more than one WECS is proposed, the total generating capacity of one (1) WECS shall be combined with the total generating capacity of any other WECS: (1) located within five miles of the WECS; (2) constructed within the same 12-month period as the WECS; and (3) which exhibits characteristics of being a single development, including but not limited to ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.

3. C-BED Projects: 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 name plate generating capacity, C-BED projects are considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this section.

4. 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.

5. Feed Line: Any power line that carries electrical power from one or more WECS, or individual transformers associated with individual WECS, to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage

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transmission systems, the point of interconnection shall be the substation serving the WECS.

6. Interconnect: Large wind developments need to interconnect to transmission lines through a substation, and residential WECS simply connect to the electrical panel serving the residence. Community wind projects, which vary in size from slightly less than 1 MW to less than 5 MW, can interconnect at the distribution, subtransmission, or transmission level depending on a number of factors such as the size of the project and the capacity of the grid at the project site.

7. Meteorological Tower: For the purposes of this ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to the placement of 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.

8. Micro-WECS: Micro-WECS are WECS less than 20 kW in total generating capacity. If more than one WECS is proposed, the total generating capacity of one (1) WECS shall be combined with the total generating capacity of any other WECS: (1) located within five miles of the WECS; (2) constructed within the same 12-month period as the WECS; and (3) which exhibits characteristics of being a single development, including but not limited to ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.

9. Non-Commercial WECS: A WECS equal to or greater than 20 kW in total generating capacity and less than 100 kW in total generating capacity. If more than one WECS is proposed, the total generating capacity of one (1) WECS shall be combined with the total generating capacity of any other WECS: (1) located within five miles of the WECS; (2) constructed within the same 12-month period as the WECS; and (3) which exhibits characteristics of being a single development, including but not limited to ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.

10. 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.

11. Project Boundary/Property Line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purpose 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.

12. Rotor Diameter: The diameter of the circle described by the moving rotor blades.

13. Substations: Any electrical facility designed to convert electricity produced by WECS to a voltage greater than 35 kV for interconnection with high voltage transmission lines. The substations shall be located outside of the road right of way.

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14. Total Generating Capacity: The maximum rated output designated by the manufacturer or the maximum possible output if operated without limitation or restriction by any means, whichever is greater.

15. Total height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

16. Tower: All vertical structures including those that support the electrical generator, rotor blades, and/or meteorological equipment.

17. Tower height: The total height, above ground level, of the WECS exclusive of the rotor blades.

18. Wind Energy Conversion System (WECS): Any device, including but not limited to a wind charger, windmill, or wind turbine, and associated facilities that converts wind energy to electrical energy. The energy maybe used on-site or distributed into the electrical grid.

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

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SUBDIVISION 3. PERMITTED/NON-PERMITTED USES

WECS shall be permitted, conditionally permitted, or not permitted based on the table below:

District	Micro-WECS	Non-Commercial WECS	Commercial WECS	Meteorological Tower
Agriculture (A)	Permitted	Conditional Use Permit	Conditional Use Permit	Permitted
Flood Plain (FP)	Conditional Use Permit	Not Permitted	Not Permitted	Conditional Use Permit
Highway Service Business (B-1)	Conditional Use Permit	Conditional Use Permit	Not Permitted	Conditional Use Permit
Industrial (I)	Permitted	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit
Rural Residential (R1)	Conditional Use Permit	Not Permitted	Not Permitted	Not Permitted
Scenic River (S)	Conditional Use Permit	Not Permitted	Not Permitted	Not Permitted
Shoreland	Conditional Use Permit	Conditional Use Permit	Not Permitted	Not Permitted
Urban Expansion (UE)	Conditional Use Permit	Conditional Use Permit	Not Permitted	Conditional Use Permit
Scenic River District	Not Permitted	Not Permitted	Not Permitted	Not Permitted

SUBDIVISION 4. PERMIT APPLICATION

1. Land Use/Zoning Permit. All permitted WECS and WECS which require a Conditional Use Permit shall apply for a Land Use/Zoning Permit. A Land Use/Zoning Permit is required to be approved by the Redwood County Environmental Office prior to the commencement of construction. The applicant shall complete and submit to the Redwood County Environmental Office a Land Use/Zoning Permit Application provided by the Redwood County Environmental Office and the following:

   A. The name(s) and address(es) of the WECS owner(s).

   B. A written description of the WECS, including but not limited to: total number of WECS, total generating capacity of each WECS, total height of each WECS, length of the rotor blades for each WECS, rotor diameter of each WECS, color of each WECS, and rotor direction of each WECS.

   C. A site plan indicating the location of the following: parcel boundaries, each WECS, roads, county tile lines, meters, transformers, power cables, structures, wells, septic systems, and trees.

   D. Signed copy of a Power Purchase Agreement if any power is sold off site or documentation that all power produced will be utilized on-site.

   E. Copies of all permits that indicate compliance with all other applicable State and Federal Regulatory Standards, including but not limited to any and all required FAA permits or approvals.

   F. A written 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 projects may have a significant impact on nearby WECS.

   G. A Decommissioning Agreement which satisfies the requirements set forth in Subdivision 11 below.

2. Conditional Use Permit. If a conditional use permit is required, the applicant for the proposed WECS must fill out a conditional use permit application provided by the Redwood County Environmental Office. 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. Joint applications will be assessed fees as one project. The following shall be submitted with each application:

   A. The name(s) and address(es) of project owner(s). For C-Bed projects, must provide percent of ownership for each of the project owners.

   B. Letter from the State Agency responsible for size determination of a project, pursuant to Minnesota Statutes, Chapter 216F.011, as amended from time to time.

   C. A written description of the project, including but not limited to: total number of WECS, total generating capacity of each WECS, total generating capacity of the project, total

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height of each WECS, length of rotor blades for each WECS, rotor diameter of each WECS, color of each WECS, and rotor direction.

D. A site plan detailing the location of the following: project area boundaries, WECS, roads, county tile lines, transformers, power lines, communication lines, interconnection point with transmission lines or meter(s), and other ancillary facilities or structures.

E. Signed copy of a Power Purchase Agreement if any power is sold off site or documentation that all power will be utilized on-site.

F. A written description of the location of all scenic areas and natural features including bluffs within 1,320 feet of each proposed WECS.

G. Copies of all permits or documentation that indicates compliance with all other applicable State and Federal Regulatory Standards including but not limited to any and all required FAA permits or approvals.

H. A written 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 projects may have a significant impact on nearby WECS

I. A map reflecting the locations of all temporary, non-residential construction sites and staging areas.

J. Additional Information stated in Minnesota Rules, Part 7854.0500 (subpart 1) as amended from time to time.

K. A topographic map of the project site and surrounding areas.

L. A written description of the current land use on the site and surrounding areas and the location of all existing WECS, meteorological towers, and telecommunication towers within 2 miles of the site.

M. A map indicating the location of and distance to neighboring properties.

N. A Decommissioning Agreement which satisfies the requirements set forth in Subdivision 11 below.

O. In regards to each WECS, a written and notarized statement from a licensed professional engineer certifying:

1) The foundation, tower, hub/rotor, blades, and other components each individually satisfy generally accepted professional engineering standards;
2) The foundation, tower, hub/rotor, blades, and other components are all compatible;
3) The final constructed WECS will be structurally sound and will satisfy generally accepted professional engineering standards; and
4) Soil borings have been conducted and the specific soils upon which the WECS will be constructed are suitable to and will support the final constructed WECS.

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P. Written evidence that all necessary wind easements have been acquired.

Q. Proof that all notifications required pursuant to Subdivision 15, Subpart 2 were mailed to all required telecommunication companies and the meeting minutes if a meeting was required to be held.

SUBDIVISION 5. COMPLIANCE WITH CODES AND STANDARDS

1. All WECS shall comply with all applicable state and federal laws, rules, and regulations including, without limitation:

   A. Uniform Building Code, as amended from time to time.
   B. The National Electrical Code, as amended from time to time.
   C. Federal Aviation Administration (FAA) rules and regulations, as amended from time to time.
   D. Minnesota Pollution Control Agency (MPCA)/Environmental Protection Agency (EPA) rules and regulations, as amended from time to time.
   E. Rules and regulations, as amended from time to time, regarding the Allied Radio Matrix for Emergency Response (ARMER) Communication System.

2. All equipment shall conform to applicable industry standards including the American Wind Energy Association standards for WECS design and related standards adopted by the American National Standards Institute (ANSI).

3. Special attention will be paid to all WECS that are experimental, used, or prototype devices. Maintenance records, inspection by a qualified wind energy professional or licensed professional engineer, or some other documentation of unit's safety and integrity may be required.

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SUBDIVISION 6. OVERSPEED CONTROLS

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

SUBDIVISION 7. SETBACK, HEIGHT, AND OTHER REQUIREMENTS

1. Commercial WECS and Meteorological Towers shall be subject to the following setback requirements:
   A. Structures/Residences:
      1) Commercial WECS: 1000 feet from the nearest residence.
      2) Meteorological Towers: 750 feet from the nearest residence.
   B. Other Commercial WECS: no closer than five (5) rotor diameters (RD)
   C. Rights of Way: no closer than 1.1 times the height of the tower and blades
   D. Property Lines: no closer than 1.1 times the height of the tower and blades
   E. Minnesota River Bluff line: 1,320 feet from the bluff break

2. Non-Commercial WECS and Meteorological Towers shall be subject to the following setback requirements:
   A. Structures/Residences: 500 feet from the nearest residence. The applicant's residence and/or other on-site structures are not subject to this restriction.
   B. Rights of Way: no closer than 1.1 times the height of the tower and blades
   C. Property Lines: no closer than 1.1 times the height of the tower and blades

3. Micro-WECS shall be subject to the following setback requirements:
   A. Structures/Residences: 200 feet from the nearest residence. The applicant's residence and/or other on-site structures are not subject to this restriction.
   B. Rights of Way: no closer than 1.1 times the height of the tower and blades
   C. Property Lines: no closer than 10 feet from any neighboring property

4. Other Requirements for all WECS:
   A. The setback requirements shall be reciprocal.
   B. All power line(s) under 34.5 kV shall be buried.
   C. All Substations will have the same setbacks as any other structure.
   D. Any/all transformers must be located within the road right of way.

SUBDIVISION 8. NOISE STANDARDS

Noise is regulated and the regulations are enforced by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum nighttime and daytime noise levels.

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SUBDIVISION 9. SAFETY DESIGN STANDARDS

1. Clearance: For all WECS Rotor blades and/or airfoils must maintain at least 30 feet of clearance between their lowest point and the ground.

2. 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 WECS 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 8 feet above the ground. Visible fencing shall be installed around anchor points of guy wires.

   C. Meteorological towers measuring 200 feet or less in total height not otherwise subject to state and federal laws, rules, and regulations, including FAA rules and regulations, shall be painted in alternating bands of white and orange. In regards to the bands:
      1) The bands shall be equal in width;
      2) The bands shall be perpendicular to the vertical axis;
      3) The total number of bands shall be an odd number;
      4) Each band shall be approximately one-seventh of the total height of the structure; and
      5) The bands located at the top and bottom ends of the meteorological tower shall be

painted orange.

SUBDIVISION 10. DECOMMISSIONING AGREEMENT

1. For all WECS, a Decommissioning Agreement shall be signed by the landowner and project owner, if different from the landowner, and submitted to the Redwood County Environmental Office. The Decommission Agreement shall include, at a minimum, the following:

   A. A statement indicating the WECS project shall be decommissioned at the end of its useful life or if it has not been used or has not produced energy for a period of twelve (12) months or more, unless an applicant submits a written description of a viable alternative use for each WECS and the viable alternative use is approved by the Redwood County Environmental Office in writing prior to the commencement of the alternative use.

   B. A statement indicating all structures and debris shall be removed to a depth of four (4) feet.

   C. A statement indicating the soil shall be restored to pre-construction condition.

   D. A statement indicating all vegetation shall be restored to pre-construction condition and shall be consistent and compatible with the surrounding vegetation.

   E. A statement of the total estimated cost of decommissioning the WECS project.

   F. A statement indicating the landowner and project owner, if different from the landowner, are responsible for all costs associated with decommissioning the WECS project, and further, indicting the source of the funds which will be used to decommission the WECS project.

2. The Redwood County Board of Commissioners may require the establishment of an escrow account or other security to ensure funding is available to decommission the WECS project.

3. Any WECS that has not been used or has not produced energy for a period of twelve months or more shall be decommissioned, unless an applicant submits a written description of a viable alternative use for each WECS and the viable alternative use is approved by the Redwood County Environmental Office in writing prior to the commencement of the alternative use. If a WECS is to be decommissioned, the applicant must follow all the guidelines that were set forth in the approved Decommissioning Agreement.

SUBDIVISION 11. TOWER TYPE

All Commercial WECS must utilize self-supporting tubular towers. Micro-WECS and Non-Commercial WECS may use tubular or lattice construction towers. Meteorological towers may be guyed. Tubular towers provide several benefits:

1. Improved aesthetics, including intra and inter visual consistency
2. Minimized impact on farming activities
3. Reduced potential for unauthorized climbing
4. Improved maintenance access increasing the total WECS operating availability

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5. Reduced need for ancillary structures to house control equipment

SUBDIVISION 12. AESTHETICS

The following items are required standards to mitigate visual impacts of WECS:

1. Coatings and Coloring: All WECS shall be finished in a non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.

2. Signage: Any printed or visual markings on the tower or nacelle shall be consistent with the Redwood County Ordinance pertaining to signage.

3. WECS Consistency: To the extent feasible, the project shall consist of WECS of similar design and size, including tower height. Further, all WECS shall rotate in the same direction. WECS shall also be consistent in design, color, and rotational direction with nearby facilities.

4. Lighting: Lighting, including light intensity and frequency of strobe, shall adhere to the requirements established by Federal Aviation Administration. Red strobe lights are preferred for night time illumination to reduce impacts on migrating birds and red pulsating incandescent lights should be avoided. The Zoning Administrator may impose additional requirements for metrological towers where concerns exist regarding aerial spray applicators. Permits may allow for infrared lights or heat lamps to prevent icing of sensors.

5. Intra-project Power and Communication Lines for Commercial WECS: All power lines used to collect power from a Commercial WECS and all communication lines shall be buried underground. Allowances shall be provided where shallow bedrock interferes with the ability to bury underground lines.

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SUBDIVISION 13. INTERFERENCES

1. No WECS shall cause any interference with commercial or private use and enjoyment of other legally operating telecommunication devices including but not limited to radios, televisions, telephones, personal communication devices, and other electronic equipment and devices.

2. All applicants that propose to construct, maintain, or operate a Non-Commercial WECS or Commercial WECS shall notify in writing any and all telecommunication companies, including wireless telecommunication companies, that have facilities located within one mile of the proposed site of the intent to construct and the proposed location of the WECS project. It is the applicant's responsibility to hold a meeting if any of the telecommunication companies respond to the applicant's notification within ten (10) days of the date the notice was mailed. This meeting must be held before an application to construct a WECS will be considered by the Redwood County Planning Commission.

SUBDIVISION 14. ORDERLY AND EFFICIENT USE OF THE RESOURCE

The Redwood County Zoning Ordinance calls for the orderly and efficient use of wind resource(s). Applications shall be reviewed to ensure the project area does not adversely impact wind development potential on adjacent lands.

SUBDIVISION 15. AVOIDANCE AND MITIGATION OF DAMAGE TO ROADS

For Non-Commercial WECS and Commercial WECS, an applicant shall:

1. Identify in writing all public roads to be used for the purpose of transporting each WECS, substation parts, materials, and/or equipment for construction, operation, maintenance, and/or decommissioning of the WECS project.
2. Provide written documentation that all haul roads have been approved by each of the relevant road authorities.
3. Obtain and provide a copy of any and all required permits from the relevant road authorities prior to construction, including but not limited to moving permits, weight and size permits, access/driveway permits, tile outlet permits, and standard utility permits.
4. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, culverts, widening road intersections, and any other road activities.
5. Contact the Redwood County Dispatch prior to any road closures for the re-routing of emergency vehicles during the closure.
6. Contact the road authority to conduct an inspection of the road conditions of the haul routes prior to and after construction.

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SUBDIVISION 17. PRE-CONSTRUCTION MEETING

For all Non-Commercial WECS and Commercial WECS, an applicant shall conduct a Pre-Construction meeting prior to construction commencement with a written notice sent to the following individuals a minimum of one week prior to said meeting:

1. Township Chairman
2. Redwood County Highway Engineer
3. Redwood County Sheriff
4. Redwood County Zoning Administrator
5. Area Hydrologist, Minnesota Department of Natural Resources
6. Minnesota Pollution Control Agency
7. United States Farm Service Agency
8. Redwood County Soil & Water Conservation District
9. US Fish & Wildlife Service
10. Minnesota State Historical Society
11. Two Planning Commission Members: Chair and County Board Representative
12. Minnesota Department of Roads

SUBDIVISION 18. EFFECTIVE DATE

This amended and restated ordinance shall be in full force and effect upon adoption and publication pursuant to law. Passed and adopted by the Redwood County Board of Commissioners on this ____ day of September, 2011.

_____	_____
Lon Walling, Chairman	Vicki Knobloch
Redwood County Board of Commissioners	Redwood County Administrator

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 20
TELECOMMUNICATIONS TOWER MANAGEMENT

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SECTION 20 TELECOMMUNICATIONS TOWER MANAGEMENT

SUBDIVISION 1. PURPOSE

Purpose: The purpose of this ordinance is to:

1. Regulate the location of telecommunication towers and telecommunication facilities in the County.

2. Protect residential areas and land uses from potential adverse impacts of telecommunication towers and telecommunication facilities.

3. Minimize adverse visual impacts of telecommunication towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.

4. Promote and encourage shared use/co-location of telecommunication towers and antenna support structures as a primary option rather than construction of additional single use telecommunication towers.

5. Avoid potential damage to adjacent properties caused by telecommunication towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound.

6. Ensure that telecommunication towers and telecommunications facilities are compatible with surrounding land uses.

7. Facilitate the provisions of wireless telecommunications services to the residents and businesses of the County while protecting the public health, safety, and general welfare of the Redwood County residents.

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SUBDIVISION 2. LAND USE/ZONING PERMIT

All persons prosing to construct a tower, accessory building or facility, or to collocate any antenna, shall apply for a Land Use/Zoning Permit. A Land Use/Zoning Permit is required to be approved by the Redwood County Environmental Office prior to the commencement of construction. The applicant shall complete and submit to the Redwood County Environmental Office a Land Use/Zoning Permit Application provided by the Redwood County Environmental Office and the following:

A. The name(s) and address(es) of the property or tower owner(s).

B. A written description of the tower or facility.

C. A site plan indicating the location of the following: parcel boundaries, tower/ facility location, roads, county tile lines, power cables, structures, wells, septic systems, and trees.

D. A written description of the location of all scenic areas and natural features including bluffs within 1,320 feet of each tower.

E. Copies of all permits that indicate compliance with all other applicable State and Federal Regulatory Standards, including but not limited to any and all required FAA permits or approvals.

SUBDIVISION 3. CONDITIONAL USE PERMIT

All telecommunication towers will be a conditional use within the "A-1" Agricultural District, "UE" Urban Expansion District, "B-1" Highway Service Business District, and the "I-1" Industry District. A conditional use permit shall be required of all proposed towers and all applicants of a proposed telecommunication tower must fill out a conditional use permit application provided by the Redwood County Environmental Office. The application shall include the following:

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1. A site plan, detailing the location of the project area boundaries including maps demonstrating size of communication cells and search radius for the antenna location. A narrative describing a search of not less than one (1) mile radius for the requested site, clearly explaining why the site was selected, locating all existing towers, and identifying all other structures that may be potential co-location sites.

2. The name, address, and telephone number of the owner and lessee of the parcel of land on which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the consent of the owner shall be obtained by sworn affidavit.

3. The legal description, parcel number, and address of the parcel of land upon which the tower is situated.

4. The location of all public and private airports within a three (3) mile radius of proposed tower.

5. Towers located within 5 miles of a FAA approved Airstrip shall provide evidence of FAA and/or MnDOT consent.

6. Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on other available antenna support structures located within one (1) mile radius of the proposed tower site.

7. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or useable antenna support structure located within one (1) mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

8. A report from a licensed engineer that describes the telecommunication tower's capacity, including the number and type of antenna that it can accommodate.

9. A sworn and certified statement by an engineer certifying that the tower is structurally sound and conforms to the requirements of the Minnesota Building Code and all other construction standards set forth by the County, Federal, and State law.

10. A copy of the Federal Communications Commissioner's licensure and approval as required for various communications application.

11. A letter of intent from the tower owner committing the tower owner and successors to allow the shared use of the tower if additional users agree in writing to meet reasonable terms and conditions for shared use.

12. A Decommissioning Agreement which satisfies the requirements set forth in Subdivision 15 below.

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SUBDIVISION 4. COMPLIANCE WITH CODES AND STANDARDS

1. Any telecommunications towers shall be in compliance with all applicable state and federal regulatory standards including:

   A. Uniform Building Code as adopted by the State of Minnesota.

   B. The National Electrical Code as adopted by the State of Minnesota.

   C. FAA/FCC Requirements.

   D. MPCA/EPA regulation (hazardous waste, construction, storm water, etc.)

SUBDIVISION 5. CO-LOCATION

1. All commercial wireless telecommunication towers erected, constructed, or located within the county shall comply with the following requirements. The applicant shall:

A. Provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location. A narrative describing a search ring of not less than one mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

B. Provide documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.

2. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.

3. No existing or approved towers or commercial/industrial buildings within a one (1) mile radius meet the radio frequency design criteria.

4. Existing or approved towers and commercial/industrial buildings within one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer.

5. Other unforeseen reasons that would not allow for co-locating the planned telecommunications equipment upon an existing or approved tower or building.

C. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one (1) mile radius was made, but an agreement could not be reached.

D. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antenna mounted at varying height.

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2. Antennas mounted on roofs, walls, and existing towers shall:

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

B. Submit a building plan showing the construction of the antennas, the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this ordinance.

C. Submit proof of the structure or tower's ability to support antennas.

D. Submit an intermodulation study to ensure there will be no interference with existing tenants or public safety telecommunication providers.

SUBDIVISION 6. SETBACK RULES

1. The setback shall be measured from the center point of the base of the tower.

A. All towers shall be located no closer than the height of the tower plus 100 feet to the nearest residence other than the applicant.

B. All towers shall be located no closer than the height of the tower plus 100 feet to any property line including the road right-of-way line.

C. All towers shall be located no closer than the height of the tower plus 100 feet to all other structures other than the applicants'.

D. All towers shall be located no closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed County Park.

E. Towners shall be prohibited in the R-1 rural residential district, shoreland zoning district, the floodplain district, and the scenic river district.

F. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk, except for public utility equipment specifically allowed in the right-of-way by state law.

G. No tower or accessory structure shall be erected in any public or private drainage easement.

H. All anchoring structures shall be setback at least ten (10) feet from the property lines.

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2. Tower height shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antennae or other attachments.

3. Towers located closer to a property line than the distance equal to the height of the tower plus 100 feet shall be designed and engineered to collapse progressively within the distance between the tower and property line. The applicant for a tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property.

4. Setback guidelines are reciprocal.

SUBDIVISION 7. ACCESSORY UTILITY BUILDINGS/FACILITIES

1. All accessory structures shall meet the setbacks of the underlying zoning district.

2. All accessory structures must be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located.

SUBDIVISION 8. PERFORMANCE STANDARDS

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1. A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impact of the tower shall be confined as much as possible to the property on which the tower is located.

2. Generally, only one communication tower is permitted on a parcel of land. If, in the opinion of the Redwood County Planning Commission, a particular parcel is well suited for more than one communications tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in the Ordinance must be met.

3. Towers are prohibited on any property whose principle use includes the storage, distribution, or sale of volatile, flammable, or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals.

4. Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturer specifications. The plan shall be approved and certified by a registered professional engineer.

5. In general, self-supporting towers (i.e. those without the use of wires, cables, beams or other means) are preferred.

6. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed

in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.

7. Permanent platforms or structures, exclusive of antennas and similar communications equipment, other than that necessary for safety purposes or tower maintenance are prohibited.

8. All Communications towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower. A "certificate of insurance" shall be filed with the Redwood County Environmental Office prior to commencing operation of the facility.

9. No temporary mobile sites are permitted except as authorized by the County Zoning Administrator in the following instances:

    1. In case of equipment failure,
    2. In case of equipment testing,
    3. In case of an emergency situation
    4. In order to provide service to a permitted public event.

10. Use of temporary mobile cell sites for testing purpose shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure, in the case of emergency situations, or for public events shall be limited to a term of thirty (30) days. The Redwood County Zoning Administrator can temporarily extend these limits in writing.

11. Construction of an approved tower, including all accessory structures, including footings and foundation, must be completed within one (1) year following the date of the permit.

12. The tower will need to be lighted as required by the FAA. If no light is required, the tower will be lit with a red strobe light.

13. Colored guide guard sleeves will be placed on the anchors to make them visible or each wire guide shall be surrounded by at least a six (6) foot high fence.

SUBDIVISION 9. SIGNAGE

1. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.

SUBDIVISION 10. AESTHETICS

1. Metal towers shall be constructed of, or treated with, corrosive resistant material.

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2. Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA/FCC painting/marking shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.

SUBDIVISION 11. INTERFERENCES

1. No telecommunications tower shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunication devices including but not limited to radios, televisions, telephones, personal communication devices and other electronic equipment and devices.

SUBDIVISION 12. MAINTENANCE

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain and use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain towers, telecommunication facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

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3. All towers, telecommunication facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

4. Licensed maintenance and construction personnel shall perform all maintenance or construction on a tower, telecommunication facilities or antenna support structure.

5. All towers shall maintain compliance with current radio frequency emissions standards of the FCC.

6. Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the zoning administrator.

SUBDIVISION 13. NON-CONFORMING USES

1. Telecommunication towers in existence at the time of the adoption of this ordinance are subject to the following provisions.

A. Towers may continue in use and maintenance for the purpose now used but may not be replaced or structurally altered without complying in all respects with this Ordinance.

B. At the sole discretion of the Redwood County Planning Commission, towers in existence at the time of the adoption of this Ordinance which do not conform or comply may be considered for the co-location of other user's antenna.

SUBDIVISION 14. ABANDONED OR UNUSED TOWERS

1. Abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations unless the Redwood County Planning Commission has granted a time extension. In the event that a tower is not removed within twelve (12) months of the cessation of the operations at the site the County may remove the tower and associated facilities with costs being assessed against the property.

SUBDIVISION 15. EFFECTIVE DATE

1. This ordinance shall be in full force and effect upon adoption and publication pursuant to law. Passed and adopted by the Redwood County Board of Commissioners this _____ day of _____, 2003.

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_____	_____
Brian Kletscher, Chairman	Matthew L. Hylen,
Redwood County Board of Commissioner	Redwood County Coordinator

REDWOOD COUNTY ZONING ORDINANCE
SECTION 21
NON-CONFORMING USES

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SECTION 21 NON-CONFORMING USES

SUBDIVISION 1. NON-CONFORMING BUILDINGS AND USES

1. The lawful use of buildings or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance shall be allowed to continue but will ultimately be phased out by limiting their enlargement expansion, intensification, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.
2. A non-conforming use shall not be expanded unless it is brought into conformity with Redwood County Ordinances.
3. Notwithstanding paragraph 2 above, insubstantial or de minimis expansions of non-conforming uses may occur, upon approval of the Zoning Administrator. The Zoning Administrator shall determine whether an expansion is insubstantial or de minimis based on the scope of the proposed expansion and whether said expansion is likely to effect the surrounding land uses or the future development of surrounding property.

SUBDIVISION 2. NON-CONFORMING JUNK YARDS

1. No junk yard may continue as a non-conforming use after the effective date of this Ordinance, except that a junk yard may continue as a non-conforming use in an INDUSTRIAL DISTRICT if it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junkyard. Plans of such a building or device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.

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SUBDIVISION 3. DISCONTINUANCE

1. In the event that a non-conforming use of any building, structure, or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

2. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

SUBDIVISION 4. ALTERATIONS TO NON-DWELLING STRUCTURES

1. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted

classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

2. Alteration to a structure which is considered a nonconforming structure due to failure to meet the required setbacks, but the use of which structure otherwise conforms to the requirements of this Ordinance, will be allowed as long as it meets the following requirements:

   a. The alteration does not cause additional violation of the setback requirements.
   b. The structure may only be extended laterally or away from the feature, structure, or use from which the setback is required and such extension must maintain the same setback as, or a greater setback than, the original structure.
   c. Such alteration or extension of the structure must not cause an unsafe condition.
   d. The cost of any structural alterations or additions to any non-conforming 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.
   e. 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 the district in which it is located.

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SUBDIVISION 5. ALTERATIONS TO A DWELLING

1. Alterations may be made to a dwelling structure containing non-conforming dwelling units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

2. Alteration to a dwelling which is considered a nonconforming structure due to failure to meet the required setbacks will be allowed as long as it meets the following requirements:
   a. The alteration does not cause additional violation of the setback requirements.
   b. The structure may only be extended laterally or away from the feature, structure, or use from which the setback is required and such extension must maintain the same setback as, or a greater setback than, the original structure.
   c. Such alteration or extension of the structure must not cause an unsafe condition.

3. Alteration to a dwelling located in the Shoreland District which is considered a nonconforming structure due to failure to meet the required setbacks will be allowed as long as it meets the following requirements:
   a. The alteration does not cause additional violation of the setback requirements.
   b. The structure may only be extended laterally or away from the feature, structure, or use from which the setback is required and such extension

must maintain the same setback as, or a greater setback than, the original structure.

c. Such alteration or extension of the structure must not cause an unsafe condition.
d. The cost of any structural alterations or additions to any non-conforming dwelling 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.
e. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the dwelling, then the dwelling must meet the standards of the district in which it is located.

SUBDIVISION 7. NORMAL MAINTENANCE

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations, which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said the County Zoning Administrator declares structure unsafe.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 22
RULES AND DEFINITIONS

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SECTION 22 RULES AND DEFINITIONS

SUBDIVISION 1. RULES

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

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.

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

4. The word "used for" shall include the phrases "arranged for", "designed for", "intended for"' "maintained for" and "occupied for".

5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

SUBDIVISION 2. DEFINITIONS

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Grading and Filling

1. Excavation: shall mean any artificial excavation of the earth, within the County dug, excavated, extracted or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth.

2. Borrow Site: shall mean an area located within the construction easement from which material is extracted for use in conjunction with a Federal, State, County, City or Township road construction project.

3. Temporary Grading: shall mean any temporary grading, excavating, or filling that meets the following criteria:

4. Grading, excavating, extracting, or filling of at least 400 and not more than 10,000 cubic yards of material; and

5. Grading, excavating, or filling that is temporary in nature, to be returned to a natural state within a one year time limit; and

6. Grading, excavating, extracting, or filling that is not located in a Floodplain, Shoreland, or Wild and Scenic River District. Grading, excavating, extracting or

filling in these districts shall be regulated under the appropriate section of the Redwood County Zoning Ordinance.

Airport

1. "Airport" means an FAA approved airport.

2. "Airport Elevation" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,023 feet above mean sea level.

3. "Airport Hazard" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

4. "Instrument Runway" means a runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

5. "Land Area" means the area of the airport used for landing, taking off, or taxiing of aircraft.

6. "Landing Strip" means any grass or turf covered area of the airport specifically designated and used for the landing and/or takeoff of aircraft. This term shall have the same meaning throughout this Ordinance as does the term "Runway".

7. "Non-Instrument Runway" means a runway other than an instrument runway.

8. "Runway" means any paved surface of the airport which is specifically designated and used for the landing and/or takeoff of aircraft.

Solar

1. Acreage or Area. For the purpose of the Solar Power Management, the acreage or area of a solar array shall be determined by the Zoning Administrator. The intent of this Ordinance is that the acreage or area of a solar array, as determined by the Zoning Administrator, shall represent the land area used for the solar array. The acreage or area may include lanes or spaces between banks of solar panels, and the space contained within a perimeter fence surrounding the solar array, except that a residential fence shall not be construed as a perimeter fence under this section.

2. Array (Solar). Any number of solar photovoltaic modules or panels connected together to provide a single electrical output, or solar thermal collectors connected together to provide a single output.

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3. 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.

4. Ground Mounted Solar Energy System. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

5. Large Solar Energy System. A solar array designed for wholesale production and sale of power where the primary land use of the parcel is for a solar energy system.

6. 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.

7. Photovoltaic Array. A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.

8. Photovoltaic Device. A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

9. 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.

10. Roof or Building Mounted Solar Energy System. A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus.

11. Small Solar Energy System. A solar array that is an accessory use in which the energy produced is first used on-site before any excess energy produced is sold back to the operator's regular electrical service provider. Small solar energy systems include solar thermal systems that are designed to provide heat or energy on-site.

12. Solar cell. The basic unit of a photovoltaic solar panel.

13. Solar Collector. A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

14. Solar Easement. A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined in Section 216C.06,

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Subdivision 17, to solar energy. Required contents of a Solar Easement are defined in Minnesota Statute Section 500.30.

15. Solar energy system. A device or set of devices, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, or water heating.

16. Solar Thermal System. A system that includes a solar collector and a heat exchanger that heats or preheats water or air for building heating systems or other heat or hot water needs.

17. Tracking Solar Array. A solar array that follows the path of the sun during the day to maximize the solar radiation it receives.

Adult Use

Adult Establishment: Any business that has: (1) at least fifteen percent (15%) of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) devoted to items, merchandise or exhibition of an Adult Uses nature; or (2) at least fifteen percent (15%) of any month's gross sales is derived from the sale, rental or exhibition of items, merchandise or services of an Adult Use nature.

Adult Use: An Adult Use is any of the activities and businesses:

Adult Bookstore: An establishment or business used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such business 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 (1) at least twenty-five percent (25%) of the inventory, stock and trade or publicly displayed merchandise, or (2) at least twenty-five percent (25%) of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to items, merchandise or other material distinguished and characterized by an emphasis on the depiction or description of "specified anatomical areas," or at least twenty-five (25%) of any month's gross sales is derived from the sale or rental of items, merchandise or material distinguished and characterized by an emphasis on "specified anatomical areas."

Adult Cabaret: A business or establishment that provides dancing or other live entertainment to patrons if the dancing and live entertainment is distinguished and characterized by an emphasis on the

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presentation, display, depiction of matter that seeks to evoke, arouse or excite the patrons' sexual or erotic feelings or desire.

3. Adult Health / Massage Parlor / Sauna / Sport Club: A health / massage parlor / sauna / sport club which excludes minors by reason of age, if such club is distinguished and characterized by an emphasis on "specified anatomical areas."

4. Adult Hotel or Motel: A hotel or motel from which minors are specifically excluded from the patronage and where material is presented which is distinguished and characterized by an emphasis on matter depicting, describing, or relating to "specified anatomical areas."

5. Adult Motion Picture Theater: A motion picture theater of any capacity used for presenting material if such theater as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons.

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

C. Specified Anatomical Areas: 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 human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Other

86. Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

87. Adult Book and/or Video Store. Any establishment whose primary business activity is providing for the sale or rental of sexually explicit material including but not limited to; videos, books, sexual aids, and/or magazines.

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88. Administrative Permit. An administrative permit is a permit that the Zoning Administrator has the authority to issue directly, without consulting the County Board of Commissioners, Planning Commission, or Board of Adjustment.

89. Agriculture. The cultivation of the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land or other growing methods; the raising of livestock or poultry; farming.

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

91. Ancillary Facilities/Structures. Accessory structures or facilities.

92. Antenna Support Structure. Any building or structure other than a tower which can be used for location of telecommunication facilities**.**

93. Automobile or Motor Vehicle Service Station. A building designed primarily for the supplying of motor fuel, lubrication and maintenance to motor vehicles or any portion thereof.

94. 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.

95. Bluffline. A line along the top of a slope connecting the points at which the slope becomes less than thirteen percent (13%). This term applies to those slopes within the "S" SCENIC RIVER DISTRICT which are beyond the setback provision from the normal high water mark.

96. Board of Adjustment. A quasi-judicial body, created by this Ordinance, whose responsibility it is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances permissible under the terms of this Ordinance.

97. Boarding House. (Bed and Breakfast) A lodging establishment having the option to serve food.

98. Building. Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind.

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

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100. Building Setback Line. A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way line defining that distance between the building and property line which buildings or structures may not be placed.

101. Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

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

103. Commercial Outdoor Recreation Area. Any area used for an outdoor event, in which there is a fee for entry and/or parking, and is open to the public and/or private groups.

104. Communication Cells/Search Radius. The service area of a telecommunication tower used to determine the number of possible sites for the placement of a proposed tower or the co-location of a proposed user.

105. Communication Tower-Free Standing. A ground mounted tower consisting of a pole, spire, structure, or combination thereof constructed without guyed wires and anchors.

106. Communications Tower-Guyed. A tower that is supported in whole or part by wires and ground anchors.

107. Communications Tower-Monopole. A ground mounted tower consisting of a single pole constructed without guyed wires and anchors.

108. Convalescent or Nursing Home. A building or facility for the care of the aged, infirm, or a place of rest for those suffering bodily disorders. The State Board of Health as provided for in Minnesota Statues shall license facilities.

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

110. County. Redwood County, Minnesota.

111. County Board. Includes the County Commissioners, the Board of County Commissioners or any other words meaning the Redwood County Board of Commissioners.

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112. County Ditch. An open channel that conveys water, established, constructed, maintained, and overseen by the County Drainage Authority in accordance with MN Statute 103E.

113. County Tile. A sub-surface pipe that conveys water, established, constructed, maintained, and overseen by the County Drainage Authority in accordance with MN Statute 103E.

114. Decommissioning Plan. A plan that specifies how, when, and why a structure such as a wind tower or telecommunications tower will be demolished and the site reclaimed.

115. Depth of Lot. The mean horizontal distance between the mean front street line and the mean rear lot line.

116. Dwelling. Two or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed shall be included for each dwelling. A mobile home with the above accommodations located in areas approved for mobile homes shall be considered a dwelling unit. A house trailer, camper trailer, camper bus or tents are not considered dwelling units.

A. Dwelling, farm. A dwelling located on a farm, which the residents of said dwelling either owns, operates or is employed thereon.

B. Dwelling, multiple. A residence designed for/or occupied by more than one family.

C. Dwelling, non-farm. A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.

D. Dwelling, Single Family. A free standing (detached) residence designed for/or occupied by one (1) family only.

117. Eating Establishment. Any place selling prepared foods for dine-in or take-out.

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

119. ERECT. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

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

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

122. Existing Towers. Any towers built prior to the adoption of the Redwood County Telecommunications Tower Ordinance.

123. Family. Any number of individuals related by blood, marriage, adoption or foster care, or not more than five (5) persons not so related, maintaining a common household and using common cooking and kitchen facilities; as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

124. Feedlot. Lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals in specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For the purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots as regulated in Section 17 of this Ordinance are found in Minnesota Pollution Control Agency's Rules for the Control of Pollution from Animal Feedlots. These rules are adopted by reference in this Ordinance.

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125. Feedlot Structures. Any structures, buildings, or the like used to confine or shelter animals.

126. Field Windbreak – shall mean any vegetation, newly planted or historically existing, that is designed and intended to shelter any real property from wind or other weather-related elements.

127. Floodfringe. That portion of the floodplain outside of the floodway. Floodfringe is synonymous with the term "floodway fringe" used in the flood insurance study of Redwood County.

128. Floodplain. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

129. Floodproofing. The combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily from the reduction or elimination of flood damages. For the purposes of this Ordinance the classification of buildings and structures (FP-1 through FP-4) shall be as defined in Section 210.1 of the 1972 Edition of "Floodproofing Regulations" as developed by the Office of the Chief of Engineers, U.S. Army, Washington, D.C. A copy of Floodproofing Regulations, as amended herein, is hereby incorporated by reference and declared to be a part of this Ordinance.

130. Floodway. The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

131. Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of exterior walls, or from the center line of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off-street parking.

132. GRADE. Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

133. Heavy Manufacturing. Any manufacturing operation producing: chemicals and allied products; petroleum products; rubber and plastic products; leather and leather products; stone, clay, glass and concrete products; products of primary metal industries; fabricated metal products; machinery; and transportation equipment.

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134. Home Occupation. An accessory use of the premises for gainful employment involving the manufacture, provision, or sale of goods and /or services.

135. Hotel or Motel. A facility offering lodging accommodations to the general public.

136. Individual Sewage Treatment System (ISTS). A sewage treatment system, or part there of, serving a dwelling, or other establishment, or a group there of, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment systems include holding tanks and privies.

137. Intra-project. Projects within the same geographic area**.**

138. Judicial Ditch. A drainage system established by a District Court, which may be encompassed in one or more counties in accordance with MN Statute 103E.

139. Judicial Tile. A subsurface pipe system established by a District Court, which may be encompassed in one or more counties in accordance with MN Statute 103E.

140. Junk Yard or Salvage Yard. An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to scrap iron, and other materials. Storage of materials in conjunction with construction or manufacturing process shall not be included. Such use shall not include garbage.

141. Kennel, Commercial or Private. A place where three (3) or more of any single type of domestic animals, over four (4) months of age, are boarded, bred or offered for sale.

195. Light Manufacturing. Any manufacturing operation producing; food and related or like products; apparel and other finished products made from fabric and similar materials; furniture and fixtures; paper products; printing and publishing; electrical and electronic machinery, equipment and supplies; measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches, clocks and jewelry; or wood and wood products.

196. Lot. A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.

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A. Lot, corner. A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.

197. Lot Area. The area of a lot on a horizontal plane bounded by the lot lines.

A. Lot area, buildable. That portion of the lot remaining after the deletion of floodplains, road right-of-way, wetlands and slopes of twelve (12) percent or greater.

198. Lot Frontage. That potion of the lot boundary having the least width abutting on the street right-of-way.

199. Minor Streets. A street whose primary purpose is to provide access to abutting properties.

200. Mobile, Manufactured or Modular Home. A single family dwelling designed to be moved by being built on a frame or chassis and further specifically designed

and constructed so that the wheels are, or may be attached for transportation on public streets, or highways, and designed without the need for permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks or other foundations, excluding basement or cellar, connection to the utilities and the like.

201. Motor Vehicle Sales. The sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, lawnmowers, or other motorized vehicles, including the display of new or used vehicles, or the possession of new or used vehicles for sale or trade.

202. Non-Farm Dwellings. A residence, located outside of city limits, that is not related to an agricultural operation.

203. 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. Normal high water mark is commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

204. Open Space. That area of real property upon which no building is or may be erected, whose primary use is as a park and/or recreational area.

205. Open Space Recreational Use. A recreation use particularly oriented to and utilizing the outdoor character of an area; campgrounds, waysides, parks, and recreational areas.

206. Outdoor Event. Any event sponsored by a group, corporation, or individual, taking place outdoors, and shall include events maintaining enclosed buildings, tents, or structures for the purpose of the event, which is free and open to the public and/or private groups.

207. Planning Commission. The duly appointed Planning and Zoning Advisory Commission of the County Board.

208. Practical Difficulties: "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the official controls.

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209. Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

210. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

211. Regulatory Flood Protection Level. Point not less than one (1) foot above the water surface profile associated with the regional flood plus any increase in flood heights contributable to encroachment on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed.

212. Residence. A residential building or portion thereof intended for the occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. Residence shall not include any dwelling unfit for human habitation or any dwelling that has remained vacant for more than three years.

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213. Riding Academy or Stable. Any facility whose primarily use is for the boarding, training, breeding and/or riding of equine animals.

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

215. Shopping Center or Stripmall. Any group of four (4) or more retail/service businesses with a single architectural plan.

216. Sign. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

1. ABANDONED SIGN. Any sign and/or its supporting sign structure which has been allowed to physically deteriorate so that the sign structure is unsafe or the sign surface is damaged. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have

required a conditional use permit or a variance shall also be subject to the definition of ABANDONED SIGN.

2. AWNING. A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

3. AWNING SIGN. A building sign or graphic printed on or in some fashion attached directly to the awning material.

4. BACKGROUND ANIMATION. The appearance of movement on a sign that creates a special effect or scene set in the background of a sign, but where the informational message portion displays static content in the foreground of the sign.

5. BALLOON SIGN. A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

6. BUILDING SIGN. Any sign attached to or supported by any structure

7. CANOPY. A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

8. CANOPY SIGN. Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A CANOPY SIGN is not a marquee.

9. DYNAMIC DISPLAY. Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display or structural element and any display that incorporates rotating panels, LED lights, manipulated through digital input, “digital ink” or any other method of technology that allows the sign face to present a series of images or displays.

10. FLAG. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by

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atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

11. FLASHING SIGN. A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

12. HEIGHT OF SIGN. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

13. ILLUMINATED SIGN. Any sign which contains an element designed to emanate artificial light internally or externally.

14. MARQUEE. Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

15. MARQUEE SIGN. Any building sign painted, mounted, constructed or attached in any manner, on a marquee.

16. MONUMENT SIGN. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight feet.

17. PORTABLE SIGN. Any sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device or structure. “Portable signs” include, but are not limited to signs designed and constructed with a chassis or support with or without wheels.

18. PYLON SIGN. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

19. ROOF SIGN. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

20. SIGN FACE. The surface of the sign upon, against, or through which the message of the sign is exhibited.

21. SIGN STRUCTURE. Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

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22. TEMPORARY SIGN. Any sign which is erected or displayed for a specified period of time. "Temporary signs" include, but are not limited to, informational and advertising signs and other promotional devices such as posters, banners, wooden, metal, or plastic "stake" or "yard" signs, and posters or banners affixed to windows, railings, overhangs.

23. WALL. Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60º or greater with the horizontal plane.

24. WALL SIGN. Any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

217. SITE. A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

218. Shelterbelt – shall mean any vegetation, newly planted or historically existing, that is designed and intended to shelter any structure or building from wind or other weather-related elements.

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219. 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 5, Subdivision 9, Paragraph 3 and other similar items.

220. Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

221. Subdivisions

1. Alley. A public right-of-way which affords a secondary means of access to abutting property.

2. Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river.

3. Design Standards. The specification to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

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

5. Engineer or County Engineer. The professional engineer designated by the County Board to furnish engineering assistance for the administration of this Ordinance.

6. Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the County and in such form as required by Redwood County for the purposes of recording.

7. Highway. Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Redwood County numerical route designation.

8. Public Parks and Playgrounds. Public land and open spaces in Redwood County dedicated or reserved for recreational purposes.

9. Percentage of Grade. On street centerline, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

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10. Pedestrian Way. A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lanes.

11. Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

12. Protective Covenants. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

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

14. Road – Cul-de-sac. A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

15. Road Width. The shortest distance between lines of lots delineating the road right-of-way.

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

17. Subdivision. The division of any parcel of land into two (2) or more lots, blocks and/or sites, with or without streets in which the smallest lot, block or site has an area of not less than ten (10) acres. This definition shall include resubdivisions.

18. Surveyor. A land surveyor properly licensed and registered in the State of Minnesota.

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

20. Vertical Curve. The surface curvature on a road or highway centerline located between lines of different percentage of grade.

222. Telecommunications Facilities. Any cable, wires, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term telecommunications facilities shall not include any satellite earth station two meters in diameter or less (i.e. satellite dishes).

223. Telecommunications Notification. A written notification to all telecommunication companies within a specified radius from a known proposed project.

224. Trees and Shrubs. Any woody vegetation greater than 4' tall

225. Tower. Any ground or roof mounted pole, spire, self-supporting lattice, guyed or monopole structure, or combination thereof, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

226. "U-Pick". A business where the customer is responsible for picking or harvesting the product from the agricultural fields.

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

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

B. Conditional Use. A land use or development as is defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that: (1) certain conditions as detailed in this Ordinance exist, and (2) use or development conform to the Comprehensive Plan of the County and (3) is compatible with the existing neighborhood.

C. Conditional Use Permit. A permit issued by the County Board in accordance with procedures specified in this Ordinance which would enable the Board to assign dimensions to a proposed use or conditions surrounding it.

D. Non-Conforming Use. A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

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

F. Principal Use or Structure. All uses or structures that are not accessory uses or structures.

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228. Variance. The waiving by the Board of Adjustment of a specific permitted development standard required in an official control including this Ordinance to allow but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance. Variances shall be limited to height, bulk, density, and yard requirements.

229. VISIBLE. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

230. Width of Lot. The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

231. Wildlife Ponds. A wetland that serves the purpose of supporting and/or enhancing wildlife.

232. Wildlife. Wild, undomesticated animals living in their natural habitat.

233. Windbreak or Living Snow Fence. A growth of planted trees or shrubs serving to break the force of wind.

234. Wind Easements. Documents claiming the legal authority to the wind rights of a given parcel of land.

235. Wind Energy/Wind Power Facilities. Towers constructed to generate energy from wind sources.

236. Yard. The space in the same lot with a structure, open and unobstructed from the ground to the sky.

A. Front Yard. The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the structure.

B. Rear Yard. The space unoccupied except for accessory structures on the same lot with a structure between the rear lines of the structure and the rear line of the lot, for the full width of the lot.

C. Side Yard. An open unoccupied space on a lot between the main structure and the side line of the lot, for the full length of the structure.

237. Zoning Administrator. The duly appointed person charged with the enforcement of this Ordinance.

238. Zoning District. The section of the County for which the regulations governing the height, area, use of buildings and premises are the same as delineated by this Ordinance.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION X
PERMITS

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SECTION X PERMITS

SUBDIVISION 1. COMPLIANCE WITH REGULATIONS

Hereafter no person shall erect, alter, or move any building or part thereof, without first securing a permit. Buildings less than 100 square feet in footprint area do not require a permit, but are subject to all other zoning provisions.

SUBDIVISION 2. PERMITTING

1. PERMITS REQUIRED

Application for a permit shall be made to the Zoning Administrator on blank forms to be furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of permit shall contain such information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The Zoning Administrator shall issue the permit only after determining that the building plans, together with the application, comply with the requirements of this Ordinance.

A person must obtain a permit from the Zoning Administrator prior to conducting the following activities. The failure to do so is a violation of this ordinance. The types of permits issued are:

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- Zoning permits (construction of buildings or other structures)
- New home permits (construction of a dwelling or residence)
- Holding tank permit (septic holding tank installation)
- Septic system permit (for septic system installation, expansion, or major repair)
- Septic System Operating permit (for some larger or non-residential septic systems)
- Conditional use permit (see land use lists in the zoning district sections of the ordinance)
- Interim use permit (mining)
- Variances (request an exemption from a rule or standard)
- Shoreland Alteration permit (to modify or remove earthen material or vegetation in the Shoreland District)
- Temporary Filling and Grading permit (dirtwork)
- Handicap Accessibility permit (for conditional uses held open to the public)
- Home occupation permit (for home businesses)
- Rezoning (change of zoning district)
- Subdivision permit (subdivide property for future sale or development)

PERMITTING NOT EXCLUSIVE
The obtaining of a permit shall not be deemed to exclude the necessity of obtaining other appropriate permits or approvals. Compliance with the provisions of this ordinance shall not

relieve any person of the need to comply with any and all other applicable rules, regulations and laws.

2. PERMIT APPLICATION PROCEDURES

APPLICATION FOR PERMIT. Permit applications shall be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. Applicants shall provide all information as required for the administration of this ordinance.

APPLICATION FEE. The application fee shall accompany the permit application. Fees are set by the County Board. municipal and other governmental agencies are exempt from the fee requirements of this ordinance.

INCOMPLETE OR NON-CONFORMING APPLICATION. If a permit application is not complete or otherwise does not conform with the requirements of this ordinance or Minn. Stat. Ch. 394, the Zoning Administrator shall advise the applicant in writing of the reasons for non-acceptance within 15 business days of receipt of the application.

SITE INVESTIGATION. Upon receipt and acceptance of a permit application, the Zoning Administrator shall decide if a site investigation conducted by the Zoning Administrator is necessary.

APPROVAL OF PERMIT REQUIRED. The Zoning Administrator must review and approve the permit application before issuing a permit. Some types of permit may also require review and approval by the Board of Adjustment, the Planning Commission and/or the County Board of Commissioners. Any work requiring a permit under this ordinance must not be initiated until the permit is granted.

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AFTER THE FACT PERMIT. If a structure, action or use has occurred without obtaining the necessary permit prior to occurrence, the Zoning Administrator may require the property owner or responsible party to apply for an after-the-face permit within a specified period of time as determined by the Zoning Administrator. Fees associated with after the fact permits are determined by the County Board.

3. ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE PERMIT APPLICATIONS

CONTENTS OF ZONING PERMIT APPLICATION. The permit application shall include the following:

1. The names, addresses and telephone numbers of the owners of the property or any person having a legal interest therein.

2. The legal description of the real property for which the permit is requested.

3. A site plan showing all pertinent dimensions, and existing or proposed buildings, structures and significant natural features having an influence on the permit.

4. Copies of any required municipal, county, state or federal permits or approvals.

5. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

PERMIT EXPIRATION. An administrative permit issued by the Zoning Administrator under section X of this ordinance is valid for a period of no more than one year from the date of issue unless it is extended in accordance with the paragraph below.

EXTENSIONS AND RENEWALS OF ADMINISTRATIVE PERMITS. The Zoning Administrator may grant an extension of an administrative permit issued under this section if the work allowed under the permit has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than six months, or until the end of the construction season.

DENIAL OF PERMIT. If the Zoning Administrator denies a permit to an applicant, the applicant shall be notified of such denial in writing. The Zoning Administrator shall serve the denial by personal service or by mail to the address designated in the permit application. Service by certified mail shall be deemed to complete upon mailing. The applicant may appeal the permit denial to the Board of Adjustment ZBA pursuant to section X.

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4. <u>IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY INSPECTION</u>

1. Before any zoning permit is approved, an inspection for imminent threats to the public health or safety as defined in MINN. R. 7081.0080 must be completed by Redwood County. This is not a code compliance inspection – this is an inspection for imminent threats to the public health or safety The Zoning Administrator shall determine guidelines for said inspections and shall maintain said guidelines as a written policy, which may be amended from time to time.

2. VIOLATION

Any use, arrangement or construction that varies from what has been authorized by a permit shall be deemed a violation of this ordinance and shall be punishable as provided in section X of this ordinance.

REDWOOD COUNTY ZONING ORDINANCE
INTERIM USES

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INTERIM USES

SUBDIVISION 1. INTERIM USES

Certain land developments are designated as interim uses under this Ordinance. No Interim Use Permit may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

When a development proposal requires both an Interim Use Permit and a Variance, the Interim Use Permit must be applied for and received prior to the making the Variance request.

SUBDIVISION 2. APPLICATION

Applications for Interim Use Permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Legal description of the property.

2. Site plan drawn at scale showing parcel and building dimensions.

3. Location of all buildings and their square footage.

4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.

5. Landscaping and screening plans.

6. Drainage plan.

7. Sanitary sewer and water plan with estimated use per day.

8. Such other information as is necessary and reasonable to adequately review the request.

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SUBDIVISION 3. NOTIFICATION AND PUBLIC HEARING

1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.

2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the county.

3. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the Interim use is proposed shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing. The township in which the affected property is located as well as all municipalities within two (2) miles of the proposed Interim use shall be given proper notice.

SUBDIVISION 4. APPROVAL, DISAPPROVAL OR MODIFICATION

The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendations to the County Board of Commissioners, the County Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. In instances of a tie vote among the Planning Commission members, the permit application or other matter shall be forwarded to the Board of Commissioners without a specific recommendation for finalization. Violations of such conditions and safeguards, when made part of the terms under which the Interim Use Permit is granted, shall be deemed a violation of this ordinance punishable under Section 28. Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall make a decision upon the application for an Interim Use Permit.

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SUBDIVISION 5. FINDINGS

The County Planning Commission shall recommend no Interim use unless said Commission shall find:

1) That the proposed use will not have an adverse impact on the health, safety, and general welfare of the residents in the surrounding neighborhood.

2) That the proposed use will not cause material injury to the use and enjoyment of other property in the surrounding neighborhood for land uses that are already permitted.

3) That the proposed use will not have a substantial adverse effect on property values or future development of land in the surrounding neighborhood for uses common to the area.

4) That there are, or there will be provided, adequate utilities, access roads, drainage, off-street parking and loading areas, and other necessary facilities to support the proposed use of the property.

5) That adequate measures have been taken, or adequate measures will be taken, to prevent or control offensive odor, fumes, dust, noise, lights, and vibration, so that no disturbance to neighboring properties will result.

6) That the proposed use of the property is consistent with the general purpose and intent of the Zoning Ordinance and the goals and policies adopted in the Comprehensive Plan.

SUBDIVISION 6. INTERIM USE PERMITS WITHIN FLOODPLAINS, OR SCENIC RIVERS DISTRICT

1. A copy of a request for a Interim Use Permit within any designated floodplain, shoreland or scenic rivers district shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.

2. A copy of all decisions granting any Interim Use Permits within any designated floodplain, shoreland or scenic river district shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.

3. Procedures to be followed by the Planning Commission in Passing on Interim Use Permit Applications Within all Flood Plain Districts.

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A. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:

1. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

B. Transmit one copy of the information described in subsection (1) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

C. Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4. Specific Factors Upon Which the Decision of the Planning Commission Shall Be Based. In passing upon Interim Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of this Ordinance.

5. Time for Acting on Application. The Planning Commission shall act on an application in the manner described above within thirty (30) days from receiving the application, except that where additional information is required pursuant to Section 5, Subdivision 10.4 of this Ordinance. The Planning Commission shall render a written decision within thirty (30) days from the receipt of such additional information.

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6. Conditions placed on Interim Use Permits. Conditions on Interim Use Permits are located in Section 5, Subdivision 10.4F.

SUBDIVISION 7. COMPLIANCE

Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity to the terms of such permit.

SUBDIVISION 8. REVIEW

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

SUBDIVISION 9. EXPIRATION

An Interim Use Permit shall expire one year after the Board's final decision to grant the permit if no construction has begun or if the use has not been established. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. An Interim Use Permit shall also expire if the use is discontinued for a minimum of one year measured from the last day the use was in normal operation.

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SUBDIVISION 9. TERMINATATION

An Interim Use Permit shall terminate upon the occurrence of any of the following events:

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

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

SUBDIVISION 11. RECORDING

1. A certified copy of any Interim Use Permit shall be filed with the County Recorder for record. The Interim Use Permit shall include the legal description of the property involved.

2. The Zoning Administrator shall be responsible for recording with the County Recorder any Interim Use Permit issued by the Board.

REDWOOD COUNTY ZONING ORDINANCE
SECTION 25
CONDITIONAL USES

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SECTION 25 CONDITIONAL USES

SUBDIVISION 1. CONDITIONAL USES

Certain land developments are designated as conditional uses under this Ordinance. No Conditional Use Permit may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

When a development proposal requires both a Conditional Use Permit and a Variance, the Conditional Use Permit must be applied for and received prior to the making the Variance request.

SUBDIVISION 2. APPLICATION

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Legal description of the property.

2. Site plan drawn at scale showing parcel and building dimensions.

3. Location of all buildings and their square footage.

4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.

5. Landscaping and screening plans.

6. Drainage plan.

7. Sanitary sewer and water plan with estimated use per day.

8. Such other information as is necessary and reasonable to adequately review the request.

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SUBDIVISION 3. NOTIFICATION AND PUBLIC HEARING

1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.

2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the county.

3. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing.

4. The township in which the affected property is located as well as all municipalities within two (2) miles of the proposed conditional use shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing.

SUBDIVISION 4. APPROVAL, DISAPPROVAL OR MODIFICATION

1. The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall make a decision upon the application for a Conditional Use Permit.

2. In reporting its recommendations to the County Board of Commissioners, the County Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Violations of such conditions and safeguards, when made part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this ordinance punishable under Section 28 and shall empower the County Board of Commissioners to modify or cancel the violator's Conditional Use Permit. The County Board of Commissioners may direct the Zoning Administrator to first take such violations to the Planning Commission for review and recommendation

3. In instances of a tie vote among the Planning Commission members, the permit application or other matter shall be forwarded to the Board of Commissioners without a specific recommendation for approval or disapproval.

4. Conditional Use Permits shall be issued for a particular use on a specific parcel and not for a particular person or firm.

SUBDIVISION 5. FINDINGS

The County Planning Commission shall recommend no conditional use unless said Commission shall find, based on the evidence submitted to the Commission:

1) That the proposed use will not have an adverse impact on the health, safety, and general welfare of the residents in the surrounding neighborhood.

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2) That the proposed use will not cause material injury to the use and enjoyment of other property in the surrounding neighborhood for land uses that are already permitted.

3) That the proposed use will not have a substantial adverse effect on property values or future development of land in the surrounding neighborhood for uses common to the area.

4) That there are, or there will be provided, adequate utilities, access roads, drainage, off-street parking and loading areas, and other necessary facilities to support the proposed use of the property.

5) That adequate measures have been taken, or adequate measures will be taken, to prevent or control offensive odor, fumes, dust, noise, lights, and vibration, so that no disturbance to neighboring properties will result.

6) That the proposed use of the property is consistent with the general purpose and intent of the Zoning Ordinance and the goals and policies adopted in the Comprehensive Plan.

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SUBDIVISION 6. CONDITIONAL USE PERMITS WITHIN FLOODPLAINS, OR SCENIC RIVERS DISTRICT

1. A copy of a request for a Conditional Use Permit within any designated floodplain, shoreland or scenic rivers district shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.

2. A copy of all decisions granting any Conditional Use Permits within any designated floodplain, shoreland or scenic river district shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.

3. Procedures to be followed by the Planning Commission in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

   A. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:

   B. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

C. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

D. Transmit one copy of the information described in subsection (1) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

E. Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4. Specific Factors Upon Which the Decision of the Planning Commission Shall Be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

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J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of this Ordinance.

5. Time for Acting on Application. The Planning Commission shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to Section 5, Subdivision 10.4 of this Ordinance. The Planning Commission shall render a written decision within thirty (30) days from the receipt of such additional information.

6. Conditions placed on Conditional Use Permits. Conditions on Conditional Use Permits are located in Section 5, Subdivision 10.4F.

SUBDIVISION 7. COMPLIANCE

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such Conditional Use Permit.

SUBDIVISION 8. REVIEW

A periodic review of the Conditional Use Permit and its conditions shall be maintained.

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SUBDIVISION 9. EXPIRATION

A Conditional Use Permit shall expire one year after the Board's final decision to grant the permit if no substantial construction has begun or if the use has not been established. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. A Conditional Use Permit shall also expire if the use is discontinued for a minimum of one year measured from the last day the use was in normal operation.

SUBDIVISION 9. TERMINATION

A Conditional Use Permit shall terminate upon the occurrence of any of the following events:

A. A violation of the conditions under which the permit was issued; or
B. A change in the Land Use Ordinance rendering the use nonconforming; or

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

SUBDIVISION 11. RECORDING

1. A certified copy of any Conditional Use Permit shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.

2. The Zoning Administrator shall be responsible for recording with the County Recorder any Conditional Use Permit issued by the Board.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 26
BOARD OF ADJUSTMENT

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SECTION 26 BOARD OF ADJUSTMENT

SUBDIVISION 1. CREATION AND MEMBERSHIP

1. A Board of Adjustment is hereby established. Such Board shall consist of three (3) members, one of which shall be a member of the County Planning Commission. No elected officer of the County or employee of the Board of County Commissioners shall be a member of the Board of Adjustment. The Board of County Commissioners shall appoint the three (3) Board members.

2. The County Board of Commissioners may if it chooses designate an alternate member of the Board of Adjustment. The alternate member shall, when directed by the chair of the Board of Adjustment, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chair. The chair 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 all regular board members except the member who is being challenged, unless the challenged member voluntarily disqualifies themselves and abstains from voting.

3. The County Zoning Administrator or its designee may act as the secretary of the Board of Adjustment.

4. The Board of Adjustment shall elect a chair and vice-chair from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

5. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules or procedure may specify.

SUBDIVISION 2. POWERS

1. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

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2. The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control and it shall hear and decide appeals from the review any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance.

SUBDIVISION 3. APPEALS AND PROCEDURE

1. Any aggrieved person, town, municipality, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Adjustment.

2. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.

3. Application for any appeal permissible under the provisions of this Section shall be made to the Board of Adjustment in the form of a written application to use the property or premises as set forth in the application. Upon receipt of any application, and a filing fee, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application. All property owners of record within five hundred (500) feet of the affected property shall be notified by written notice in the U.S. mails as to the time and place of the public hearing. Written notice shall also be given to the affected board of township supervisors and municipal council of any municipality within two miles of the affected property.

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4. The Board of Adjustment shall make its decision upon the application within fifteen (15) days of the public hearing. In recommending any adjustment or variance under the provisions of this Section, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provision to which the adjustment or variance is granted.

SUBDIVISION 4. FINDINGS

The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require.

1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.

2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant.

3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

   "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control;

   A. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and

   B. the variance, if granted, will not alter the essential character of the locality.

   C. Economic considerations alone do not constitute practical difficulties.

4. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

5. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances.

6. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

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SUBDIVISION 5. VARIANCES WITHIN THE FLOOD PLAINS OR SCENIC RIVERS DISTRICT

1. A copy of the request for variance within any designated flood plain, shoreland, or scenic rivers district shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.
2. The Zoning Administrator shall notify the applicant for a variance that:

   A. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

B. 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.

3. A copy of all decisions granting any variance within the designated flood plain, shoreland, or scenic rivers district shall be forwarded to the Minnesota Department of Natural Resources within ten (10) days after such decision.

4. 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.

5. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

SUBDIVISION 6. RECORDING

6. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision, or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.

7. The Zoning Administrator shall be responsible for recording with the County Recorder any order issued by the Board of Adjustment.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 27
AMENDMENTS AND REZONING

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SECTION 27 AMENDMENTS AND REZONING

SUBDIVISION 1. AUTHORITY

Whenever the public necessity, convenience, general welfare or good land use require such amendment, the County Board may by ordinance, amend, extend or add to the regulations of this Ordinance in accord with the applicable provisions of Minnesota Statutes 394.21 through 394.37.

SUBDIVISION 2. APPLICATION

1. An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:

   A. A petition from a property owner (s) for property within the jurisdiction of this Ordinance.

   B. A recommendation of the Planning Commission.

   C. Action by the County Board.

2. Said application shall be filed at least twenty (20) days prior to the hearing thereof.

3. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received and recommendations of the Planning Commission.

4. Required information accompanying to change the wording of this Ordinance shall contain the following:

   A. State reason for change requested.

   B. Statement on compatibility to the County Comprehensive Plan.

   C. Text of portion of the existing ordinance to be amended.

   D. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.

   E. The Planning Commission may request additional information as.

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5. Required information accompanying applications to change district boundaries shall contain the following:

   A. The names and addresses of the petitioner or petitioners, and their signatures to the petition.

   B. A specific description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within such area, and a description of the property owner by each.

   C. The present district classification of the area and the proposed district classification.

   D. Proposed use of the land (a statement of the type, extent, area, etc.).

   E. Map and plot plan or survey.

   F. Compatibility with the Comprehensive Plan of Redwood County (a statement of conditions warranting change in zoning).

   G. A legal description of the land to be rezoned.

   H. Map, plot plan, or survey plot of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas drawn to scale).

   I. The Planning Commission may request additional information as needed.

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SUBDIVISION 3. PROCEDURE

1. Upon receipt of the proper application and other requested material for amendment or rezoning, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held. All such hearings shall be held at the regularly scheduled planning commission meeting after the requirements of proper notice are complied with.

2. Notice of the time, place and purpose of any public hearings 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 (10) days before the hearing.

3. For district boundary changes or zoning use changes, paragraph 1 and 2 of this Section shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected

property in incorporated areas, and one-half (1/2) mile in unincorporated areas, the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.

4. The failure to give mailed notice to the individual property owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.

SUBDIVISION 4. ACTION AND AUTHORIZATION

1. Following the closing of the public hearing, the Planning Commission shall request the Zoning Administrator to report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled board meeting.

2. Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, the County Board may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the board concur in its passage.

SUBDIVISION 5. RECORDING

Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 28
VIOLATION AND PENALTIES

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SECTION 28 VIOLATION AND PENALTIES

SUBDIVISION 1. FINES

Violation of this Ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by fine of not to exceed One Thousand dollars ($1,000) and/or imprisonment for a period of not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

SUBDIVISION 2. ACTION OF BOARD

In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the County Attorney to institute such action. Such actions may include, but are not limited to:

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.

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.

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, the Zoning Administrator may order the construction or development immediately halted until a proper permit or the Community grants approval. If the construction or development is already completed, 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 of 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.

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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.

SUBDIVISION 3. MANDAMUS PROCEEDING

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

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REDWOOD COUNTY ZONING ORDINANCE
SECTION X
PLANNING COMMISSION

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SECTION X PLANNING COMMISSION

SUBDIVISION 1. CREATION AND MEMBERSHIP

1. A Planning Commission is hereby established. Such Commission shall consist of six (6) members including one (1) representative from each Commissioner District and one County Board member. Representatives of each Commissioner District shall be appointed by individual Board members, and ratified by the full Board of Commissioners. The representative from the County Board shall be chosen by the County Board.

2. At least two (2) members of the Planning Commission shall be residents of the portion of the County lying outside the corporate limits of the municipalities.

3. The term of each member shall be a period of three (3) years and shall begin on January 1 of the first year, and continue through December 31 of the third year. The terms of the members shall be staggered so that no more than three (3) terms expire in any one year except the terms of the Planning Commissioner representing the County Board shall be one (year), to be reappointed by the County Board annually.

4. No more than two (2) members of the Planning Commission shall serve as officers or employees of the County, including the Planning Commissioner representing the County Board.

5. All six (6) members on the Planning Commission are voting members.

6. No member of the Planning Commission may participate, except as a member of the public audience, in any proceeding in which the member has a financial interest in the outcome.

7. The Zoning Administrator or the Zoning Administrator's designee shall serve as the Planning Commission Secretary

8. The Planning Commission Chair will be entitled to vote on any and all actions of the Planning Commission. In instances of a tie vote, the permit application or other matter shall be forwarded to the Board of Commissioners without a specific recommendation for finalization.

9. The Commission may call for the removal of any member for the nonperformance of duty or misconduct in office. If a member has four (4) consecutive absences, the Secretary shall certify this fact to the Commission and the Commission shall notify the County Board. The County Board shall appoint a replacement for the unexpired term, as if the member has resigned.

10. Should any vacancy occur among the members of the Planning Commission by reason of death, resignation, disability or otherwise, the Secretary thereof shall give immediate

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notice to the Chairman of the County Board. The County Board shall fill such vacancy by appointment and the appointed member shall serve the remainder of the unexpired term.

11. The members of the Planning 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.

12. The Planning Commission shall elect a Chair and Vice-chair from among its members. The Commission may select a secretary from its members or from the County staff.

SUBDIVISION 2. POWERS

1. The Planning Commission has the authority to conduct public hearings on the issuance of proposed conditional use permits, zoning ordinance amendments, rezoning applications, interim use permits, and subdivision applications presented by the Zoning Administrator charged with the enforcement of this ordinance.

2. The County Board may, by ordinance, assign additional duties and responsibilities to the Planning Commission including, but not restricted to, the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, zoning ordinance amendments, rezoning applications, interim use permits, and subdivision applications. The Planning Commission may be required by the Board to review any Comprehensive Plans and Official Controls 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 shall report thereon in writing to the Board.

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3. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the County Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures and amendments thereto.

4. In all instances in which the Planning Commission is not the final authority, the Commission shall review all applications for conditional use permits, zoning ordinance amendments, rezoning applications, interim use permits, and subdivision applications and report thereon and provide a recommendation to the County Board.

REDWOOD COUNTY ZONING ORDINANCE
SECTION 30
VALIDITY

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SECTION 30 VALIDITY

SUBDIVISION 1. 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.

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REPEAL

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SECTION 31 REPEAL

SUBDIVISION 1. REPEAL

The existing zoning regulations, "Redwood County Zoning Ordinance", adopted the 12th day of July 1971, as amended, is hereby repealed. The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said "Redwood County Zoning Ordinance" adopted the 12th day of July 1971 as amended, if the violation is also a violation of the provisions of this Ordinance.

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REDWOOD COUNTY ZONING ORDINANCE
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REDWOOD COUNTY SHORELAND ORDINANCE

SECTION 1. STATUTORY AUTHORIZATION AND POLICY

1. Statutory Authorization

   A. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394.

2. Policy

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

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SECTION 2. GENERAL PROVISIONS AND DEFINITIONS

1. Jurisdiction

   A. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local governments shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of Redwood County, be exempt from this ordinance.

2. Compliance

   A. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the

subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

3. Enforcement

A. The Redwood County 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 3.1 of this ordinance.

4. Interpretation

A. In their interpretation and application, the provisions of this ordinance shall be held to minimum requirements and shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other power granted by State Statutes.

5. Severability

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

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6. Abrogation and Greater Restrictions

A. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

7. Definitions

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. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

(1.) Accessory Structure or Facility. "Accessory Structure or Facility"

means any building or improvement subordinate to a principal use which, because the nature of its use, can reasonably be located at or greater than normal structure setbacks.

(2.) Animal Feedlot. "Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this ordinance, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots under these parts.

(3.) 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 waterbody.

(c.) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater and

(d.) The slope must drain towards the waterbody.

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(4.) Bluff Impact Zone. "Bluff Impact Zone" means a bluff and land located within 20 feet from the top of the bluff.

(5.) Boathouse. "Boathouse" means a structure designed and used solely for the storage of boats or boating equipment.

(6.) 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.

(7.) Commercial Use. "Commercial Use" means the principal use of the land or buildings for the sale, lease, rental, or trade of products, goods, and services.

(8.) Commissioner. "Commissioner" means the commissioner of the

Department of Natural Resources.

(9.) Conditional Use. "Conditional Use" means a land use or development as defined by the ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon finding that certain conditions as detailed in the ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

(10.) Deck. "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to the principle use or site and at any point extending more than three feet above the ground.

(11.) Dwelling Site. "Dwelling Site" means a designated location for residential use by one or more persons using temporary or moveable shelter including camping and recreational vehicle sites.

(12.) Dwelling Unit. "Dwelling Unit" means any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

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(13.) Extractive Use. "Extractive Use" means the use of the 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.

(14.) Forest Land Conversion. "Forest Land Conversion" means the clear cutting of forested lands to prepare for a new land use other than re-establishment of subsequent forest land.

(15.) Guest Cottage. "Guest Cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

(16.) Hardship. "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter 394.

(17.) Height of Building. "Height of Building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, which ever is lower, and the highest point of a flat roof or average height of the highest

gable of a pitched or hipped roof.

(18.) 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.

(19.) Intensive Vegetative Clearing. "Intensive Vegetative Clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row or block.

(20.) Lot. "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

(21.) Lot Width. "Lot Width" means the shortest distance between lot lines measured at the midpoint of the building line.

(22.) Mobile Home Park. "Mobile Home Park" means a lot containing two or more mobile homes which are not owned or occupied by the owner of the lot.

(23.) New Animal Feedlot. "New Animal Feedlot" means an animal feedlot constructed or operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandon or unused for a period of five years or more.

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(24.) 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 control had been in effect prior to the date it was established, recorded or authorized.

(25.) Ordinary High Water Level. "Ordinary High Water Level" means the boundary of public waters and wetlands, and shall be a 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 natural vegetation changes from 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.

(26.) Public Waters. "Public Waters" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 18.

(27.) Semipublic Use. "Semipublic Use" means the use of the 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.

(28.) 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.

(29.) Setback. "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

(30.) 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 5.8 of the ordinance.

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(31.) Sewer System. "Sewer System" means pipeline or conduits, pumping stations, force mains, and all construction, devices, appliances, or appurtenances used for the conducting of sewage or industrial waste or other wastes to a point of ultimate disposal.

(32.) Shore Impact Zone. "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.

(33.) 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 shoreland 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.

(34.) 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 deemed to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

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

(36.) Structure. "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

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(37.) Subdivision "Subdivision" means land that is divided for the purposes of sale, rent, or lease.

(38.) Surface Water-Oriented Commercial Use. "Surface Water-Oriented Commercial Use" means the use of the 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.

(39.) Toe of Bluff. "Toe of Bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from a gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

(40.) Top of Bluff. "Top of Bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper

end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

(41.) Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes, Chapter 394.

(42.) Water Oriented Accessory Structure or Facility. "Water Oriented Accessory Structure or Facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which because of their 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, pumphouses, and detached decks.

(43.) Wetland. "Wetland" means a surface water feature classified as a wetland in the United States Wildlife Service Circular No. 39 (1971 edition)

SECTION 3. ADMINISTRATION

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1. Permits Required

   A. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and activities not exempted by section 5.3 of this ordinance. Application for a permit should be made to the Redwood County 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 complaint sewage treatment system will be provided.

   B. Permits shall stipulate that any nonconforming sewage treatment system, as defined in section 5.8, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

2. Certificate of Zoning Compliance

   A. The Redwood County Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in section 3.1 of this ordinance. This certificate will specify that the use of the land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by the permit shall be deemed a violation of this ordinance and may be punishable as provided in section 2.3 of this ordinance.

3. Variances

A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. A variance may not circumvent the general purpose 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 the development of adjacent properties.

B. The Board of Adjustment shall hear and decide requests for variances in accordance with rules that it has adopted for the conduct of business and in accordance with the applicable provisions of the Redwood County Zoning Ordinance. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in section 3.42 below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of fact and conclusions which support the issuance of the variance.

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C. For existing developments, the application for a 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.

4. Notifications to the Department of Natural Resources

A. 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. Notice of the hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

B. A copy of the approved amendments and subdivisions/plats, and the 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.

SECTION 4. SHORELAND CLASSIFICATION SYSTEM AND LAND USE

1. Shoreland Classification System

The public waters of Redwood County have been classified below consistent with criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Redwood County, Minnesota.

A. The shoreland for the following waterbodies listed in section 4B and 4C shall be defined in section 2.7 and shown on the Official Shoreland Zoning Map.

B. Lakes

(1.) Natural Environmental Lakes — Protected Waters Inventory I.D. #

(a.)	Tiger	64-0040
(b.)	Willow	64-0044
(c.)	Redwood	64-0058
(d.)	Daubs	64-0070
(e.)	Iverson	64-0084
(f.)	North Slough	64-0102
(g.)	Rohlik Slough	64-0105
(h.)	Timm	87-0017

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C. Rivers and Streams

(1.)	Wild and Scenic		Legal Description
	(a.)	Minnesota River	From Section 7, Township 114, Range 37W, to CSAH 11 Bridge in Section 12, Township 112, Range 34W.
(2.)	Agricultural		
	(a.)	Minnesota River	From CSAH Bridge in Section 12, Township 112, Range 34W, to East Section Line of Section 24, Township 112, Range 34W.
	(b.)	Redwood River	West Section Line of Section 28, Township 112, Range 37W to Confluence with Minnesota River.

(c.) Cottonwood River — West Section Line of Section 7, Township 110, Range 39W to East Section Line of Section 36, Township 109, Range 36W

3. Project River Bend

(a.) Minnesota River — From CSAH 11 Bridge Section 12, Township 112, Range 34W to East Section Line of Section 24, Township 112, 34w.

4. Tributary Streams

(a.) All protected watercourses in Redwood County shown on the Protected Waters Inventory Map for Redwood County, a copy which is hereby adopted by reference, not given a classification in B-C above shall be considered "Tributary"

2. Land Use - Shoreland

A. The following uses are permitted in the shoreland areas of the waterbodies listed in sections 4.12 and 4.13.

(1.) Agricultural uses including cropland and pasture.

(2.) Sensitive resource management.

(3.) Any park, recreational area, or wildlife area owned or operated by a governmental agency.

(4.) Agricultural buildings and accessory structures.

(5.) Any single family dwelling.

(6.) Any addition to an existing single family dwelling.

(7.) The replacement of an existing single family non-farm dwelling.

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B. The following uses may be allowed in the shoreland area of the waterbodies listed in sections 4.12 and 4.13 subject to obtaining a conditional use permit from the Redwood County Board of Commissioners. The procedure for applying for a conditional use permit shall be the same as found in the Redwood County Zoning Ordinance.

(1.) The expansion of any existing animal feedlot, or the addition of any livestock buildings at an existing animal feedlot.

(2.) The extraction, storage, or processing of sand, gravel, stone, clay, or other raw material.

(3.) Any commercial outdoor recreational area, game preserve, including organized group camps and gun clubs.

(4.) Any animal feedlot proposing the use of an earthen basin or lagoon for manure storage.

(5.) Forestland conversions

C. The following land uses are prohibited in the shoreland areas of the waterbodies listed in section 4.12 and 4.13.

(1.) New animal feedlots.

(2.) Junkyards/Salvage yards.

(3.) Mobile home parks.

(4.) Landfills.

D. Interpretation/Amendments

(1.) When an interpretation question arises in the administration of this ordinance, the Redwood County Board of Adjustment shall make the interpretation. Any person, town, municipality, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this ordinance shall have the right to appeal to the Board of Adjustment.

(2.) Any amendment to this ordinance shall follow the procedure outlined in the Redwood County Zoning Ordinance. In taking final action on any amendment to the permitted, or conditionally permitted, uses of the shoreland area of the waterbodies listed in section 4.12 and 4.13, the Redwood County Board must make a

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detailed finding of facts and conclusions. The findings of facts and conclusions shall be consistent with the following criteria, considerations, and objectives:

(a.) Preservation of natural areas.

(b.) Present ownership and development of shoreland areas.

(c.) Shoreland soils types and their engineering capabilities.

(d.) Topographic characteristics.

(e.) Vegetative cover.

(f.) In-water physical characteristics, values, 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 necessity to preserve and restore certain areas having significant historical or ecological value.

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SECTION 5. ZONING AND WATER SUPPLY/SANITARY PROVISIONS

1. Lot Area and Width Standards.

A. The minimum lot area (in square feet) and the lot width standards (in feet) for all lots created after the date of the enactment of this ordinance for the lakes and river/stream classifications are as follows:

(1.) Natural Environment Lakes - All lots created within the shoreland area of the lakes listed in section 4.12 of this ordinance shall have a minimum area of 217,800 square feet (5 acres) and a minimum width of 250 feet.

(2.) Agricultural Rivers/Streams and Project Riverbend - All lots created within the shoreland areas of the rivers/streams listed in section 4.13 of this ordinance shall have a minimum area of 217,800 square feet (5 acres) and a minimum width of 250 feet. These provisions shall not apply to lots described in section 7.16 of this ordinance.

(3.) Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

2. Placement, Design, and Height of Structures

A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

(1.) All structures and on-site septic systems shall maintain a minimum setback of 150' from the ordinary high water mark of the waterbodies described in sections 4.12 and 4.13 of this ordinance.

(2.) All structures shall also meet the following additional minimum setbacks:

(a.) A minimum setback of 30 feet must be maintained from the top of a bluff.

(b.) A minimum setback of 50 feet must be maintained from any unplatted cemetery.

(c.) A minimum setback of 67 feet must be maintained from the right-of-way of any public road or highway. In the event any structure is located on a lot at the intersection of two or more public roads or highways, a 67 foot setback shall be maintained from each right-of-way.

(d.) Every structure shall have two side yards. A minimum setback of 10 feet must be maintained from all side yards.

(e.) There shall be a minimum rear yard of 10 feet.

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

B. Design Criteria For Structures.

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

(a.) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet

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above the ordinary high water level, whichever is higher;

(b.) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data 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 the proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

(c.) Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure in 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.

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(2.) Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in section 5.21 (A) of this ordinance if the water-oriented structure complies with the following provisions:

(a.) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and can not occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;

(b.) The setback of the structure or facility from the ordinary high water level must be at least ten feet;

(c.) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setback or color, assuming summer leaf-on conditions;

(d.) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;

(e.) The structure or facility must not be designed or used for

human habitation and must not contain water supply or sewage treatment facilities.

(3.) Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

(a.) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for public open-space recreational properties.

(b.) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for public open-space recreational properties.

(c.) Canopies or roofs are not allowed on stairways, lifts, or landings.

(d.) Stairways, lifts, and landings may be either constructed above ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion.

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(e.) Whenever practical 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.

(f.) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

(4.) 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.

(5.) Steep Slopes. The Redwood County Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other

improvements on steep slopes. When determined necessary, conditions may 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.

3. Shoreland Alterations.

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

A. Vegetation Alterations.

(1.) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetative alterations standards that follow.

(2.) Removal or alteration of vegetation, except for agricultural and forest management purposes uses as regulated in Sections 5.62 and 5.63 respectfully, is allowed subject to the following standards:

(a.) Intensive vegetative clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetative clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an adequate erosion control plan is developed.

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

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

(2.) along rivers, existing shading of water surfaces is preserved; and

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(3.) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose a safety hazard.

B. Topographic Alterations/Grading and Filling.

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

(2.) Public roads and parking areas are regulated by section 5.4 of this ordinance.

(3.) Notwithstanding items A and B above, a grading and filling permit will be required for:

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

(b.) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

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

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

(1.) Sediment and pollutant trapping and retention.

(2.) Storage of surface runoff to prevent or reduce flood damage.

(3.) Fish and wildlife habitat.

(4.) Recreational use.

(5.) Shoreland or bank stabilization.

(6.) Noteworthiness, including special qualities such as historical significance, critical habitat for endangered plants and animals, or others.

* This evaluation must include a determination of whether the wetland alteration being proposed requires special permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant will be so advised.

(b.) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare land is exposed for the shortest time possible.

(c.) Mulches or other similar materials must be used, where necessary, for temporary bare soil coverage, and permanent vegetative cover must be established as soon as possible.

(d.) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

(e.) Altered areas must be stabilized to acceptable erosion control standards consistent with field office technical guides of the Redwood County Soil and Water Conservation District and the United States Soil Conservation Service.

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(f.) Fill or excavated material must not be placed in a manner that creates an unstable slope.

(g.) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.

(h.) Fill or excavated material must not be placed in bluff impact zones.

(i.) Any alterations below the ordinary high water level of public waters must be first authorized by the commissioner under Minnesota Statutes, section 103G.245

(j.) Alterations of topography must only be allowed if they are

accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

(k.) Placement of natural rock riprap, including associated grading of the shoreland and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(l.) 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 construction to public waters.

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

A. Private and public roads must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with field office technical guides of the Redwood County Soil and Water Conservation District, or other technical materials.

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B. 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 alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

C. Public and private watercraft access ramps, approach roads, and other access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.32 of this ordinance must be met.

5. Stormwater Management.

The following general and specific standards shall apply:

A. General Standards

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

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

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

B. Specific Standards

(1.) Impervious surface coverage of lots must not exceed 25 percent of the lot area.

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(2.) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are consistent with the field office technical guide of the Redwood County Soil and Water Conservation District, or other technical materials.

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

6. Special Provisions for Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

A. Agricultural Use Standards

(1.) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service office technical guide (FOTG), practices approved by the Board of Water and Soil

Resources (BWSR), or practices based on local conditions, approved by the Redwood County Soil and Water Conservation District that are consistent with the FOTG..

(2.) The shore impact zone for parcels with permitted agricultural land uses is an area with a fifty (50) foot average width and a thirty (30) foot minimum width, as measured from the ordinary high water level. However, the shore impact zone for parcels with permitted agricultural land uses that are located adjacent to a public drainage system established under Minnesota Statutes Chapter 103E and that are assigned a classification of "tributary" in Section 4 of this ordinance is an area with a sixteen and half (16.5) foot width, as measured from the ordinary high water level, if identified, or the top or crown of bank as provided in Minnesota Statutes, section 103F.48, subd. 3(c), whichever is applicable.

(3.) Animal feedlots must meet the following standards:

(a.) New feedlots must not be located in the shoreland of the watercourses in section 4.12 and 4.13 or in bluff impact zones.

(b.) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones. All applicable Minnesota Pollution Control Agency permits must be obtained.

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B. Forest Management Standards.

(1.) The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of the Water Quality in Forest Management "Best Management Practices in Minnesota."

C. Extractive Use Standards.

(1.) Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during

operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

(2.) Setback for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels and from bluffs.

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

7. Conditional Uses

Conditional uses allowable with the shoreland areas shall be subject to review and approval procedures, and criteria and conditions for review of conditional uses established in the Redwood County Zoning Ordinance. The following additional criteria and conditions apply within the shoreland areas:

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

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

(2.) The visibility of structures and other facilities as viewed from public waters is limited;

(3.) The site is adequate for water supply and on-site sewage treatment; and

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

B. Conditions Attached to Conditional Use Permits. The Redwood County Board of Commissioners, upon consideration of the criteria listed above and the purposes of this ordinance, may 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:

(1.) Increased setbacks from ordinary high water level.

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(2.) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

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

8. Water Supply and Sewage Treatment

A. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

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

(1.) Publicly-owned sewer systems must be used where available.

(2.) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment System Standards, Chapter 7080," a copy of which is hereby adopted by reference and declared to be a part of this ordinance.

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(3.) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in section 5.21 of this ordinance.

(4.) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems 1 - 4. If the determination of the site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

(5.) Evaluation Criteria:

(a.) Depth to the highest known or calculated ground water table and/or bedrock;

(b.) Soil conditions, properties, and permeability;

(c.) Slope;

(d.) The existence of lowlands, local surface depressions, and rock outcrops.

(6.) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 6.3 of this ordinance.

SECTION 6. NONCONFORMITIES

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

1. Construction on Nonconforming Lots of Record.

A. Lots on record in the office of the County Recorder on the date of the enactment of local shoreland regulations that do not meet the requirements of section 5.1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created complaint with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

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B. If needed, a variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities can not be provided.

C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of section 5.1 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of section 5.1 of this ordinance as much as possible.

2. Additions/Expansions to Nonconforming Structures.

A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of section 5.0 of this ordinance. Any deviation from these

requirements must be authorized by a variance pursuant to section 3.3.

B. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

(1.) The structure existed on the date the structure setbacks were established.

(2.) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

(3.) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closed than 30 feet, whichever is more restrictive.

(4.) The deck is constructed primarily of wood and is not roofed or screened.

3. Nonconforming Sewage Treatment Systems.

A. A sewage treatment system not meeting the requirements of section 5.8 of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for the property. For purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

B. The governing body of Redwood County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems within the shoreland areas. Redwood County will require the upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two years. Sewage treatment 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, seepagepits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's

D. Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

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SECTION 7. SUBDIVISION/PLATTING PROVISIONS

1. Land Suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water 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.

2. Consistency With Other Controls. Subdivisions must conform to all provisions of the Redwood County Subdivision Ordinance. 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 residential subdivision will not be approved unless domestic water supply is available and a sewage treatment systems consistent with sections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of section 5.1 including at least a minimum contiguous lawn area, that is free of limiting factors, sufficient for the construction of two standard soil treatment systems. Lots that would require the use of holding tanks shall not be approved.

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3. Information Requirements. Sufficient information must be submitted by the applicant for Redwood County to make a determination of land suitability. The information shall include at least the following:

   A. Topographic contours at 10 foot intervals or less from United States Geological Survey maps or more accurate sources, showing limited site characteristics.

   B. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

   C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.

   D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic vegetation; and proposed method of controlling stormwater runoff and

erosion both during and after construction activities.

E. Location of 100 year flood plain areas and floodway districts from existing adopted maps or data;

F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum setback distances from the top of the bluff and the lake or stream.

4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

5. Platting. Subdivisions shall conform to the requirements of the Redwood County Subdivision Ordinance.

6. Controlled Access or Recreational Lots. Lots intended as controlled access to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the following sizing requirements:

A. Agricultural Rivers and Project Riverbend - 80,000 square feet and 200 feet in width.

B. Natural Environment Lakes - 40,000 square feet and 125 feet in width.

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SECTION 8. DATE OF EFFECT

This Ordinance is deemed effective the 16th day of August, 2016.

_____

Chair, Redwood County Board of Commissioners

ATTEST:

_____

EFFECTIVE DATE: _____

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REDWOOD COUNTY ZONING ORDINANCE
SECTION 34
AIRPORT ZONING ORDINANCE

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REDWOOD COUNTY AIRPORT ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE REDWOOD FALLS MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE REDWOOD FALLS MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE BY REFERENCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE REDWOOD COUNTY BOARD OF COMMISSIONERS PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES §360.061 THROUGH §360.074, AS FOLLOWS:

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SUBDIVISION 1. PURPOSE AND AUTHORITY

1. An airport hazard endangers the lives and property of users of the Redwood Falls Municipal Airport and of occupants of land in its vicinity, and may reduce the size of the area available for the landing, taking-off, and maneuvering of aircraft, thereby impairing the utility of the Redwood Falls Municipal Airport and the public investment therein.

2. The social and financial costs of disrupting existing land uses around the Redwood Falls Municipal Airport in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.

3. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the Redwood Falls Municipal Airport. It is therefore necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation. The elimination or removal of existing land uses, particularly in established residential neighborhoods in built up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

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SUBDIVISION 2. SHORT TITLE

1. This ordinance shall be known as the "Redwood County Airport Zoning Ordinance". Those sections of land affected by this ordinance are indicated on the Redwood Falls Municipal Airport Zoning Map attached hereto and adopted as part of this ordinance. Redwood County reserves the right to, from time to time, amend the attached map to conform to new or amended state or federal regulations or other statutory or regulatory changes.

SUBDIVISION 4. AIRPORT OBSTRUCTION ZONING

1. Airspace Zones

   A. In order to carry out the purposes of this Ordinance the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

      (1.) Primary Zone

(a.) All that land which lies directly under an imaginary primary surface longitudinally centered on both runways and extending two hundred (200) feet beyond the end of the primary runway (12/30). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet for the primary runway (12/30) and two hundred fifty (250) feet for the secondary runway (5/23).

(2.) Horizontal Zone

(a.) All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,173 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 10,000 feet for all runways.

(3.) Conical Zone

(a.) All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

(4.) Approach Zone

(a.) All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of all runways. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the primary surface.

(1.) The approach surface of the primary runway (12/30) inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.

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(2.) The approach surface of the secondary runway (5/23) inclines upward and outward at a slope of 20 to 1, expanding uniformly to a width of 2,250 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.

(1.) Transitional Zone

(a.) All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the side of the primary surfaces and from the sides of the primary surfaces until they intersect the horizontal surface or the conical surface.

2. Height Restrictions

A. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any airspace zone created in Subdivision 4(A) of this Ordinance so as to project into any of the imaginary airspace surfaces described in said Subdivision 4(A) hereof. Where an area is covered by more than one height limitation, the more restricted limitations shall prevail.

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3. Boundary Limitations

A. For the purpose of promoting health, safety, order, convenience, prosperity, general welfare and for conserving property values and encouraging the most appropriate use of land, the local unit of government may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an airport hazard area may regulate by land use zoning for a distance not to exceed one mile from the airport boundary, and by height-restriction zoning for a distance not to exceed 1-1/2 miles from the airport boundary.

B. Not withstanding Subdivision 4, Subpart 3(A), if any airspace zones extend beyond the specified distances from the airport boundary as stated in Subdivision 4 Subpart 3(A), the rules and regulations for those specific zones will be enforced as written in subdivision 4 and subdivision 5 of this Ordinance.

SUBDIVISION 5. LAND USE SAFETY ZONING

1. Safety Zone Boundaries

A. In order to carry out the purpose of this Ordinance, there are hereby created and established the following safety zone boundaries:

(1.) Safety Zone A

(a.) All that land in the approach zones of a runway extending outward from the end of the primary surface a distance equal to two-thirds the runway length. Safety Zone A for the primary runway would extend outward 2,666.67 feet from the end of the primary surface of the runway. The Safety Zone A for the secondary runway would extend 1,467.33 feet from the end of the primary surface of the runway.

(2.) Safety Zone B

(a.) All that land in the approach zones of a runway extending outward from safety zone A, a distance equal to one-third the runway length. Safety Zone B for the primary runway would extend outward 1,333.33 feet from the end of Safety Zone A for the primary runway. The Safety Zone B for the secondary runway would extend 733.67 feet from the end of the Safety Zone A for the secondary runway.

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(3.) Safety Zone C

(a.) All that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.

2. Use Restrictions

A. General

(1.) Subject at all times to the height restrictions set forth in subdivision 4(2) herein, no use shall be made of any land in any of the safety zones defined in subdivision 5(1) herein which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the

vicinity of the airport, or otherwise endangers the landing, taking off or maneuvering of aircraft.

B. Zone A

(1.) Subject at all times to the height restrictions set forth in subdivision 4(2) herein and to the general restrictions contained in subdivision 5(2)(A)(1) herein, areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to agriculture, light outdoor recreation (non-spectator), cemeteries and auto parking.

C. Zone B

(1.) Subject at all times to the height restrictions set forth in subdivision 4(2) herein, and to the general restrictions contained in subdivision 5(2)(A)(1) herein, areas designated as Zone B shall be used for the following purposes only:

(a.) For agricultural and residential purposes, provided there shall not be more than one single family dwelling per three (3) acre tract of land.

(b.) Any commercial or industrial use which meets the following minimum standards:

(1.) Each single commercial or industrial use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage;

(2.) Each single commercial or industrial site shall be of a size not less than three acres;

(3.) Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per three acre tract of land; and

(4.) The maximum ground area to be covered by a single commercial or industrial building shall not exceed the following minimum ratios with respect to the building site area:

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At Least (Acres)	But Less Than (Acres)	Ratio of Site Area to 1st Floor Bldg. Area	1st Floor Building Area (sq. foot)	Max. Site Population (15 Persons/A)
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	And up	4:1	218,000	300

The following are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly.

D. Zone C

(1.) Zone C is subject only to the height restrictions set forth in subdivision 4(2) herein, and to the general restrictions contained in subdivision 5(2)(A)(1) herein.

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SUBDIVISION 6. AIRPORT ZONING MAP

1. Several zones and airport boundaries herein established are shown on the Redwood Falls Municipal Airport Zoning Map, attached hereto and made part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

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REDWOOD COUNTY ZONING ORDINANCE
ADMINISTRATION OF MPCA FUNDS

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Redwood County Ordinance Pursuant to Minn. Stat. 115.55

An Ordinance relating to the administration and management of funds dedicated to the upgrading of non-compliant or failed individual subsurface sewage treatment systems **(ISTS)** in Redwood County, Minnesota.

The Redwood County Board of Commissioners Ordains:

SUBDIVISION 1. PURPOSE

1. Because the County of Redwood recognizes that many property owners are in possession of ISTS, which are non-compliant or have failed. That the upgrading of non-compliant or failed ISTS will promote the health and welfare of the residents of Redwood County, Minnesota. That Redwood County has passed a Resolution to enter into the Subsurface Sewage Treatment System or Water Well Loan Program of Minn. Stat. 115.57. That pursuant to Minn. Stat. 115.55, Redwood County must provide for effective administration and management of funds dedicated for the Subsurface Sewage Treatment System or Water Well Loan Program.

SUBDIVISION 2. DEFINITIONS AND INTERPRETATIONS

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1. Application. A request or petition for an ISTS loan.

2. Assessments. A tax levied upon real property according to benefits conferred on the property.

3. Certificate of Compliance. Document which states that the newly installed ISTS meets Minnesota Chapter 7080 Rules and the Redwood County Ordinance.

4. Cottonwood River Restoration Project. A plan to promote clean water in the Cottonwood River through the upgrading of septic systems.

5. Funds. Money available to qualifying property owners within the specified watersheds of Redwood County.

6. Individual Subsurface Sewage Treatment System (ISTS). A sewage treatment system, or part thereof, serving a dwelling, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade.

7. Individual Subsurface Sewage Treatment System Design. A drawing or plan of an individual subsurface sewage treatment system.

8. Interest Rate. Percentage of interest due on the loan principal.

9. Legal Description. A statement representing the property lines of a specified parcel.

10. Lien Document. Recordable instrument to file a claim on the property.

11. Liens. Any claim or encumbrance secured by a recorded lien against a piece of real property.

12. Loan Principal. Amount borrowed to replace failing or non-compliant ISTS.

13. MPCA. Minnesota Pollution Control Agency.

14. Property Owner. Person, people, or entity that possesses the specified parcel or parcels.

15. **Qualified Employee:** An employee of Redwood County who performs site evaluations or designs, installs, maintains, pumps, or inspects ISTS as part of the individual's employment duties.

16. Redwood-Cottonwood Rivers Control Area (RCRCA). Organization responsible for the administration of the Cottonwood River Restoration Project and the Redwood River Clean Water Project.

17. Redwood River Clean Water Project. A plan to promote clean water in the Redwood River through the upgrading of ISTS.

18. Specified Parcel or Parcels. Property on which the ISTS will be constructed.

19. Term. Number of years to repay the loan.

20. Title. Proof of ownership of a piece of real property.

SUBDIVISION 3. PROCEDURES AND ADMINISTRATION AND MANAGEMENT

1. All applications shall be filed with the Office of the Redwood County Zoning Administrator.

2. All applications shall include a septic system permit fee.

3. All applications shall include a septic system treatment design.

4. Septic system treatment system designs shall meet the specifications of applicable Redwood County Ordinance.

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5. Applications shall be reviewed by a panel consisting of one member of the Office of the Redwood County Zoning Administrator and one member of the Office of the Redwood County Auditor-Treasurer.

6. The panel shall accept or deny all submitted applications within 30 days.

7. In the event that an application is not accepted or denied within 30 days, the Redwood County Board of Commissioners shall review the petition and issue a decision within 30 days.

8. The Office of the Redwood County Auditor-Treasurer shall verify the tax status, title, liens, and assessments on all specified parcels.

9. A pre-site inspection and design approval shall be completed by a qualified employee.

10. If, upon final inspection by a qualified employee, the qualified employee determines that all listed requirements have been met, the property owner shall receive a certificate of compliance.

11. Upon final inspection and approval by the qualified employee, and upon a determination that all listed requirements have been met, the Redwood County Auditor-Treasurer shall be provided with the amount of funds to be borrowed. This amount shall be reviewed by the Office of the Redwood County Zoning Administrator. The Redwood County Auditor-Treasurer shall then provide a lien document to the property owner specifying the loan principal, interest rate, term, and legal description of that real property subject to the lien.

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12. The lien document shall be signed by each party having an interest in the real property and shall be notarized.

13. The property owner shall file the signed original copy of the lien document with the Office of the Redwood County Recorder.

14. Upon filing of the lien document, the Redwood County Auditor-Treasurer shall forward the funds to the landowner within 20 days.

15. The Redwood County Auditor-Treasurer shall submit an annual report by January 15, of each year, specifying all recorded liens and applicable interests received from all funds.

16. The property owner shall provide for payment of the funds semi-annually, to be included in the property taxes of said piece of real property.

17. Upon final payment by the landowner to the Redwood County Auditor-Treasurer for all funds issued for the septic treatment system, the Redwood County Auditor-

Treasurer shall provide documentation stating the satisfaction of the lien to the property owner. The Redwood County Auditor-Treasurer shall not be responsible for the recording of the satisfaction with the Office of the Redwood County Recorder.

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REDWOOD COUNTY

MINNESOTA

SUBDIVISION

ORDINANCE

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REDWOOD COUNTY SUBDIVISION ORDINANCE

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REDWOOD COUNTY SUBDIVISION ORDINANCE

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN REDWOOD COUNTY AND WITHOUT BOUNDARIES OF MUNICIPALITIES, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS ROADS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS; AND ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS.

SUBDIVISION 1. GENERAL PROVISIONS

1. Title

   A. This ordinance shall be known as the Redwood County Subdivision Ordinance, and will be referred to herein as "this Ordinance".

2. Purpose

   A. Pursuant to the authority contained in Minnesota Statutes, Section 394.21 this Ordinance is adopted for the following purposes: to safeguard the best interests of Redwood County; to assist the subdivider in harmonizing his interests with those of the County at large, as well as with those of the local municipalities located within the County; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivisions with the County Comprehensive Plan; to secure the rights of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; and to establish subdivision development at standards compatible with affected municipalities within the County.

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3. Jurisdiction

   A. The regulations herein governing plats and the subdivision of land shall apply to all areas of the County lying outside the incorporated limits of municipalities.

4. Application of Regulations

   A. Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Ordinance shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale

or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Divisions of land into two (2) or more tracts each larger than ten (10) acres in area and three hundred (300) feet in width shall be exempt from the requirements of this Ordinance.

5. Approvals Necessary for Acceptance of Subdivision Plats

A. Before any plat shall be recorded or be of any validity, it shall have been reviewed by the County Planning Commission and by the Board of County Commissioners as having fulfilled the requirements of this Ordinance.

SUBDIVISION 2. SUBDIVISION PROCEDURE

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the creation of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent, shall apply in writing for approval of such proposed subdivision in accordance with the following procedures for minor and major subdivisions.

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1. Procedure for Minor Subdivisions

A. The following divisions of land may be submitted to the Administrator of this Ordinance for approval without a plat.

1. Any division of a parcel of land involving the sale or exchange of parcels between adjoining owners, where such sale or exchange does not create additional building sites as defined by zoning or reduce the original tract below the requirements of zoning may be submitted without a plat.

2. Any division of a parcel of land involving the establishment of not more than one residential lot or parcel may be submitted without a plat. Such divisions shall conform to the density requirements of the Redwood County Zoning Ordinance.

3. Any division of a parcel of land involving the establishment of agricultural uses may be submitted without a plat.

B. If the Administrator is satisfied that such proposed divisions as described in Subdivision 2, Subpart 1(A) 1, 2, and 3 of this Section are not contrary to applicable platting, subdividing, zoning, sanitary, or official map

regulations the Administrator shall have the authority to approve said divisions, subject to the following provisions.

1. A legal description, survey, and drawing thereof and computation of acreage, prepared by a registered land surveyor shall be filed with the Administrator.

2. The Administrator shall review the submitted information for conformity to all existing, valid platting, subdividing, zoning, sanitary, and official map regulations.

3. The Administrator shall, within fifteen (15) working days after submission of the required information, approve or disapprove such proposed division.

4. In the case of disapprovals the Administrator shall contact the applicant and state the reasons for such disapproval. The reasons for disapproval shall be stated in writing.

5. In the case of approvals the Administrator shall indicate that such proposed division:

   a. Meets all applicable code provisions and constitutes a valid building site.

   b. Does meet applicable subdivision provisions but does not constitute a valid building site as per the Redwood County zoning requirements.

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2. Procedure for Major Subdivisions

A. The following divisions of land shall require approval of plat prior to recording.

1. Any division of a parcel of land involving the establishment of two or more residential lots or parcels.
2. Any division of a parcel of land involving the establishment of one or more commercial or industrial lots or parcels.

3. Any division of a parcel of land involving the allocation of land for the establishing, widening or extension of any street or road.

B. Pre-application Meeting

1. Before filing an application for the Preliminary Plat, the subdivider shall meet with the Administrator to review and discuss the extent

to which the proposed subdivision conforms to this Ordinance, and other ordinances, as well as its conformity to the County Land Use Policies.

C. Preliminary Plat

1. Procedure

a. On reaching conclusions, informally as recommended in the pre-application meeting, regarding this Ordinance and other ordinance general requirements and objectives, the subdivider may prepare a preliminary plat together with plans and other supplementary material as required by this Ordinance.

b. The subdivider shall pay the required fees upon submission of the preliminary plat.

c. The preliminary plat shall be submitted to the County Planning Commission at least **four (4)** weeks prior to a commission meeting at which consideration is requested. Approval, conditional approval or disapproval of a preliminary plat shall be conveyed to the subdivider in writing within ten (10) days after the meeting of the Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.

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d. After review of the preliminary plat by the County Planning Commission, such preliminary plat, together with the recommendations of the Commission, shall be submitted to the Board of County Commissioners for approval. Approval, conditional approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the Board of County Commissions Commissioner at which such plat was considered.

e. The approval of the preliminary plat does not constitute an acceptance of the subdivision for the filing but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one (1) year, unless an extension is granted by the Board of County Commissioners. The subdivider may file an application for a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to the approved preliminary plat.

2. Data Required. The subdivider shall submit ten (10) copies of the preliminary plat complying with the following requirements.

a. Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.

b. Location of boundary lines in relation to known section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.

c. Names and addresses of the developer and the surveyor making the plat.

d. Scale of plat, not less than one (1) inch to one hundred (100) feet.

e. Date and north point.

f. Existing Conditions

1. The location and width of proposed streets, roadways, alleys and easements.

2. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas, and power lines.

3. Layout, numbers and approximate dimensions of lots and the number or letter of each block.

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4. Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

5. Building setback lines with dimensions.

6. Indications of any lots on which a use other than residential is proposed by the subdivider.

7. The zoning districts on and adjacent to the tract.

3. Supplementary Data Requirements. Upon request of the County Planning Commission, supplementary information may include the following:

a. Topography with contour intervals of not more than two (2) feet related to United States Geological Survey datum: also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to the subdivision.

b. A copy of the profile for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown.

c. Vicinity sketch, at a legible scale, to show the relation of the proposed subdivision to its surroundings.

D. Final Plat

1. Procedures. After the preliminary plat has been approved, an application for a final plat shall be filed with the Redwood County Zoning Administrator. The final plat may be submitted for approval as follows:

a. The final plat shall be submitted to the County Planning Commission at least **four (4)** weeks prior to a Planning Commission meeting at which consideration is requested. Approval, conditional approval or disapproval of the final plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the County Planning Commission at which such plat was considered. In case the

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plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.

b. After review of the final plat by the County Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, easements, or public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board of County Commissioners and reported to the person applying for such approval.

2. Data Required

a. The final plat shall be on a sheet at least twenty (20) inches wide and thirty (30) inches long and shall be drawn to scale. The final plat shall comply with the requirements of M.S.A. 505. Where necessary, the final plat may be on several sheets provided they are numbered and a key map is presented on the sheets showing the entire subdivision. The final plat shall have incorporated all changes or modifications required and in all other respects conform to the approved preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop, provided that such portion conforms with all the requirements of this Ordinance.

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3. Supplemental Data Requirements. Upon request of the County Planning Commission, supplementary information may include the following:

a. An attorney's opinion of title showing title or control of the property to be subdivided.

b. A photo positive of the final plat at one (1) inch equals two hundred (200) feet and six (6) prints of same.

4. Certifications Required on Final Plat.

a. Notarized certification by owner and by any mortgage holder of record at the adoption of the plat and the dedication of streets and other public areas.

b. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him/her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.

c. Space for certificate of review to be filed in the signature of the Chairman of the Township Board of Supervisors.

1. The form of review by the Township Board of Supervisors is as follows:

a. Reviewed by _____ Township, Redwood County, Minnesota, this _____ day of _____

Signed: _____
Chairman, Board of Township Supervisors

Attest: _____
Secretary

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d. Space for certificates of approval to be filled in by the signatures of the Chairman of the County Planning Commission and the County Board of Commissioners.

1. The form of approval by the Planning Commission is as follows:

a. Recommended for approval by the Redwood County Planning Commission this _____ day of _____ 20____.

Signed: _____
Chairman of Planning Commission

Attest: _____
Secretary

2. The form of approval of the Board of County Commissioners is as follows.

a. Accepted by Redwood County, Minnesota, this _____ day of _____, 20__.

Signed: _____
Chairman, Board of County Commissioners

Attest: _____
County Auditor-Treasurer

b. Certification showing that all taxes of record and special assessments due on the property have been paid in full.

c. Space for Certificate of Filing to be filled in by the signature of the Redwood County Recorder.

1. The form of certification is as follows:

a. Document number _____
I hereby certify that this instrument was filed in the Office of the County Recorder for record on this _____ day of _____, 20___, at _____ o'clock ___M., and was duly recorded in Book _____ of _____ on page _____.

_____
County Recorder

_____ County, Minnesota

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3. Public Hearing Requirement

A. Before any plat of a major subdivision may be recorded the following requirements for a public hearing shall have been completed.

1. Upon receipt of the proper application and other requested material for plat approval, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearing may be continued from time to time and additional hearings may be held.

2. Notice of the time, place and purpose of any public hearings 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 (10) days before the hearing.

3. Written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (1/2) mile in unincorporated areas, the affected Board of Township Supervisors and the Municipal Council of any Municipality within two (2) miles of the affected property.

4. The failure to give mailed notice to the individual owners or defects in the notice shall not invalidate the proceedings providing a bona fide attempt to comply with this Subdivision has been made.

5. The above public hearing shall be held within forty-five (45) days after receipt of the completed application.

6. Reports Required. The Administrator shall refer one (1) copy of the preliminary plat to the County Engineer, one (1) copy to the town board, and one (1) copy each to the telephone and utility companies. Each may then submit a report to the Administrator within fifteen (15) days. Failure to submit such a report shall constitute approval of the preliminary plat. The reports permitted in this Section shall be forwarded to the Planning Commission for their consideration.

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7. Public Hearing Review

   a. The subdivider shall attend the Planning Commission meeting at which his proposal is scheduled for consideration.

   b. The Planning Commission shall study the practicality of the plat taking into consideration the requirements of the County and the best use of land to be subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Comprehensive Plan, the official map and the zoning ordinance.

c. At the public hearing all persons interested in the proposed plat shall be heard.

8. Action and Authorization

a. The Planning Commission shall within fifteen (15) days of the hearing modify, approve, or disapprove the proposed plat.

b. Following the closing of the public hearing, the Planning Commission shall request the Administrator to report its findings and recommendations on the proposed plat to the County Board at their next regularly scheduled board meeting.

c. Upon filing of such report or recommendation, the County Board may hold such public hearings upon the proposed plat as it deems advisable. After the conclusion of the hearings, if any, the County Board may approve the proposed plat or any part thereof in such form as it deems advisable.

9. The above public hearing requirement shall be completed for any preliminary plat of a major subdivision. The County Planning Commission or the County Board may at their discretion require a public hearing on any final plat of a major subdivision. In the event they decide to require a public hearing on a final plat, the above procedures shall be followed.

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SUBDIVISION 3. GENERAL REQUIREMENTS

The following general requirements shall be met by the subdivider unless the County Board of Adjustment grants a variance in accord with the provisions of this Ordinance.

1. Conformance to Official Map and Comprehensive Plan

A. Any subdivision shall be in harmony with the Comprehensive Plan and its amendments.

2. Delayed Approval of Subdivisions

A. Where a proposed park, playground, school site, 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 action shall be taken toward approval of a preliminary plat for a period not to exceed six (6) months to allow the

opportunity to consider and take action toward acquisition of such lands by the appropriate jurisdiction.

3. Conformity to Zoning Ordinance

   A. Any subdivision shall conform to the zoning ordinance and its map.

4. Character of the Land

   A. The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

5. Conveyances of Metes and Bounds

   A. The conveyance of parcels of less than ten (10) acres or leaving in residue a parcel of less than ten (10) acres by metes and bounds shall be prohibited unless the parcel was a separate parcel of record on the date of adoption of this Ordinance or was the subject of a written agreement to convey entered into prior to the adoption of this Ordinance, except as otherwise regulated in Subdivision 2, Paragraph 1 of this Ordinance.

6. Registered Land Surveys

   A. All registered land surveys shall be filed and are subject to the same procedures as required by this Ordinance for plats. Until approval is granted by the County Board, building permits shall be withheld, dedications shall not be accepted, and no public money shall be spent towards installing utilities and improvements.

7. Established Monuments

   A. For both minor and major subdivisions all international, federal, state, county, and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section and quarter section corners shall be duly described, monumented and tied, and a Certificate of Location thereof shall be filed with the County Recorder.

8. Preservation of Natural Resources

   A. The Planning Commission shall recognize the natural features which add value to all improvements and to the community, such as trees or groves,

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watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

9. Prevention and Erosion

A. Subdividers shall be required to institute measures as determined and directed by the engineer to insure the prevention of wind and water erosion during and upon completion of the construction.

SUBDIVISION 4. SUBDIVISION DESIGN STANDARDS

The following improvements shall be installed in accordance with accepted engineering standards and specifications.

1. Street Plan

A. Streets shall be of sufficient width, suitably located and adequately constructed, to conform with the Comprehensive Plan; to accommodate the perspective traffic; afford access for fire fighting, snow removal and other road maintenance equipment; and shall be considered in their relationship to topographic conditions, to drainage and in their relationship to the proposed land uses to be served. The arrangement of streets shall be such to cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.

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1. Street Arrangement

a. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and construction or extension, presently or when later required, of needed utilities and public services.

b. Minor residential streets shall be arranged so that their use by through traffic will be discouraged.

2. Blocks

a. The acreage within bounding streets shall be such as to accommodate the size of lots required in area by the zoning ordinance and to provide for convenient access, circulation, control and safety of street traffic.

b. Blocks shall not be more than one thousand three hundred twenty (1320) feet in length. No block width shall be less than twice the normal lot depth, unless it abuts a railroad right-of-way, a limited access highway, a major or arterial street, a river or park, or topographical restriction.

c. In blocks exceeding nine hundred (900) feet in length, the Planning Commission may require a twenty (20) foot wide fenced easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify at its discretion, that a five (5) foot wide paved path be included.

3. Street Alignment

a. Street jogs shall have a center line offset of one hundred fifty (150) feet or more when applied to minor streets or service streets, in all other cases they shall be prohibited.

b. All streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.

4. Service Streets

a. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, existing or planned, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes and residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements or approach grades and future grade separations.

5. Relation to Topography

a. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

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6. Treatment along Major Streets.

   a. When a subdivision abuts or contains an existing or proposed arterial or major street, the Planning Commission may require marginal access streets, reverse frontage with screen plantings contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of the residential properties and to afford the separation of through and local traffic.

7. Dead End Streets (Cul-de-sac)

   a. Where dead end streets are designed they, normally, may not exceed five hundred (500) feet in length, and shall terminate in a circular turnabout having a minimum right-of-way radius of sixty (60) feet and a pavement radius of fifty (50) feet. Corners at the entrance to the turnabout portions of cul-de-sac shall have a radius of not less than fifteen (15) feet.

8. Water Courses

   a. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the engineer.

9. Commercial Areas

   a. In front of areas designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business districts.

   b. Paved rear service streets of a width approved by the engineer in width, or in lieu thereof, adequate loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

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10. 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 system for the unsubdivided portion may be required.

11. For all public streets and roads hereinafter dedicated and accepted, the right-of-way widths shall not be less than the minimum dimensions for each classification as follows:

a.	County State Aid Highways and County Roads	100 feet
b.	Minor residential street	66 feet
c.	Marginal access service road	50 feet

12. Minor street access to County, County State Aid, State and Federal highways shall not be permitted at intervals less than six hundred (600) feet.

13. Road and highway grades, and horizontal and vertical alignment standards, shall be acceptable to the County Highway Engineer.

14. Prohibited Plans. The following are prohibited and shall not be approved:

    a. Half streets, unless approved by adjoining property owners.

    b. Private streets.

    c. Reserve strips controlling access to streets.

    d. Intersections with more than four corners.

2. Street Names

A. All street names shall be approved by the Planning Commission and shall conform to any established numbering and naming system.

B. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring subdivision may bear the same name.

C. The subdivider shall install street signs as required and approved by the engineer.

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3. Utilities

A. Water Services

1. Where connection with a public water system is feasible, that system shall be utilized and service shall be provided to each lot.

2. When a public water system is not available, individual wells are permitted in accordance with Subdivision 4, Subpart 3(G) of this subdivision and all other applicable state and local requirements.

B. Sanitary Sewer

1. Where connection with sanitary sewer trunk lines is feasible, the subdivider shall install approved sanitary sewer and make the connection with the trunk lines so as to provide service to each lot.

2. On site disposal systems may be permitted provided they conform to Subdivision 4, Subpart 3(G) of this subdivision and all other applicable local and state requirements.

C. Storm Sewer/ Drainage

1. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.

2. Where connection with an existing storm sewer system is feasible, that system shall be utilized so as to provide complete drainage of the subdivision.

3. Drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

4. In the absence of an existing storm sewer system, the subdivision shall be designed so as to completely be drained by a system of open ditches, culverts, pipes, and/or catch basins.

5. All drainage systems shall be approved by the engineer.

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D. Electrical

1. Electrical utilities, whenever feasible, shall be installed underground and completed prior to street surfacing.

2. When overhead power lines are utilized, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot.

E. Gas

1. When natural gas is to be utilized, the lines shall be installed by the appropriate gas company and be completed prior to street surfacing.

F. Telephone

1. Telephone facilities, whenever feasible, shall be installed underground and completed prior to street surfacing.

2. When overhead telephone lines are utilized, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

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G. On-site Utilities

1. In areas that are not served by public water and sanitary sewer, no residential lot shall be developed unless it contains sufficient surface area for the existing subsurface soil conditions so as to prevent possible pollution problems.

2. All individual wells and on-site sewage disposal systems shall conform to the applicable state and local requirements.

H. Easements

1. Easements at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. The easements shall have continuity of alignment from block to block; and at deflection points, easements for poleline anchors shall be provided where necessary. Easements may be required along property lines from utility easements on rear lot lines to right-of-ways.

2. Easements shall be provided along each side of the centerline of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for water run-off and installation and maintenance of storm water drainage system.

3. Where a subdivision is traversed by a watercourse, ditch, drainageway, channel or stream, there shall be provided a storm drainage right-of-way as required by the engineer, and in no case less than twenty (20) feet in width on each side of the bank.

4. Easements shall be dedicated for the required use.

4. Lots

A. The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots shall not be of such depth as to encourage the later creation of a second building lot at the front or rear.

B. All side lines of a lot shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

C. The lot dimensions shall not be less than the minimum required to secure the minimum lot area specified in the zoning ordinance.

1. Corner lots shall have extra width to permit appropriate building setbacks from both streets

2. Through lots, when permitted, shall have additional depth of ten (10) feet for screen planting along the rear lot line.

3. Remnants of lots below the minimum required size, left over after subdividing of a longer tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

D. Lots abutting upon a watercourse, drainageway, channel, stream or water body shall have additional depth or width, as required to assure that house sites are not subject to flooding.

E. In the subdividing of any land, regard shall be shown for all natural features, such as trees, watercourses and bodies, which, if preserved, will add attractiveness to the proposed development.

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F. Where a proposed plan is adjacent to a limited access highway, major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such roads. A temporary entrance may be granted for single tracts until neighboring land is subdivided and the required access can be feasibly provided.

SUBDIVISION 5. BASIC IMPROVEMENTS

1. General

A. Before a final plat is approved by the County Board, the Board may require the subdivider of the land included in the final plat to 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/she will cause no private construction to be made on said plat or file or cause to be filed any application for the building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots to be constructed have access.

B. Prior to the making of such required improvements, the subdivider shall deposit with the County Auditor an amount equal to one and one-quarter (1 ¼) times the County's estimated cost of such improvements, either in cash or in indemnity bond, with sureties satisfactory to the County, conditioned upon making payment of all improvements and all expense incurred by the County for engineering and legal fees and other expense in connection with the making of such improvements.

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C. No final plat shall be approved by the County Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the street or roads and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the County Engineer, make the area completely safe for residential occupancy, and provide adequate road and lot drainage, the final plat of the subdivision may be approved.

D. No final plat shall be approved by the County Board without first receiving a report from the County Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the County Engineer.

E. All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by the County Engineer. All the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in Subdivision 5, Subpart 1(B).

2. Street Design

A. Street Improvements

1. All streets shall be graded; and in areas provided with sewer and water, the county may require that the streets be improved by surfacing with concrete or plant mix bituminous and/or be provided with concrete curb and gutters. Such grading and improvement shall be approved as to design and specifications by the engineer. In areas not served by sewer and water, curbs and gutters may not be required; and streets may be of suitable compacted gravel surface as approved by the County Engineer.

SUBDIVISION 8. VIOLATIONS AND PENALTY

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1. Sale of Lots From Unrecorded Plats

A. It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or parcel of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded with the County Recorder.

2. Receiving and Recording Unapproved Plats

A. It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless approved in accordance with the requirements of this Ordinance.

3. Misrepresentations as to Construction, Supervision, or Inspection of Improvements.

A. It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the County to represent that any improvement upon any of the highways, roads, streets or alleys of said addition or subdivision has been approved by the County Board, or has

been supervised or inspected by the County when such improvements have not been so constructed, supervised, or inspected.

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REDWOOD COUNTY ADULT USE ORDINANCE

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AN ORDINANCE RELATING TO REGULATING ADULT ESTABLISHMENTS; PROVIDING FOR DISTANCING REQUIREMENTSAND RESTRICTIONS OF SUCH ESTABLISHMENTS FROM RESIDENTIAL DISTRICTS AND OTHER USES.

THE COUNTY BOARD OF REDWOOD COUNTY, MINNESOTA, DOES ORDAIN:

Section 1. Findings and Purpose. Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as: St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington; have studied the impacts that Adult Establishments have in those communities. These studies have concluded that Adult Establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the County Board concludes:

A. Adult Establishments have adverse secondary impacts of the types set forth above.

B. The adverse impacts caused by Adult Establishments tend to diminish if Adult Establishments are governed by geographic, licensing, and health requirements.

C. It is not the intent of the County Board to prohibit Adult Establishments from having a reasonable opportunity to locate in the county.

D Minn. Stat. § 394, allows the county to adopt regulations to promote the public health, safety, morals and general welfare.

E. The public health, safety, morals, and general welfare will be promoted by the county adopting regulations governing Adult Establishments.

Section 3. General Provisions. Adult Establishments as defined in Section 22 of this Ordinance shall be subject to the following general provisions:

A. Zoning. Adult Establishments shall be permitted in the following zones: B-1 (general business) and I-1 (Industrial) pursuant to Sections 10 and 11 of the Redwood County Zoning Ordinance, subject to the conditions stated herein.

B. Location. Adult Establishments shall be located at least seven hundred fifty (750) feet away from the following land uses:

1. Residence;
2. A licensed daycare center;
3. Any school;
4. Any church;

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5. Any casino;
6. Any hotel or motel;
7. Any public park;
8. Any cemetery;
9. Any hospital;
10. Any nursing home;
11. Any youth facility;
12. Another Adult Establishment;

For the purpose of measuring said seven hundred fifty (750) foot setback, Adult Establishment shall include the main public entrance of the Adult Use or Adult Establishment.

C. Signage. Adult Establishments shall adhere to the following signing regulations:

1. Signs shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not be pictorial.

2. Signs messages shall comply with the requirements of size and number for the district in which they are located and shall otherwise comply with Section 16, subd. 3 of the Redwood County Zoning Ordinance.

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D. Each Adult Establishment is a separate use and no two Adult Establishments shall be located in the same building or upon the same property.

E. Adult Establishments shall be prohibited in establishments where alcoholic beverages are served.

F. Adult establishments shall be prohibited at any place or event where minors are permitted.

Section 4. Hours of Operation. An Adult Establishment may not be open between the hours of 3:00 A.M. and 4:00 p.m.

Section 5. Additional Adult Establishment Regulations.

A. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an Adult Establishment without a valid license.

B. An Adult Establishment licensee shall maintain, and retain for a period of two (2) years, the names, addresses, and ages of all persons engaged, hired or employed as dancers or performers by the licensee.

C. An Adult Use shall be prohibited in establishments where alcoholic beverages are served or allowed to be consumed.

D. No owner, operator, or manager of an Adult Establishment shall permit or allow any dancer or other live entertainer to perform nude.

E. No dancer, live entertainer, performer, patron, or any other person shall be nude in an Adult Establishment.

F. No dancer, live entertainer, or performer shall be under 18 years old.

G. All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor.

H. No dancer or performer shall perform or dance closer than ten (10) feet to any patron.

I. No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

J. No patron shall directly pay or give any gratuity to any dancer or performer.

K. No dancer or performer shall solicit any pay or gratuity from any patron.

L. No person under the age of eighteen (18) years shall be admitted to an Adult Establishment.

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Section 6. License Requirements. No person shall own or operate an Adult Establishment without having first secured a license.

A. License Application. The application for an Adult Establishment license shall be submitted by the owner of the real property intended to be used for Adult Uses and on a form provided by the County and shall include:

1. If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all those persons holding more than five (5) percent of the issued outstanding stock of the corporation.

2. The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owners.

3. The address and legal description of the premises where the Adult Establishment is to be located.

4. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity or the operation of an Adult

Establishment or any Adult Use by the applicant, operator or manager and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in other communities. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five (5) percent of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in other communities.

5. The activities and types of business to be conducted.

6. The hours of operation.

7. The provisions made to restrict access by minors.

8. A building plan of the premises detailing all internal operations and activities.

9. The license shall expire on December 31 of the year it is issued.

B. License Fees. Each application for a license shall be submitted to the County Auditor/Treasurer. Each application for a license shall be accompanied by payment in full of the required fee for the license. Upon rejection of any application for a license, the County shall refund the license fee.

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1. All licenses shall expire on the last day of December in each year. Each license shall be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a prorate fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month.

2. The annual fee for an Adult Establishment license shall be set annually by the County Board.

3. No part of the fee paid for any license issued under this Ordinance shall be refunded except in the following instances upon application to the County Auditor/Treasurer within thirty (30) days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases no less than one (1) month before expiration of the license because of: (a) Destruction or damage of the licensed premises by fire or other catastrophe; (b) the licensee's disabling illness; (c) the licensee's death; or (d) a change in the legal status making unlawful for a licensed business to continue.

C. Granting/Denying a License:

1. The Redwood County Sheriff shall investigate all facts set out in the application and the Planning Commission shall hold a public hearing and report their findings to the Board within thirty (30) days after the County Auditor/Treasurer receives an application. Opportunity shall be given to any person to be heard for or against the granting of the license.

2. After such investigation and hearing, the County Board shall grant or refuse the application. The County Board shall grant or refuse the application within thirty (30) days after the public hearing has closed.

3. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premise without the approval of the County Board. If the licensee is a partnership or corporation, a change in the partnership or corporation, a change in the identity of any of the principals of the partnership or corporation shall be deemed a transfer of the license.

D. Persons Ineligible for License. No license shall be granted to or held by any person:

1. Under twenty-one (21) years of age.

2. Who is overdue in payments to a city, county, state, or federal government of taxes, fees, fines or penalties, or charges or liens for municipal services and utilities assessed against them or imposed upon them.

3. Who has been convicted of a gross misdemeanor or felony or of violating any federal or state law or local ordinance relating to sex offenses, obscenity offenses, or Adult Establishments.

4. Who is not the proprietor of the establishment for which the license is issued.

5. Who is residing with a person who has been denied a license by any other Minnesota jurisdiction to operate an Adult Establishment, or residing with a person whose license to operate an Adult Establishment has been suspended or revoked within the preceding twelve (12) months.

E. Places Ineligible for License. No license shall be granted for Adult Establishments on any premises: (a) which is not in compliance with the County's zoning regulations, or fire, building and health and safety codes and all provisions of federal and state law; or (b) where the licensee has been convicted of a violation of this Ordinance, or where any license hereunder has been

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revoked for cause, until five (5) years have elapsed after such conviction or revocation.

Section 7. Conditions of License:

A. All licensed premises shall have the license posted in a conspicuous place at all times.

B. No Minor shall be permitted on the licensed premises.

C. Any designated inspection officer of the County shall have the right to enter, inspect, and search the premises of a licensee during business hours.

D. No adult goods or material services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

E. In granting a license for an Adult Establishment, the County Board may impose additional conditions to protect the best interest of the surrounding area or the county as a whole.

F. The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

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Section 8. Penalty.

A. Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty of a misdemeanor as prescribed by state law.

B. Any violation of this Ordinance shall be a basis for the suspension or revocation of any license granted hereunder. In the event that the County Board proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for such proposed revocation or suspension. The County Board shall hold a public hearing for the purpose of determining whether to revoke or suspend the license, which public hearing shall be within forty-five (45) days of the date of the notice. The County Board shall determine whether to suspend or revoke the license within forty-five (45) days after the close of the hearing and shall notify the licensee of its decision within that forty-five (45) day period.

Section 9. **Right of Appeal.** Any applicant whose application for an Adult Establishment license is denied, or any licensee whose license is revoked or suspended, may appeal such denial, revocation, or suspension to a court of competent jurisdiction within thirty (30) days after the denial, revocation, or suspension of such license.

Section 10. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 13th day of December, 2005, by a unanimous vote of the Commissioners of the Redwood County Board of Commissioners.

_____
Board Chairman

ATTEST:

_____
County Auditor/Treasurer

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