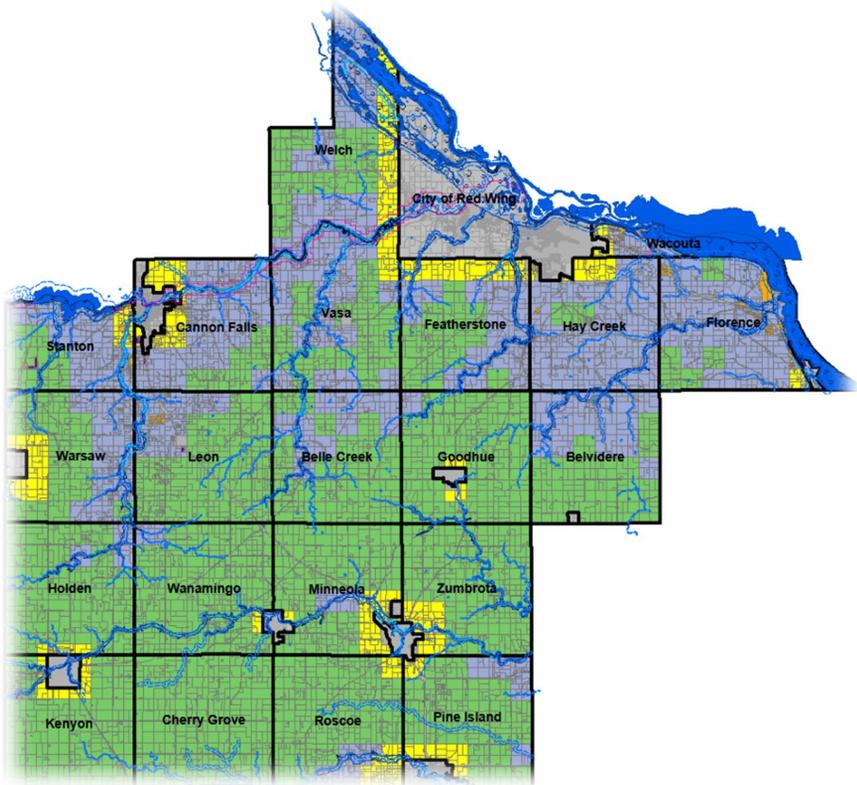




**Goodhue  
County**  
MINNESOTA

# Zoning Ordinance





## Goodhue County Zoning Ordinance Amendments

Adopted:	June 4, 1993	Amended:	August 12, 2010
Amended:	May 17, 1994	Amended:	October 5, 2010
Amended:	July 18, 1995	Amended:	December 20, 2011
Amended:	December 19, 1995	Amended:	June 5, 2012
Amended:	April 6, 1996	Amended:	August 16, 2012
Amended:	July 1, 1997	Amended:	June 18, 2013
Amended:	June 16, 1998	Amended:	October 1, 2013
Amended:	May 18, 1999	Amended:	December 5, 2013
Amended:	July 20, 1999	Amended:	April 1, 2014
Amended:	June 20, 2000	Amended:	August 19, 2014
Amended:	September 5, 2000	Amended:	September 16, 2014
Amended:	October 15, 2002	Amended:	April 7, 2015
Amended:	November 19, 2002	Amended:	June 16, 2015
Amended:	February 18, 2003	Amended:	May 3, 2016
Amended:	September 16, 2003	Amended:	December 8, 2016
Amended:	March 2, 2004	Amended:	February 7, 2017
Amended:	April 6, 2004	Amended:	February 21, 2017
Amended:	August 3, 2004	Amended:	April 4, 2017
Amended:	September 21, 2004	Amended:	December 7, 2017
Amended:	March 1, 2005	Amended:	January 2, 2018
Amended:	September 6, 2005	Amended:	April 17, 2018
Amended:	November 1, 2005	Amended:	November 6, 2018
Amended:	December 8, 2005	Amended:	December 6, 2018
Amended:	July 3, 2006	Amended:	June 18, 2019
Amended:	September 19, 2006	Amended:	August 13, 2019
Amended:	October 7, 2008	Amended:	September 3, 2019
Amended:	December 4, 2008	Amended:	June 2, 2020
Amended:	May 19, 2009	Amended:	August 11, 2022
Amended:	July 1, 2009	Amended:	January 17, 2023
Amended:	August 4, 2009	Amended:	July 18, 2023
Amended:	February 2, 2010	Amended:	January 2, 2024
Amended:	October 2, 2007		

# TABLE OF CONTENTS

		<u>Page</u>
<b>ARTICLE 1</b>	<b>GENERAL PROVISIONS</b>	1
Section 1	Title	1
Section 2	Purpose	1
Section 3	Jurisdiction	1
Section 4	Scope	1
Section 5	Interpretation	1
Section 6	Severability	1
Section 7	Appeals	2
Section 8	Fees	2
Section 9	Validity	2
	<b>FUNCTIONS OF THE ZONING ADMINISTRATOR, PLANNING COMMISSION, AND</b>	
<b>ARTICLE 2</b>	<b>BOARD OF ADJUSTMENT</b>	3
Section 1	Enforcement	3
Section 2	Duties & Powers of the Office of Zoning Administrator	3
Section 3	Building Permit Required	3
Section 4	Planning Commission	4
Section 5	Board of Adjustment	6
	<b>ZONING AMENDMENTS/REZONINGS/OFFICIAL MAPPING</b>	9
<b>ARTICLE 3</b>		
Section 1	Zoning Amendments	9
Section 2	Application	9
Section 3	Procedure	11
Section 4	Action and Authorization	11
Section 5	Fees	12
Section 6	Recording	12
Section 7	Effective Date	12
Section 8	Official Mapping	12
Section 9	Adoption by Statute	13
	<b>CONDITIONAL USES AND INTERIM USES</b>	15
<b>ARTICLE 4</b>		
Section 1	Applicability	15
Section 2	Application for Conditional/Interim Use Permit	15
Section 3	Conditional/Interim Use Permits Within Floodplains and Shoreland Areas	16
Section 4	Notification and Public Hearing	19
Section 5	Approval, Disapproval or Modification	19
Section 6	Compliance	20
Section 7	Review	20
Section 8	Revocation	20
Section 9	Discontinuance	21
Section 10	Recording	21

<b>ARTICLE 5</b>	<b>VARIANCES AND APPEALS</b>	23
Section 1	Variances and Appeals	23
Section 2	Application for Variance	23
Section 3	Variances Within Shoreland and Floodplain	24
Section 4	Application for Appeal of Any Order, Requirement, Decision, or Determination Made By Any Administrative Official	24
Section 5	Notification and Public Hearing	25
Section 6	Recording	26
Section 7	Expiration of Variance and Appellate Decisions	26
<b>ARTICLE 6</b>	<b>NON-CONFORMING USES</b>	27
Section 1	Non-Conforming Buildings and Uses	27
Section 2	Non-Conforming Signs	27
Section 3	Non-Conforming Junkyards	28
Section 4	Floodplain Structural Alterations	28
Section 5	Nonconforming Sewage Treatment Systems	28
<b>ARTICLE 7</b>	<b>VIOLATIONS AND PENALTIES</b>	29
Section 1	Criminal Violations and Penalties	29
Section 2	Relief From Personal Responsibility	29
<b>ARTICLE 8</b>		30
	Left blank for future use	
<b>ARTICLE 9</b>		31
	Left blank for future use	
<b>ARTICLE 10</b>	<b>WORD USAGE AND DEFINITIONS</b>	33
Section 1	Word Usage	33
Section 2	Definitions	33
<b>ARTICLE 11</b>	<b>PERFORMANCE STANDARDS</b>	51
Section 1	Purpose and Intent	51
Section 2	Building Regulations	51
Section 3	Lot Area Requirements	51
Section 4	Temporary Dwellings	51
Section 5	Accessory Buildings	51
Section 6	Access Drives and Access	52
Section 7	Vegetative, Tree, & Woodland Alterations	52
Section 8	Dumping and Disposal of Rubbish	55
Section 9	Exterior Storage of Automobiles	55
Section 10	Junk and/or Salvage Reclamation Yard	55
Section 11	Soil Erosion and Sediment Control	56
Section 12	Home Businesses	57

Section 13	Bed & Breakfast Inns	59
Section 14	Educational Farm Retreat	60
Section 15	Off-Street Loading and Unloading Requirements	60
Section 16	Off-Street Parking Requirements	60
Section 17	Sign Regulations	63
Section 18	Off-Premise Advertising Signs (Billboards)	65
Section 19	Amortization	66
Section 20	Inspection	66
Section 21	Additional Requirements, Exceptions, and Modifications	66
Section 22	Site Development, Landscaping, Screening, and Greenbelt Requirements for Business and Industrial Zoning Districts	67
Section 23	Environmental Review Program	67
Section 24	Preservation of Farming Practices	69
Section 25	Retreat Centers	70
Section 26	Kennels	71
Section 27	Farm Wineries	72
Section 28	Agricultural Tourism Accessory Uses	74
Section 29	Farm Market/On-Farm Markets/Roadside Stands	74
Section 30	Rural Tourism	76
Section 31	Accessory Dwelling Units (ADUs)	77
Section 32	Abandoned Homesteads	78
Section 33	Contractors Yard	78
Section 34	Self-Service Storage Facilities	79
Section 35	Transfer Facilities	79
<b>ARTICLE 12</b>	<b>BLUFF LAND PROTECTION</b>	81
Section 1	Intent and Purpose	81
Section 2	Scope	81
Section 3	Boundaries	82
Section 4	General Regulations	82
<b>ARTICLE 13</b>	<b>CONFINED FEEDLOT REGULATIONS</b>	85
Section 1	Intent	85
Section 2	Adoption by Reference of State Regulations	85
Section 3	Application Procedure	85
Section 4	General Requirements	86
Section 5	Feedlots Requiring a Conditional Use Permit	87
Section 6	Information Required For a Conditional Use Permit	88
Section 7	Required Setbacks for New Facilities	88
Section 8	Manure Application Setbacks	89
Section 9	Standards for Earthen Storage Basins & Concrete Pits (MPCA)	90
Section 10	Feedlot Permits with Potential Pollution Hazards	90

<b>ARTICLE 14</b>	<b>MINERAL EXTRACTION</b>	91
Section 1	Purpose	91
Section 2	Definitions	91
Section 3	Exceptions from Permit Requirements	92
Section 4	Mineral Extraction Permit Required	93
Section 5	Conditional/Interim Use Permit Application Requirements for New Mineral Extraction Facilities	94
Section 6	Application Requirements for Registration/Land Use Permits and Conditional/Interim Use Permits	101
Section 7	Mining Technical Evaluation Panel Procedures	108
<b>ARTICLE 15</b>	<b>ESSENTIAL SERVICES</b>	109
Section 1	Purpose and Intent	109
Section 2	Scope of Regulations	109
Section 3	Exempt From Regulations	109
Section 4	Essential Service Facilities Procedure	109
Section 5	Essential Service Construction Standards	110
<b>ARTICLE 16</b>	<b>MANUFACTURED/MOBILE HOME PARKS</b>	111
Section 1	Intent	111
Section 2	Application	111
Section 3	Performance Standards for Mobile Home Parks	111
Section 4	Mobile Home Park Lots	112
Section 5	Mobile Home Stands	113
Section 6	Park Management	113
Section 7	Campground and Recreation Vehicle Site Regulations	114
<b>ARTICLE 17</b>	<b>WIRELESS COMMUNICATION FACILITIES</b>	117
Section 1	Purpose	117
Section 2	Definitions	117
Section 3	Applicability	118
Section 4	General Requirements	118
Section 5	Prohibitions	119
Section 6	District Requirements	119
Section 7	Performance Standards	120
Section 8	Permit Requirements	123
Section 9	Transferability	125

<b>ARTICLE 18</b>	<b>WIND ENERGY CONVERSION SYSTEM REGULATIONS</b>	127
Section 1	Purpose	127
Section 2	Definitions	127
Section 3	Procedures	130
Section 4	District Regulations	132
Section 5	Requirements and Standards	135
Section 6	Stray Voltage Testing For Commercial WECS Projects	137
Section 7	Preliminary Acoustic Study For Commercial WECS Projects	137
Section 8	Local Emergency Services Notification Requirements for Commercial WECS Projects	138
Section 9	Other Applicable Standards	138
<b>ARTICLE 19</b>	<b>SOLAR ENERGY (SES) REGULATIONS</b>	139
Section 1	Purpose	139
Section 2	Definitions	139
Section 3	General Purposes	140
Section 4	Solar Energy System Standards	140
Section 5	Applications for Solar Energy Systems	142
Section 6	Decommissioning	144
Section 7	Permitted Uses, Conditional Uses or Interim Uses for Solar Energy Systems	144
<b>ARTICLE 20</b>	<b>ZONING DISTRICTS AND DISTRICT PROVISIONS</b>	147
Section 1	Zoning Districts	147
Section 2	Zoning Map	147
Section 3	District Boundaries	147
Section 4	Zoning Boundary Interpretation	147
Section 5	Permitted Uses	148
Section 6	Uses Not Provided for in Zoning District	148
Section 7	Table of Uses	149
Section 8	Table of Uses Business/Industrial Districts	151
<b>ARTICLE 21</b>	<b>A-1, AGRICULTURAL PROTECTION DISTRICT</b>	153
Section 1	Purpose	153
Section 2	Permitted Uses	153
Section 3	Conditional Uses and Interim Uses	153
Section 4	Accessory Uses and Structures	153
Section 5	General District Regulations	153
Section 6	General Regulations	154
<b>ARTICLE 22</b>	<b>A-2, AGRICULTURE DISTRICT</b>	155
Section 1	Purpose	155
Section 2	Permitted Uses	155
Section 3	Conditional Uses and Interim Uses	155
Section 4	Accessory Uses and Structures	155
Section 5	General District Regulations	155
Section 6	General Regulations	156

<b>ARTICLE 23</b>	<b>A-3, URBAN FRINGE DISTRICT</b>	159
Section 1	Purpose	159
Section 2	Permitted Uses	159
Section 3	Conditional Uses and Interim Uses	159
Section 4	Accessory Structures and Uses	159
Section 5	General District Regulations	159
Section 6	General Regulations	161
Section 7	Joint Powers Review	161
<b>ARTICLE 24</b>	<b>R-1, SUBURBAN RESIDENCE DISTRICT</b>	163
Section 1	Purpose	163
Section 2	Permitted Uses	163
Section 3	Conditional Uses and Interim Uses	163
Section 4	Accessory Uses	163
Section 5	Dimensional Requirements	163
Section 6	General Regulations	164
<b>ARTICLE 25</b>		165
	Left Blank for Future Use	
<b>ARTICLE 26</b>	<b>MXH, MIXED USE HAMLET DISTRICT</b>	167
Section 1	Purpose	167
Section 2	Initiating Zoning Map Amendments to the MXH District	167
Section 3	Permitted Uses	167
Section 4	Conditional Uses and Interim Uses	168
Section 5	Commercial Development Standards	168
Section 6	Accessory Uses	169
Section 7	Lot Size, Setback, Yard and Height Requirements	169
Section 8	Essential Services Regulations	171
<b>ARTICLE 27</b>	<b>B, BUSINESS DISTRICT</b>	173
Section 1	Purpose	173
Section 2	Commercial Development Standards	173

Section 3	Accessory Use	173
Section 4	Lot Size, Setback, Yard and Height Requirement	173
Section 5	Essential Services Regulations	174
Section 6	General Regulations	174
<b>ARTICLE 28</b>	<b>I, INDUSTRY DISTRICT</b>	175
Section 1	Purpose	175
Section 2	Industrial Development Standards	175
Section 3	Accessory Uses	175
Section 4	Lot Size, Setback, Yard and Height Requirements	175
Section 5	Essential Services Regulations	176
Section 6	General Regulations	176
<b>ARTICLE 29</b>	<b>WS, WILD AND SCENIC RIVER DISTRICT</b>	177
Section 1	Purpose	177
Section 2	Authorization	177
Section 3	Permitted, Conditional and Non-Permitted Uses	177
Section 4	Area, Setback and Other Requirements	179
Section 5	Performance Standards	180
Section 6	Non-Conforming Substandard Uses, Structures and Lots	181
Section 7	Notification of Proposed Zoning Amendments, Variances, Inconsistent Plats, and	182
<b>ARTICLE 30</b>	<b>CR, COMMERCIAL RECREATIONAL DISTRICT</b>	183
Section 1	Purpose	183
Section 2	Permitted Uses	183
Section 3	Conditional Uses and Interim Uses	183
Section 4	General District Regulations	184
<b>ARTICLE 31</b>	<b>SHORELAND REGULATIONS</b>	185
Section 1	Purpose	185
Section 2	Statutory Authorization	185
Section 3	Shoreland Districts	185
Section 4	District Application	185

Section 5	Boundaries	186
Section 6	Shoreland Classification System	186
Section 7	Allowable Land Uses	187
Section 8	Shoreland Development Standards	187
Section 9	Design Criteria for Structures	189
Section 10	Substandard Lots	191
Section 11	Shoreland Alterations	191
Section 12	Sanitary Regulations	195
Section 13	Planned Unit Development (PUDs)	197
Section 14	Conditional Uses	202
Section 15	Variances	203
Section 16	Subdivision/Platting Provisions	203
Section 17	Notification to the Department of Natural Resources	204
<b>ARTICLE 32</b>	<b>FP, FLOODPLAIN DISTRICT</b>	205
Section 1	Statutory Authorization, Findings of Fact and Purpose	205
Section 2	General Provisions	205
Section 3	Establishment of Zoning District	207
Section 4	Floodway Area (FW)	208
Section 5	Flood Fringe Area (FF)	211
Section 6	General Floodplain Area	214
Section 7	Subdivisions	215
Section 8	Public Utilities, Railroads, Roads and Bridges	216
Section 9	Manufactured Homes and Manufactured Home Parks and Placement of Travel	216
Section 10	Administration	218
Section 11	Nonconforming Uses	219
Section 12	Violations in a Floodplain District	220
Section 13	Amendments	221
<b>ARTICLE 33</b>	<b>WETLANDS REGULATIONS</b>	223
Section 1	Intent	223
Section 2	Purpose	223
Section 3	Wetland Classes	224
Section 4	Determination of Wetlands	225
Section 5	Prohibitions	225
Section 6	Exemptions	225
Section 7	Replacement	225
Section 8	Fees	226
Section 9	Enforcement	226
<b>ARTICLE 34</b>	<b>PT, PARKS AND TRAILS DISTRICT</b>	227
Section 1	Purpose	227
Section 2	Permitted Uses	227
Section 3	Conditional Uses and Interim Uses	227
<b>ARTICLE 35</b>	<b>CS, CONSERVATION SUBDIVISION DISTRICT</b>	229
Section 1	Purpose	229
Section 2	Permitted Uses	229
Section 3	Conditional Uses and Interim Uses	229
Section 4	Accessory Structures and Uses	229
Section 5	Dimensional Requirements	229
Section 6	General District Regulations	230

# **ARTICLE 1 GENERAL PROVISIONS**

---

## **SECTION 1. TITLE**

This Ordinance shall be known as the Goodhue County Zoning Ordinance, and will be referred to herein as "this Ordinance".

## **SECTION 2. PURPOSE**

The purpose of this Ordinance is to promote and protect the public health, safety and general welfare of the people of Goodhue County. This Ordinance will protect and preserve prime agricultural land by limiting the density of residential development in these areas. This Ordinance will assist in the economic growth of the County by providing a basis for reasonable and orderly residential, commercial and industrial development. At the same time, this Ordinance shall encourage farmers, residents and businesses to protect the land from erosion, loss of wetlands, loss of water quality, and loss of woodlands.

## **SECTION 3. JURISDICTION**

This Ordinance shall be in effect in all areas of Goodhue County lying outside the limits of incorporated municipalities.

## **SECTION 4. SCOPE**

From and after the effective date of this Ordinance and subsequent amendments, the use of all land and every building or structure or portion of a building erected or altered and every use within a building or use accessory thereto shall be in conformity with this Ordinance. Historical sites and monuments as well as marshes, wooded sites and steep slope areas may be included in this area. Any development in those areas shall be subject to the reviews of the Planning Commission.

## **SECTION 5. 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 each statute, other ordinance, or regulation shall be controlling.

## **SECTION 6. 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.

## **SECTION 7. APPEALS**

Decisions relating to actions taken in regards to the Goodhue County Zoning Ordinance pursuant to MN Statutes Chapter 394 and the provisions of sections 394.21 to 394.37 may be reviewed upon request for appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless a stay would cause imminent peril to life or property.

- Subd. 1 An appeal to any order, requirement, decision or determination made by any administrative official charged with enforcing any adopted ordinance, shall be filed with the Board of Adjustment within thirty (30) days, after receipt of notice of the decision. See ARTICLE 5, SECTION 4 of this Ordinance for appeals application process.
- Subd. 2 An appeal from decisions of the Board of Adjustment decision in granting variances or in hearing appeals shall be filed with the Goodhue County District Court within thirty (30) days, after receipt of notice of the decision.
- Subd. 3 An appeal from decisions of the County Board relating to actions taken in regards to the Goodhue County Zoning Ordinance shall be filed with the Minnesota Court of Appeals within thirty (30) days, after receipt of notice of the decision.

## **SECTION 8. FEES**

- Subd. 1 Required Fees. The fees for a land use permit, rezoning, variance, amendment or conditional use permit shall be established by the Board. The Board may review and revise the fee schedule periodically. Applicable fees must be paid in full before any zoning permit is issued. Any person filing a petition for an amendment to this Ordinance requesting a variance or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.
- Subd. 2 Municipal corporation and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

## **SECTION 9. VALIDITY**

- Subd. 1 This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.
- Subd. 2 Date of effect. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

# **ARTICLE 2    FUNCTIONS OF THE ZONING ADMINISTRATOR, PLANNING COMMISSION, AND BOARD OF ADJUSTMENT**

---

## **SECTION 1.    ENFORCEMENT**

- Subd. 1.    The provisions of this Ordinance shall be administered by the office of the Zoning Administrator.
- Subd. 2.    When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
- Subd. 3.    It shall be the duty of the County Attorney and the County Sheriff, when called upon by the County Board to perform such duties as may be necessary to enforce the provisions of this Ordinance.

## **SECTION 2.    DUTIES AND POWERS OF THE OFFICE OF ZONING ADMINISTRATOR**

- Subd. 1.    Determine if applications comply with the terms of this Ordinance.
- Subd. 2.    Conduct inspections of the use of land to determine compliance with the terms of this Ordinance.
- Subd. 3.    Maintain permanent and current records of this Ordinance, including but not limited to, maps, amendments, conditional uses, variances, appeals and applications.
- Subd. 4.    Receive, file and forward all applications for appeals, variances, conditional uses, and amendments to the designated official bodies.
- Subd. 5.    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 Floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.
- Subd. 6.    Provide and maintain a public information bureau relative to matters arising out of this Ordinance.

## **SECTION 3.    BUILDING PERMIT REQUIRED**

On and after the effective date of this Ordinance, It shall be unlawful to proceed with the change of use, erection, enlarging or structural alteration of any building without first procuring the Zoning Administrator's approval and the Building Official's approval for a building permit, if applicable.

- Subd. 1.    No permit shall be issued unless such building or land use is designed and arranged to conform to the provisions of this Ordinance, the adopted Building Code, County Subsurface Sewage Treatment System Ordinance, and the County Water Quality Ordinance.

- Subd. 2. Application for a permit shall be signed by the applicant or his authorized agent and filed with the Zoning Administrator's office.
- Subd. 3. The permit applications requiring approval from the Zoning Administrator shall contain the following information: the location and dimensions of the lot or premises; the nature of the proposed construction alteration and repair; the estimated cost; the present and proposed use of land or any structure on the premises. In addition to the above information, applications for permits within the Floodplain shall show elevation of the lot; existing and proposed structures, fill or storage of material; and the location of all information in relation to the stream channel.
- Subd. 4. To each application, there shall be included:
1. A site plan, as defined in Article 10, showing all pertinent dimensions, buildings and significant natural features having an influence on the permit;
  2. A Township review form;
  3. Upon review, applications may require other information concerning the property or adjoining property as determined by the Zoning Administrator and/or Building Official; and
  4. Application fees.
- Subd. 5. Upon receipt of an application for a permit, the Zoning Administrator shall examine the same to determine whether the proposed construction, alteration, repair, enlargement, demolition or removal and proposed use shall comply with the provisions of this Ordinance, all building and health ordinances or regulations of the County, and the State law. The necessary County permits shall be issued when they are deemed in compliance with the above items.
- Subd. 6. Fees for such permits shall be pursuant to fee schedules and amendments, thereto, as established by the County Board.
- Subd. 7. If it shall be determined that for any reason, the permit requested may not be issued, the Administrator shall return the application, with the fee deposited, to the applicant, with a memorandum stating the reason for refusing to issue said permit.
- Subd. 8. A building permit is valid only to the fee owner of the property, or their agent, at the time of the granting of the permit. No permit or its provisions are transferable.

#### **SECTION 4. PLANNING COMMISSION**

- Subd. 1. The Goodhue County Board hereby establishes the Goodhue County Planning Commission. The Planning Commission shall consist of not less than seven (7) members appointed by the County Board.
- Subd. 2. At least four (4) members shall be residents of the portion of the County outside the corporate limits of the municipalities.
- Subd. 3. The term of each member shall begin on January 1 and continue through December 31. A person may be appointed to fill an unfinished term; in such cases, the new member's first year of their first term shall be considered January 1 of the upcoming year. Each member shall serve for a period of three (3) years except the term of the officer appointed by the County Board shall be annually.

- Subd. 4. Each member may be eligible at the discretion of the County Board for reappointment, but not more than three (3) consecutive three (3) year terms. A minimum of one term (3 years) is required between the end of a term limit (9 years) and the start of a new series of appointment terms.
- Subd. 5. No more than one (1) voting member of the Planning Commission shall serve as an officer or employee of the County.
- Subd. 6. No voting member of the Planning Commission shall receive, during the two (2) years prior to appointment, any substantial portion of his income from business operations involving the development of land within Goodhue County for the development of land for urban and urban related purposes.
- Subd. 7. The County Board may designate any County officer or employee as an ex-officio member of the Commission.
- Subd. 8. The Commission shall call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the County Board and the County Board shall appoint a replacement for the unexpired term, as if the member has resigned.
- Subd. 9. Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairman of the County Board by the secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the provisions of this subdivision, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- Subd. 10. The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- Subd. 11. The Commission, at its first regular meeting of the year, shall elect a Vice Chair for the year. The immediate Vice Chair shall serve as the Chair for the year. The County Zoning staff is designated as the Official Secretary for the Planning Commission. The Planning Commission shall cooperate with the Planner, Zoning Administrator, and other employees of the County in preparing and recommending to the County Board for adoption, comprehensive plans and amendments to the Comprehensive Plan. The Planning Commission shall also review and make recommendations to the Board all applications for conditional use permits and plans for the subdivision of land.
- Subd. 12. The 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, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. 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 therein in writing to the Board.

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

- Subd. 1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as by Minnesota Statutes 394.21 through 394.37.
- Subd. 2. The Board of Adjustment shall consist of six (6) regular members. All members shall be appointed for a term of three (3) years but not more than three (3) consecutive three (3) year terms. A minimum of one term (3 years) is required between the end of a term limit (9 years) and the start of a new series of appointment terms. Each member may be eligible at the discretion of the County Board for reappointment.
- Subd. 3. The term of each member shall begin on January 1 and continue through December 31. A person may be appointed to fill an unfinished term; in such cases the new member's first year of their first term shall be considered January 1 of the upcoming year.
- Subd. 4. At least three members of such Board of Adjustment shall be from the unincorporated area of the County and one member shall also be a member of the County Planning Commission. No elected official of the County, no employee of the Board of County Commissioners shall serve as a member of the Board of Adjustment.
- Subd. 5. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board member from voting thereon shall be decided by a majority vote of all regular Board members except the member who is being challenged.
- Subd. 6. In the event a vacancy occurs as a result of death, incapacity, resignation or removal of any member of the Board of Adjustment, a new member shall be appointed as above provided.
- Subd. 7. The Board of Adjustment may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Board of Adjustment and the Board of Adjustment shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- Subd. 8. The Board of Adjustment shall be paid compensation and all members may be paid their necessary expenses in attending meetings of the Board of Adjustment and in the conduct of the business of the Board of Adjustment.
- Subd. 9. At its first regular meeting of the year, the Board of Adjustment shall elect a Vice-Chairman from among its members. The immediate Vice-Chair shall serve as the Chair for the year. The Board shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations. The Zoning Administrator or the Assistant shall act as secretary of the Board of Adjustment.
- Subd. 10. The meetings of the Board of Adjustment shall be held at the call of its chairman and at such other times as the Board of Adjustment in its rules of procedures may specify.
- Subd. 11. The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statute, Sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future use on an official map and perform such other duties as required by the official controls. Such

appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

RESERVED FOR FUTURE USE

# **ARTICLE 3 ZONING AMENDMENTS/ REZONINGS/ OFFICIAL MAPPING**

---

## **SECTION 1. ZONING AMENDMENTS**

The County Board may issue an amendment to the Zoning Ordinance or Zoning Map to reflect changes in conditions in the County or to correct mistakes in the ordinance or map.

The Floodplain designation on the Official Zoning Map shall not be removed from Floodplain 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 regional flood and is contiguous to lands outside the Floodplain. 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 this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

## **SECTION 2. APPLICATION**

Subd. 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 resident or residents living within the jurisdiction of this Ordinance.
- B. A recommendation of the Planning Commission.
- C. Action by the County Board.

Subd. 2 Said application shall be filed at least twenty (20) days prior to the hearing thereof.

Subd. 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 receives the recommendations of the Planning Commission.

Subd. 4 Required information accompanying application to change the wording of this Ordinance shall contain the following:

- A. Stated reason for change requested.
- B. Statement on compatibility with 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. Additional information as may be requested by the Planning Commission.

- Subd. 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. If the parcel(s) requesting zoning change cannot be described as an aliquot part of a Public Land Survey Section, (the minimum division being described as a Quarter Quarter of a Section), a Certificate of Survey prepared and signed by a Minnesota Licensed Surveyor shall contain the following information:
    1. A boundary survey (drawn to scale) and the description of the area proposed to be rezoned
    2. A statement indicating the parcel identification numbers which are affected by rezone request; indicate if the proposed area is a split or combination of parcels; (any splits must be accompanied by a description of the remainder)
    3. Any improvements such as buildings, fences, roads, driveways, etc. within 200 feet of the proposed boundary of the area to be rezoned
    4. Vicinity map
  - C. The current district classification of the area and the proposed district classifications.
  - D. The current use and the proposed use of the land (a statement of the type, extent, area, etc.).
  - E. The reason for the requested change of zoning district.
  - F. A copy of the soil map showing the soils types within the proposed boundary and the surrounding area.
  - G. Prime Farmland Rating of the soil types in F.
  - H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:
    1. The environmental impacts of the proposed use of land on the:
      - a. groundwater
      - b. natural plant and animal communities
      - c. existing trees and vegetation
      - d. bluffland stability
      - e. shoreland stability
    2. The compatibility with surrounding land uses
    3. The physical and visual impacts on any scenic or historic amenities within or surrounding the proposed parcel.
- Subd. 6 The housing density of the affected Section
- Subd. 7 The impact on any surrounding agricultural uses
- Subd. 8 The impact on the existing transportation infrastructure

- Subd. 9 The impact on surrounding zoning districts
- Subd. 10 A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of the proposed parcel.
- Subd. 11 Additional information as may be requested by the Planning Commission or zoning staff.

### **SECTION 3. PROCEDURE**

- Subd. 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.
- Subd. 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.
- Subd. 3 For district boundary changes or zoning use changes, Subdivision 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.
- Subd. 4 The failure to give mailed notice to the individual owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.
- Subd. 5 In areas where joint planning review processes are authorized the Planning Commission may refer the proposed amendment request for review, comments, and recommendations prior to the public hearing.

### **SECTION 4. ACTION AND AUTHORIZATION**

- Subd. 1 Following the closing of the public hearing, the Planning Commission shall request a representative of the Zoning Office to report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled Board meeting.
- Subd. 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, if any, the County Board may adopt the amendment of 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.
- Subd. 3 The Planning Commission shall base its recommendation to the County Board upon consideration of the elements contained in Section 2, subdivision 5 of this Article, information provided with the application, information gathered from the public hearing, and any additional information provided by staff. The recommendation shall

be supported by findings and reasons contemporaneously adopted by the Planning Commission.

- Subd. 4 The County Board shall base its decision on consideration of the elements contained in Section 2, subdivision 5 of this Article, information provided with the application, information gathered from the public hearing, and any additional information provided by the public, the proponents or staff which is made a part of the record by the Board. The recommendation shall be supported by findings and reasons contemporaneously adopted by the County Board.

## **SECTION 5. FEES**

All applications for a zoning district boundary change or amendment to this Ordinance shall be accompanied by a fee set by resolution of the County Board. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

## **SECTION 6. RECORDING**

Upon the adoption of any ordinance or other official control including any maps and 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.

## **SECTION 7. EFFECTIVE DATE**

The amended Ordinance shall become effective after adoption by the County Board and due publication thereof.

## **SECTION 8. OFFICIAL MAPPING**

Land that is needed for future street and highway purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish.

- Subd. 4 All Official Maps within the unincorporated areas of Goodhue County shall comply with the minimum standards as set forth in Minnesota Statutes 394.361, and the following requirements:
- A. The Planning Commission shall recommend for adoption by the County Board Official Maps and amendments thereto covering all or any portion of the unincorporated area of the County.
  - B. The County Board Chair shall sign, with the County Administrator attesting, all Official Maps within the unincorporated areas of the County.

- C. Preliminary and Final Subdivision plats shall be consistent with the County's Official Maps.
- D. If a building or structure is proposed on property adjacent to an Official Map, the yard setback shall be measured from the right of way line as designated on the Official Map.

RESERVED FOR FUTURE USE

# **ARTICLE 4 CONDITIONAL USES AND INTERIM USES**

---

## **SECTION 1. APPLICABILITY**

Within the unincorporated areas of the County, a Conditional Use Permit (CUP) or Interim Use Permit (IUP) shall be required for the establishment of each use permitted by ordinance as a CUP or IUP. An IUP may be granted in lieu of a CUP to regulate land use activities that the County Board, at its sole discretion, determines should be permitted for a limited duration. Expansion of a permitted CUP/IUP shall require an amendment to the CUP/IUP, except that minor development activities determined by the zoning administrator to not increase the scale or intensity of the CUP/IUP may be allowed with the issuance of a building permit.

## **SECTION 2. APPLICATION**

Subd 1. An application for a CUP/IUP shall be submitted to the Zoning Administrator with the required fees upon forms furnished by the Department. The application must contain sufficient information for the Planning Commission and County Board to determine whether the proposal will meet all applicable development standards if the CUP/IUP is granted. All applications shall address items A through C below to be considered a complete application.

A. Property Information.

1. The name and address of the applicant(s).
2. The legal description of the parcel(s) involved in the request.
3. The names and addresses of the fee-title owner(s) of the parcel(s) or authorized agent(s).
4. Evidence that property taxes are current on the parcel(s) involved in the request.

B. Graphic Representation.

1. A Site Plan, as defined in Article 10.
2. Photographs: the application may be accompanied by un-mounted photographs, large enough to show the nature of the property but not larger than 11x17 inches.

C. Proposal Summary.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).
2. Planned use of existing buildings and proposed new structures associated with the proposal.
3. Proposed number of non-resident employees.
4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.
5. Planned maximum capacity/occupancy.
6. Traffic generation and congestion, loading and unloading areas, and site access.
7. Off-street parking provisions (number of spaces, location, and surface materials).
8. Proposed solid waste disposal provisions.

9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.
10. Existing and proposed exterior lighting.
11. Existing and proposed exterior signage.
12. Existing and proposed exterior storage.
13. Proposed safety and security measures.
14. Adequacy of accessibility for emergency services to the site.
15. Potential for generation of noise, odor, or dust and proposed mitigation measures.
16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.
17. Existing and proposed surface-water drainage provisions.
18. Description of food and liquor preparation, serving, and handling provisions.
19. Any such other information necessary and reasonable to adequately review the proposal.

Subd 2. **FINDINGS.** No CUP or IUP use shall be recommended for approval to the County Board unless said Commission specifies in their findings, the facts in each case which shall establish:

1. That the CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the CUP/IUP will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

### **SECTION 3. CUP/IUP PERMITS WITHIN FLOODPLAINS AND SHORELAND AREAS**

Subd. 1. A copy of a request for a CUP/IUP permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice.

- Subd. 2. A copy of all decisions granting any CUP/IUP within any designated floodplain or shoreland shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.
- Subd. 3. Procedures to be followed for CUP/IUP applications within all Floodplain 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:
    - 1. 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.
    - 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 sub-section 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 Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- Subd. 4. CUP/IUP applications for projects in a floodplain or shoreland area, shall consider all relevant factors specified in other sections of this Ordinance, and:
- A. The danger to life and property due to increased flood height 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 County.
  - F. The requirements of the facility for a water front 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 Floodplain 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.
- Subd. 5. Procedures to be followed by the for CUP/IUP applications for the replacement of wetlands:
- A. Require the applicant to furnish the following information and additional information necessary to determine the suitability of the particular project:
    1. Three (3) copies of the replacement plan to the Land Use Management Department. The replacement plan shall contain all plan sheets, drawn to scale; wetland designation; wetland acreage; acreage to be destroyed or diminished; activity description; location of replacement wetland; the acreage of replaced wetland; and a time schedule for completion.
    2. Specifications for construction of the wetland replacement project.
    3. Items required in Subdivision 3, Item A.
  - B. A report from the Goodhue County Wetland Technical Evaluation Panel on the suitability of the replacement plan, including the Technical Panel's recommendation.
- Subd. 6. A CUP/IUP application for the replacement of a wetland shall consider all relevant factors specified in this and other sections of this Ordinance and:
- A. The ratio of replaced wetland acreage to wetland acreage destroyed or diminished.
  - B. The location of the destroyed or diminished wetland and the replaced wetland.
  - C. The value and type of the destroyed or diminished wetland and the replaced wetland.
  - D. The replacement schedule for the constructed wetland.
  - E. The availability of alternatives that would avoid or minimize the impact on the wetland to be replaced.
  - F. The replacement plan is consistent with the County Local Water Management Plan.
  - G. The replacement plan follows the principles listed below in order of priority:
    1. Avoid direct or indirect impacts that may destroy or diminish the wetland.
    2. Limit the degree or magnitude of the wetland activity and its implementation.
    3. Rectify impacts by replacement.
    4. Reduce or eliminate long-term impact.
  - H. The replacement activities will be conducted consistent with the ecology of the affected landscaped area.
  - I. An inspection schedule exists to monitor the success of the replacement plan and correct any inadequacies.

- Subd. 7. The Planning Commission shall act on an application in the manner described above within forty-five (45) days from receiving the application, except that where additional information is required pursuant to Subd. 4 of this Article. The Planning Commission shall render a written decision whether forty-five (45) days from the receipt of such additional information.
- Subd. 8. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning 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:
- A. Modification of waste treatment and water supply facilities.
  - B. Limitations on period of use, occupancy, and operation.
  - C. Imposition of operations controls, sureties, and deed restrictions.
  - D. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
  - E. 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.

#### **SECTION 4. NOTIFICATION AND PUBLIC HEARING**

- Subd. 1. Upon receipt of a complete application in proper form and other required material submitted to the Zoning Administrator, a public hearing shall be scheduled for, the Planning Commission to hear the request. The Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing and may be continued and additional public hearings may be held.
- Subd. 2. Upon receipt of a completed application in proper form and other required material submitted to the Zoning Administrator, and applicant may request a reconsideration of specific conditions listed in their CUP/IUP if the request is made within thirty (30) days of the County Board's approval of the permit's issuance or amendment. The public hearing will be held at a County Board meeting in lieu of a Planning Commission hearing.
- Subd. 3. 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.
- Subd. 4. 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/interim use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional/interim use shall be given proper notice.

## **SECTION 5. APPROVAL, DISAPPROVAL OR MODIFICATION**

The Planning Commission shall make its recommendation upon the application and testimony and it to the County Board. In reporting its recommendations to the County Board, the Planning Commission shall report its findings with respect to all facts in connection with the request. The Planning Commission may recommend conditions and guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the County Board shall make a decision on the application for a CUP/IUP. In the case of CUP/IUP, the determination of the County Board shall be final except that appeals therefrom may be taken. An appeal from a determination of the County Board relating to actions taken in regards to the Goodhue County Zoning Ordinance shall be filed with the Court of Appeals within thirty (30) days, after receipt of the notice of the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life or property.

## **SECTION 6. COMPLIANCE**

Any use permitted under the terms of any CUP/IUP shall be established and conducted in conformity to the terms of such permit.

## **SECTION 7. REVIEW**

The County may periodically review a CUP/IUP to ensure its conditions have been maintained.

## **SECTION 8. REVOCATION**

- Subd. 1. A violation of any condition set forth in a CUP/IUP shall be a violation of both the permit and this Ordinance.
- Subd. 2. Failure to satisfactorily correct a violation within thirty (30) days of written notice from the Zoning Administrator shall be grounds to revoke a CUP/IUP through the following procedure:
- A. The Zoning Administrator shall give written notice to the permit holder, advising that the CUP/IUP may be revoked or modified by the County Board. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
  - B. The County Board shall hold a public hearing.
  - C. The County Board shall adopt the information, proceedings, findings of fact into the record and may:
    1. revoke the CUP/IUP;
    2. make a finding that a violation does not exist or;
    3. modify the conditions of the permit so that a violation no longer exists.
  - D. The Zoning Administrator shall provide written notice of the Board's decision to the permit holder.

## **SECTION 9. DISCONTINUANCE**

- Subd. 1. Expiration. A CUP/IUP shall expire and be considered null and void one (1) year after the County Board's final decision to grant the permit if the use has not been reasonably established. One (1) administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the permit.
- Subd. 2. Termination. An established CUP/IUP shall be considered null and void if discontinued for a period of one (1) year.
- Subd. 3. The Zoning Administrator may record a notice of expiration or termination of a CUP/IUP with the County Recorder.

## **SECTION 10. RECORDING**

- Subd. 1. A certified copy of any CUP/IUP shall be filed with the County Recorder for record. The CUP/IUP shall include the legal description of the property involved.
- Subd. 2. The Zoning Administrator shall be responsible for recording with the County Recorder any CUP/IUP issued by the Board.
- Subd. 3. The Zoning Administrator shall provide to the applicant a copy of the order issued by the County Board stating that it has been filed with the County Recorder's Office.

RESERVED FOR FUTURE USE

# ARTICLE 5 VARIANCES AND APPEALS

---

## SECTION 1. VARIANCES AND APPEALS

The Board of Adjustment shall have the authority to order the issuances of variances, hear and direct appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any adopted ordinance pursuant to MN Statutes Chapter 394 and the provisions of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map, and perform such other duties as required by the official controls.

## SECTION 2. APPLICATION FOR VARIANCE

Subd. 1. An application for a variance shall be submitted to the Zoning Administrator with the required fees; the application shall be accompanied by development plans showing such information as the Zoning Administrator may reasonably require for purpose of this Ordinance. The application must contain sufficient information for the Board of Adjustment to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases, the application shall include:

- A. The name and address of the applicant;
- B. The legal description of the property involved in the request for the variance;
- C. The names and addresses of the fee owner(s) of the property or an authorized agent(s).
- D. A site plan, as defined in Article 10, showing all pertinent dimensions, buildings and significant natural features having an influence on the variance;
- E. Evidence that all necessary state and federal permits have been obtained or submitted for approval;
- F. Evidence that property taxes are current on the parcel(s) involved in the variance request;
- G. The variance request and a statement outlining the unique or particular situation or practical difficulties involved in creating the need for a variance.

Subd. 2. Findings for Variance. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance. Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case which shall establish:

- A. The variance request is in harmony with the general purposes and intent of the official control;
- B. The variance request is consistent with the Goodhue County comprehensive plan;
- C. The applicant has established Practical Difficulties exist in complying with the official control;
- D. Granting the variance request would not allow any use that is not allowed in the zoning district in which the subject property is located.

Subd. 3. In the case of variances, the determination of the Board of Adjustment shall be final except that appeals therefrom may be taken. An appeal from a determination of the

Board of Adjustment shall be filed with the Goodhue County District Court within thirty (30) days, after receipt of the notice of the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life or property.

### **SECTION 3. VARIANCES WITHIN SHORELAND AND FLOODPLAIN**

Upon receipt of an application for a variance from the FP, Floodplain District or Shoreland Regulations, the Zoning Administrator shall forward a copy of such application to the Minnesota Commissioner of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice of any hearing to consider such application. A copy of all decisions granting a variance to the provisions of the Floodplain or Shoreland Regulations shall be forwarded to the State Commissioner within ten (10) days of such action.

The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. 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 RFPE for the particular area, or permit standards lower than those required by state law.

The Zoning Administrator shall notify the applicant for a variance that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and 2) such construction below the 100 year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A County shall maintain a record of all variance actions including justification for their issuance, and report such variances issues in its annual or biannual report submitted to the Administrator of the National Flood Insurance Program.

### **SECTION 4. APPLICATION FOR APPEAL OF ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY ANY ADMINISTRATIVE OFFICIAL.**

- Subd. 1. The application for appeal shall be accompanied with such information as the Zoning Administrator may reasonably require for purpose of this Ordinance, In all cases, the application shall include:
- A. The name, address, and contact information of the appellant;
  - B. The particular order, requirement, decision or determination from which the appeal is taken;
  - C. The grounds for appeal;
  - D. The relief requested by the appellant;
  - E. Evidence that all necessary state and federal permits have been obtained or submitted for approval;

- F. A site plan, as defined in Article 10, showing all pertinent dimensions, buildings and significant natural features having an influence on the variance;
- G. The legal description of the property involved in the appeal;
- H. The names and addresses of owners of the property or any persons having a legal interest therein;
- I. If appeals pertain to property owned by the appellant the following information is required: Evidence that property taxes are current on the parcel(s) involved in the variance request;
- J. The variance request and a statement outlining the unique or particular situation or practical difficulties peculiar hardship involved in creating the need for a variance.
- K. Other items identified by the Zoning Administrator identified as necessary for the board to make their decision.

Subd. 2. FINDINGS FOR APPEAL: The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.

Subd. 3. The Board of Adjustment shall hear and determine appeals:

- A. Where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by any administrative official or Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the County Board creating zoning districts or regulating the use of property in the County; or
- B. From the rulings, decisions and determinations of any administrative official or Zoning Administrator in granting or denying applications from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section thereof;
- C. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision or determination appealed from, or, in lieu thereof, make such other additional determinations as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by ordinance.

Subd. 4. In the case of appeal to any order, requirement, decision, or determination made by any administrative official or Zoning Administrator, the determination of the Board of Adjustment shall be final except that appeals therefrom may be taken. An appeal from a determination of the Board of Adjustment shall be filed with the Goodhue County District Court within thirty (30) days, after receipt of the notice of the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life or property.

**SECTION 5. NOTIFICATION AND PUBLIC HEARING**

Subd. 1. The Board of Adjustment shall hold at least one public hearing on any application for a variance or appeal. Notice of the purpose, time and place of such public hearing shall be published in a newspaper of general circulation in the town, municipality or other areas concerned and in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of such public hearing shall be mailed to all property owners of record within five hundred (500) feet 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, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two (2) miles of the affected property.

- Subd. 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.
- Subd. 3. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the ground of new evidence or proof of change on conditions found to be valid.
- Subd. 4. A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.

## **SECTION 6. RECORDING**

- Subd. 1. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirements, 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. The Zoning Administrator shall be required to meet the requirements of this Subdivision.
- Subd. 2. The Zoning Administrator shall provide to the applicant a copy of the order issued by the Board of Adjustment stating that it has been filed with the County Recorder's Office.

## **SECTION 7. EXPIRATION OF VARIANCE AND APPELLATE DECISIONS**

Variance or appellate decisions shall expire and be considered null and void one (1) year after the Board of Adjustment's final decision to grant the variance or appeal if no permit for construction has been issued. One (1) administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the variance. If no extension has been requested the Zoning Administrator shall record a variance expiration notice with the County Recorder.

## **ARTICLE 6 NON-CONFORMING USES**

---

### **SECTION 1. NON-CONFORMING BUILDINGS AND USES**

- Subd. 1. No building which has been damaged by fire, explosion, flood, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this Ordinance.
- Subd. 2. Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of Subdivision 1 of this Article.
- Subd. 3. In the event that a non-conforming use of any building 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. The Assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of twelve (12) months.
- Subd. 4. 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 with 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.
- Subd. 5. Alterations may be made to a residential building containing non-conforming residential 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, or increase the non-conformity.
- Subd. 6. 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 structure is declared unsafe by the County Zoning Administrator.
- Subd. 7. If in the event of a change of zoning district classification, any use is rendered non-conforming as a result of such change, Section 1 through 5, inclusive, of this Article shall apply.

### **SECTION 2. NON-CONFORMING SIGNS**

- Subd. 1. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.
- Subd. 2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.

### **SECTION 3. NON-CONFORMING JUNKYARDS**

No junkyard may continue as a non-conforming use for more than sixty (60) months after the effective date of this Ordinance, except that it may continue as a conditional use in an industrial or agricultural district if within that period it is completely enclosed within a building or contained within a continuous solid fence and/or landscaping not less than eight (8) feet high so as to screen completely the operation of the junkyard. Plans of such building or fence shall be reviewed by the Planning Commission and approved by the County Board before it is erected.

### **SECTION 4. FLOODPLAIN STRUCTURAL ALTERATIONS**

- Subd. 1. Any alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected by the RFPE in accordance with any of the elevation on fill or flood-proofing techniques (i.e, FP-1 through FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in Subd. 2.
- Subd. 2. The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Section 4 or 5 of Article 32 for new structures depending on whether the structure is in the Floodway or Flood Fringe, respectively.

# ARTICLE 7 VIOLATIONS AND PENALTIES

---

## SECTION 1. CRIMINAL VIOLATIONS AND PENALTIES

- Subd. 1. It is unlawful for any person, firm, or corporation to violate any of the provisions of this ordinance, and violations will be considered a misdemeanor. The County may also impose other remedies including but not limited to revocation of permits, fines, or court proceedings.
- Subd. 2. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the erecting, altering, changing, or remodeling of any building or structure, including mobile homes, before beginning or undertaking any such work to see that a proper permit has been granted and that such work does not conflict with and is not a violation of the terms of this Ordinance; and any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing, or remodeling without such permit having been issued or in violation of, or in conflict with, the terms of this Ordinance shall be deemed guilty of a misdemeanor in the same manner and to the extent as the owner of the premises or the person or persons for whom such buildings are erected, repaired, altered, changed or remodeled in violation hereof and shall be held accountable for such violation.
- Subd. 3. Any building or structure, including mobile homes, erected or being erected, constructed or reconstructed, altered, repaired, converted or maintained, or any building or structure, including mobile homes, or land used in violation of this Ordinance or other regulations made under the authority of Goodhue County is hereby declared to be a nuisance per se and the County of Goodhue through its qualified officers as provided by statute for maintaining suits, may institute proceedings in the court for the purposes of restraining any violation of any of the provisions of this Ordinance.
- Subd. 4. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

## SECTION 2. RELIEF FROM PERSONAL RESPONSIBILITY

The Zoning Administrator, or designees, shall not be personally liable while acting for the County and is hereby relieved from all personal liability from any damaged that may accrue to persons or property as a result of any act required or permitted in the discharge of the official duties.

## ARTICLE 8

---

RESERVED FOR FUTURE USE

## ARTICLE 9

---

RESERVED FOR FUTURE USE

RESERVED FOR FUTURE USE

# ARTICLE 10 WORD USAGE AND DEFINITIONS

---

## SECTION 1. WORD USAGE

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

- Subd 1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.
- Subd 2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- Subd 4. The words "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- Subd 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.

## SECTION 2. DEFINITIONS

When used in this ordinance, the following terms shall have the meanings herein assigned to them. Words used in this ordinance, but not defined therein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary or its successor volumes.

**ABANDONED HOMESTEAD.** A formerly established homestead that has since been abandoned.

**ACCESSORY BUILDING.** A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

**ACCESSORY DWELLING UNIT (ADU).** Dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.

**AGGREGATED PROJECT.** See Article 18 (WECS)

**AGRICULTURAL OPERATION.** Property primarily used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, and associated processing of agricultural products produced by the operation. Agricultural processing for commercial use or sale shall not be the primary use of property at an Agricultural Operation. Agricultural Operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.

**AGRICULTURAL PROCESSING.** The practice of enhancing or improving the overall value of an agricultural product. The enhancement or improvement includes, but is not limited to, marketing, transforming, or packaging.

**AGRICULTURAL PRODUCT.** Includes, but is not limited to, crops (corn, wheat, hay, potatoes, soybeans); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture

products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, honey, etc.

**AGRICULTURAL PRODUCT, VALUE-ADDED.** This means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities, and tours.

**AGRICULTURAL RELATED PRODUCTS.** Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, gift items, foodstuffs, clothing and other items promoting the farms and agriculture in Goodhue County and value-added agricultural products and production on site.

**AGRICULTURAL TOURISM.** “Ag-tourism” and/or “Agri-tourism” means the practice of visiting a farm or agricultural operation, including, but not limited to, an orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, active involvement in the operation, or participation in an agricultural related use other than as a contractor or employee of the operation.

**AGRICULTURAL USE.** The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**AGRICULTURAL RELATED USE.** Means activities that are accessory to the principal use of the property for permissible agriculture use that predominantly use agricultural products, buildings or equipment including activities, events or uses that represent “agricultural tourism” in Goodhue County as defined in this section, including but not limited to:

- A. Bakeries selling baked goods containing produce grown primarily on site
- B. Barn dances
- C. Corn mazes or straw bale mazes
- D. Educational events including but not limited to: activities associated with the promotion of wine usage, viticulture or viniculture classes, historical agricultural exhibits, and farming and food preserving classes.
- E. Gift shops for the sale of agricultural products and agriculturally related products.
- F. Petting farms, animal display, and pony rides
- G. Playgrounds or equipment typical of a school playground
- H. Pumpkin rolling
- I. Sleigh/hay rides
- J. Vineyard harvest festivals

**AIR FOIL.** See Article 18 (WECS)

**ANIMAL UNIT.** means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage are calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. See Table 10-1 for multiplication factors:

**Table 10- 1**

<b>Animal Unit Chart</b>		
<b>Description</b>		<b>Animal Units</b>
<b>Dairy Cattle</b>		
one Mature Cow (whether milked or dry)		
over 1000 lbs		1.4
under 1000 lbs		1.0
one Heifer		0.7
one Calf		0.2
<b>Beef Cattle</b>		
one slaughter steer or stock cow		1.0
one feeder Cattle (stocker or backgrounding) or heifer		0.7
one cow and calf pair		1.2
one calf		0.2
<b>One head of swine</b>		
over 300 lbs		0.4
between 55 lbs and 300 lbs		0.3
under 55 lbs		0.1
One horse		1.0
One sheep or lamb		0.1
<b>Chickens</b>		
one laying hen or boiler, if the facility has a liquid manure system		0.033
one chicken if the facility has a dry manure system		
over 5 lbs		0.005
under 5 lbs		0.003
<b>One turkey</b>		
Over 5 lbs		0.018
Uner 5 lbs		0.005
One duck		0.01
For animals not listed above the number of animal units is the average weight of the animal in lbs divided by 1000 lbs		

**ANS/TIA/EIA.** See Article 17 (WCF)

**ANTENNA.** See Article 17 (WCF)

**APPLICANT.** See Article 17 (WCF)

**AZIMUTH.** See Article 18 (WECS)

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**BASE STATION.** See Article 17 (WCF)

**BED AND BREAKFAST INN.** An owner, manager, or operator occupied dwelling providing lodging for transient guests for compensation and where breakfast is the only meal offered.

**BEDROCK.** A general term for the rock, usually solid, that underlies soil or other unconsolidated superficial material.

**BLUFF.** A high bank or bold headland with a broad precipitous sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff, that rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater.

**BLUFF, TOE OF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.

**BLUFF, TOP OF.** 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 highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.

**BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.

**BLUFFLINE.** A line along the top of a slope connecting the points at which the slope becomes greater than twelve (12) percent. This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.

**BOARDING OR ROOMING HOUSE.** A boarding or rooming house shall mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without cooking or kitchen accommodations.

**BOARD OF ADJUSTMENT.** A quasi-judicial body, created by this Ordinance, whose responsibility it is to hear appeals from decisions of the Planning and Zoning Administrator and to consider requests for variances permissible under the terms of this Ordinance.

**BUFFER.** Has the meaning provided in Minn. Stat. §103F.48, subd. 1(c).

**BUFFER PROTECTION MAP.** Has the meaning provided in Minn. Stat. §103F.48, subd. 1(d) and which are available on the Department of Natural Resources website.

**BUILDABLE AREA.** The contiguous area of a parcel that is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings, and driveways while maintaining adequate setbacks. Floodway, areas below Ordinary High Water Level and Public or Private Rights-of-Way shall not be included in calculating the Buildable Area of a parcel.

**BUILDING.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, chattel, or property of any kind.

**BUILDING, PRINCIPAL.** A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

**BUILDING HEIGHT.** The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of a gable, hip, and gambrel roofs.

**BUILDING LINE.** The front line of the building or the legally established line which determines the location of the building with respect to the street line or the ordinary high water level.

**BWSR.** The Board of Water and Soil Resources.

**C-BED PROJECT.** See Article 18 (WECS)

**CAMPGROUND.** An area accessible by vehicle and containing campsites or camping spurs for tents, trailers and RV camping.

**CARPORT.** A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

**CO-LOCATION.** See Article 17 (WCF)

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

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

**COMMUNITY BUILDING.** Any structure intended for use as educational, recreational, social, service or governmental purposes by the general public.

**COMPREHENSIVE PLAN.** Means the adopted Goodhue County Comprehensive Plan.

**CONDITIONAL USE PERMIT (CUP).** A specific type of 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 controls.

**CONTRACTORS YARD.** A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport and hauling, or similar professions in which work is principally conducted off-site.

**COUNTY BOARD.** Includes the County Commissioners, the Board of County Commissioners, or any other word or words meaning the Goodhue County Board of Commissioners.

**CROPLAND.** Land which could be used primarily for the production of adapted, cultivated, close-growing crops and trees for harvest, as determined by Appendix "A" of this Ordinance.

**CULTIVATION FARMING.** Farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.

**DB (A), A-WEIGHTED SOUND LEVEL.** See Article 18 (WECS)

**DECIBEL.** See Article 18 (WECS)

**DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

**DEWATERING.** See Article 14 (Mineral Extraction)

**DISTILLED SPIRITS.** See Article 11 (Farm Wineries)

**DRAINAGE AUTHORITY.** Has the meaning provided in Minn. Stat. §103E.005, subd. 9.

**DUPLEX, TRIPLEX, AND QUAD.** A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**DUST.** See Article 14 (Mineral Extraction)

**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 manufactured home with the above accommodations located in areas approved for manufactured homes shall be considered a dwelling unit. A house trailer, camper trailer, camper bus, or tent are not considered dwelling units. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.

- A. **Dwelling, Farm.** A dwelling located on a farm which the residents of said dwelling either operate or is employed thereon.
- B. **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.
- C. **Dwelling, Single Family.** A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants.
- D. **Dwelling, Two Family.** A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.
- E. **Dwelling, Multiple.** A building used or intended to be used as a dwelling by three (3) or more families.
- F. **Dwelling, Second Farm.** A temporary dwelling located in the farmyard and with the same tax parcel, to house farm labor. The dwelling shall be removed when the need is terminated. No such

dwelling shall be allowed to become permanent, nor shall it give rise to a right to create a separate building site.

**DWELLING, REPLACEMENT SITE.** A site currently occupied by a legally established existing dwelling, whether habitable or uninhabitable, that may be continued as a dwelling site, regardless of the maximum density standard of the applicable zoning district.

**EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**EMPLOYEE, NON-RESIDENT.** Persons employed by a home business not residing within the principal dwelling.

**ESSENTIAL SERVICES.** These uses include poles, towers, telephone booths, wires, cables, conduits, vaults, pipes, mains, pipelines, laterals, stations, substations or other associated or similar transmitting distributing or regulating facilities of a public utility.

**EXCAVATION.** See Article 14 (Mineral Extraction)

**EXTRACTIVE USE.** The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

**FAA.** See Article 17 (WCF)

**FALL ZONE.** See Article 18 (WECS)

**FCC.** See Article 17 (WCF)

**FAMILY.** A family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

**FARM.** A tract of land principally used for agriculture activities including, but not limited to, the production of cash crops, livestock, or poultry farming. Farms may include dwellings and accessory buildings necessary to the operation of a farm.

**FARM MARKET/ON-FARM MARKET/ROADSIDE STAND.** Means the sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

**FARMYARD.** The area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations.

**FARM WINERY.** See Article 11 (Farm Wineries)

**FEEDER LINE.** See Article 18 (WECS)

**FEEDLOT.** 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 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 are found in Minnesota Pollution Control Agency's Rules 7020 For The Control of Pollution From Animal Feedlots. These rules are adopted by reference in this Ordinance.

**FLOOD.** See Article 32 (Floodplain District)

**FLOOD FREQUENCY.** See Article 32 (Floodplain District)

**FLOOD FRINGE.** See Article 32 (Floodplain District)

**FLOODPLAIN.** See Article 32 (Floodplain District)

**FLOOD-PROOFING.** See Article 32 (Floodplain District)

**FLOODWAY.** See Article 32 (Floodplain District)

**FLOOR AREA, GROUND.** See Article 32 (Floodplain District)

**FOREST LAND CONVERSION.** The removal of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

**FORESTRY.** The use and management, including logging, of a forest, woodland or plantation and related research and educational activities.

**GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory.

**GASOLINE SERVICE STATION.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.

**GENERATOR NAMEPLATE CAPACITY.** See Article 18 (WECS)

**HIGH POWER TRANSMISSION LINE.** See Article 17 (WCF)

**HOME BUSINESS.** A business, profession, occupation or trade for gain or support conducted by an owner-occupant on the same parcel as the principal dwelling, which is incidental and secondary to the principal use of the premises.

**HUB HEIGHT.** See Article 18 (WECS)

**HYDRIC SOILS.** Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

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

**INTENSIVE VEGETATIVE CLEARING.** The removal of trees or shrubs in a contiguous patch, strip, row, or block.

**INTERIM USE PERMIT (IUP).** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. MN Statutes 394.303

**JUNK/SALVAGE YARD.** A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling

at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

**KENNEL.** Animal - Any place where four (4) or more of any type of domestic or exotic pets over 28 weeks of age are owned, boarded, bred, or offered for sale.

**LANDOWNER.** Means the fee title owner.

**LIVESTOCK.** "Livestock" includes all cattle, swine, equine, camelids, poultry, and domestic fowl raised for domestic, agricultural, or commercial uses (including, but not limited to, beef and dairy cattle, horses, donkeys, goats, sheep, pigs, llamas, alpacas, chickens, turkey, ostriches, and waterfowl).

**LOCAL WATER MANAGEMENT AUTHORITY.** Has the meaning provided in Minn. Stat. §103F.48, subd. 1(g).

**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.

**LOT, CORNER.** A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angles of the intersection does not exceed one hundred thirty-five (135) degrees.

**LOT AREA.** The area of a lot on a horizontal plane bounded by the lot lines.

**LOT COVERAGE.** The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT FRONTAGE.** The lot line separating the lot from the road right-of-way.

**LOT DEPTH.** The perpendicular distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT WIDTH.** The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

**LOT LINES.** The lines bounding a lot as defined in this Ordinance.

**LOWEST FLOOR.** See Article 32 (Floodplain District)

**MANUFACTURED HOME.** See Article 32 (Floodplain District)

**MANUFACTURED HOUSING.** A manufactured building or portion of a building designed for long-term residential use.

**MAXIMUM DENSITY.** A density standard establishing the maximum number of dwellings allowed in a Section, ¼ ¼ Section, District, or Subdivision. In order to maintain a balance of compatible uses, when the maximum density has been reached, the only opportunity to increase the density is through a change of zone process that would allow additional housing. Reestablished abandoned homestead sites are not included in the density count until they have been approved and permitted.

**MIGRATORY LABOR CAMP.** Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.

**MINERAL EXTRACTION, ACCESSORY USE.** See Article 14 (Mineral Extraction)

**MINERAL EXTRACTION, PRINCIPAL USE.** See Article 14 (Mineral Extraction)

**MINERAL EXTRACTION.** See Article 14 (Mineral Extraction)

**MINERAL EXTRACTION FACILITY.** See Article 14 (Mineral Extraction)

**MINERAL EXTRACTION PERMIT.** See Article 14 (Mineral Extraction)

**MINERAL RESOURCE.** See Article 14 (Mineral Extraction)

**MINING TECHNICAL EVALUATION PANEL.** See Article 14 (Mineral Extraction)

**MINING/EXCAVATION OPERATION.** The removal of stone, sand, and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

**MOBILE HOME.** Manufactured housing built on a chassis.

**MOBILE/MANUFACTURED HOME PARK.** This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

**NACELLE.** See Article 18 (WECS)

**NON-CONFORMING LOT OF RECORD.** Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.

**NON-CONFORMING STRUCTURE.** A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.

**NON-PREVAILING WIND.** See Article 18 (WECS)

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

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain 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.

**ODOR.** The odor of growing vegetation, domestic fertilizers, animal manures, insecticides, and other agricultural odors shall not be considered objectionable.

**OPEN SPACE.** Land that is permanently protected from future dwelling development. Land that is designated as Open Space may be used for such purposes as agricultural, forest, recreational uses, or demonstrate the use is protecting natural

resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of the real property.

**OPERATOR.** See Article 14 (Mineral Extraction)

**ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**OWNER.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having a proprietary interest in the land.

**PARCEL.** A unit of real property that has been given a tax identification number maintained by the County.

**PARKING SPACE.** An area of not less than two hundred (200) square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or private drives or aisles leading to streets or alleys, and to be usable for the storage or parking of motor vehicles.

**PLAIN.** Land having an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more.

**PLANNING COMMISSION.** The Goodhue County Planning Advisory Commission.

**POWER PURCHASE AGREEMENT.** See Article 18 (WECS)

**PRELIMINARY ACOUSTIC STUDY.** See Article 18 (WECS)

**PRACTICAL DIFFICULTY.** "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.

**PRIMITIVE CAMPSITES.** An area that consists of individual remote campsites accessible only by foot or water.

**PROCESSING, MINERALS.** See Article 14 (Mineral Extraction)

**PUBLIC WATERS.** All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 103G.005, Subd. 15 and 18, and 103G.201. An official list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.

**PUBLIC CONSERVATION LANDS.** See Article 18 (WECS)

**PUBLIC DRAINAGE SYSTEM.** Has the meaning given to drainage system in Minn. Stat. §103E.005, subd. 12.

**QUALIFIED INDEPENDENT ACOUSTICAL CONSULTANT.** See Article 18 (WECS)

**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.

**RECLAMATION.** See Article 14 (Mineral Extraction)

**RECREATION VEHICLE.** See Article 32 (Floodplain District)

**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 years recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

**REGULATORY FLOOD PROTECTION ELEVATION.** A 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 flood-proofed.

**RETREAT CENTER.** A private facility or facilities oriented to using the natural features and outdoor character of the area to offer professional, educational, recreational or religious meetings, seminars, workshops, or gatherings which may provide meals, temporary lodging, and passive recreation for visitors and may include multiple related uses managed as one operation.

**RIGHT-OF-WAY.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses.

**RIGHT-OF-WAY LINES.** The lines that form the boundaries of a right-of-way.

**ROTOR.** See Article 18 (WECS)

**ROTOR BLADES.** See Article 18 (WECS)

**ROTOR DIAMETER.** See Article 18 (WECS)

**RURAL TOURISM.** Business which attracts visitors to rural areas of Goodhue County using the rural outdoor environment for attractions that include, but are not limited to, retreats, weddings, receptions, bed and breakfasts, educational events, and holiday celebrations.

**SCREENED.** When a structure is built or placed on a lot or vegetation is planted such that when the structure is built, it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing secure outdoor storage space and/or self-contained indoor individual storage spaces to customers who have access for the purpose of storing and removing personal property.

**SENSITIVE AREAS.** Shoreland, Floodplains, wetlands, bluff impact zones, bluff protection areas, and the Cannon River Recreational and Scenic Districts.

**SETBACK.** The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level or between a structure or sewage treatment system, toe or top of a bluff, bluffline, road, highway or property line.

**SES (SOLAR ENERGY SYSTEM).** See Article 19 (SES)

**SES, GRID-INERTIE.** See Article 19 (SES)

**SES, GROUND MOUNTED.** See Article 19 (SES)

**SES, COMMERCIAL.** See Article 19 (SES)

**SES, OFF-GRID.** See Article 19 (SES)

**SES, RESIDENTIAL.** See Article 19 (SES)

**SES, UTILITY SCALE.** See Article 19 (SES)

**SES, UTILITY-SCALED.** See Article 19 (SES)

**SEWAGE TREATMENT SYSTEM.** 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 this Ordinance.

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

**SHORELAND.** Land located within the following distances from public waters: 1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and 2) three hundred (300) feet from a river or stream or the landward extension of a floodplain designated by this Ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources, and the County Commissioners.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

**SIGN.** See Article 11 (Sign Regulations)

**SIGN, MONUMENT.** See Article 11 (Sign Regulations)

**SIGN, OFF-PREMISES.** See Article 11 (Sign Regulations)

**SIGN, PYLON.** See Article 11 (Sign Regulations)

**SIGN, SURFACE AREA OF.** See Article 11 (Sign Regulations)

**SIGN, TEMPORARY.** See Article 11 (Sign Regulations)

**SIGN, WALL.** See Article 11 (Sign Regulations)

**SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented 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.

**SILICA SAND.** See Article 14 (Mineral Extraction)

**SITE PLAN.** Contents of Site Plan: A Site Plan, when required, must be drawn to scale and specifications. The following information is required:

- A. Legal description of the property, including any easements;

- B. The entire parcel relating to the application must be shown. If the application or permit involves only a portion of the parcel, a key or vicinity map shall be included showing the entire parcel;
- C. A directional arrow indicating north on the site plan;
- D. Location and widths of adjacent streets (by name), farm roads or other adjacent property;
- E. Property access points, parking, and loading areas;
- F. Location, size and shape of any structures presently on the site and of those proposed for construction, including buildings, retaining walls, patios, decks, porches, and driveways (existing and proposed). Clearly distinguish between existing and proposed features (statements such as “existing wall to remain” are acceptable call-outs for the site plan);
- G. Dimensions showing front, side, and rear distances from structures to property lines, distances between structures, porches, and decks (existing and proposed);
- H. The existing and intended use of the property;
- I. All landscape, screening, and fencing plans;
- J. The location of all wells and sanitary sewer systems, including any abandoned systems or wells;
- K. The distance between any wells and sanitary sewer systems and the nearby structures (existing and proposed);
- L. The existing and finished grade elevation of driveway at property line, and at garage entry, if a change to access or parking is proposed;
- M. The location of all surface water bodies including all marine waters, lakes and ponds, rivers, streams, creeks and wetlands, along with their associated shorelines, ordinary high-water lines, and their required setbacks;
- N. Indication of all areas of the site to be disturbed by grading and excavation associated with the construction of buildings or other site. The Zoning Administrator may require a grading plan if grading activity will impact environmentally sensitive areas including but not limited to: Floodplain areas, Shoreland areas, Steep Slopes, and Sites with Karst Features. A grading plan shall include:
  - 1) Existing and proposed two-foot contours;
  - 2) An erosion and sediment control plan;
- O. Upon review, projects may require a survey by a Minnesota Licensed Land Surveyor;
- P. Upon review, projects may require other information concerning the property or adjoining property as determined by the Zoning Administrator and Building Department that demonstrate compliance with the Goodhue County zoning ordinance and state building code.

**SOIL.** See Article 14 (Mineral Extraction)

**SOIL, TOP.** See Article 14 (Mineral Extraction)

**SOLAR CELL.** See Article 19 (SES)

**SOLAR COLLECTOR.** See Article 19 (SES)

**SOLAR EASEMENT.** See Article 19 (SES)

**SOLAR ENERGY.** See Article 19 (SES)

**SSTS.** Subsurface Sewage Treatment System.

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

**STREET.** Any thoroughfare or way other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel, at least thirty (30) feet in width.

**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 Article 32, Section 9, Subd. 3.A. of the Ordinance and other similar items.

**STRUCTURAL ALTERATION.** Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

**SUBSTANTIAL DAMAGE.** See Article 32 (Floodplain District)

**SUBSTANTIAL IMPROVEMENT.** See Article 32 (Floodplain District)

**SUBSTATION, SES.** See Article 18 (WECS)

**SUBSTATION, WECS.** See Article 19 (SES)

**SWCD.** Soil and Water Conservation District.

**TASTING ROOM.** See Article 11 (Farm Wineries)

**TIMBER.** Standing trees which because of their size, quality and number are marketable.

**TIMBER HARVESTING AND LOGGING.** The cutting of trees over four (4) inches in diameter measured at breast height, skidding, on-site processing, and loading of trees to be removed from a parcel.

**TOWER ACCESSORY STRUCTURE.** See Article 17 (WCF)

**TOWER, HEIGHT.** See Article 17 (WCF)

**TOWER, METEOROLOGICAL.** See Article 18 (WECS)

**TOWER, WECS.** See Article 18 (WECS)

**TOWER, WCF.** See Article 17 (WCF)

**TRANSFER FACILITY** A fixed facility in which waste collected from any source is temporarily deposited, compacted, or rearranged for transportation to another waste management facility in quantities up to 120 cubic yards or stored more than 48 hours.

**TRANSMISSION LINE.** See Article 18 (WECS)

**TREE CUTTING.** Selective removal of trees over four (4) inches in diameter measured at breast height, for the purpose of forest or site management.

**USE.** The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.

- A. **CONDITIONAL USE.** A land use or development as is defined by this Ordinance that would 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.
- B. **NON-CONFORMING USE.** A use or activity which was lawful prior to the adoption of this Zoning Ordinance but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- C. **PERMITTED USE.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- D. **PRINCIPAL USE OR STRUCTURE.** All uses or structures that are not accessory uses or structures.
- E. **ACCESSORY USE.** A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.

**VARIANCE.** Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship or practical difficulty.

**VEGETATIVE CUTTING.** Selective cutting and pruning of understory vegetation, shrubs, plants, bushes, grasses, suppressed trees or trees less than four (4) inches in diameter measured at breast height

**VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

**WATERSHED MANAGEMENT OR FLOOD CONTROL STRUCTURE.** A dam, flood wall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course at the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.

**WECS (WIND ENERGY CONVERSION SYSTEM).** See Article 18 (WECS)

**WECS, COMMERCIAL.** See Article 18 (WECS)

**WECS, LARGE (LWECS).** See Article 18 (WECS)

**WECS, MICRO.** See Article 18 (WECS)

**WECS, NAME PLATE CAPACITY.** See Article 18 (WECS)

**WECS, NON-COMMERCIAL.** See Article 18 (WECS)

**WECS, SMALL (SWECS).** See Article 18 (WECS)

**WECS, TOTAL HEIGHT.** See Article 18 (WECS)

**WECS, TOWER HEIGHT.** See Article 18 (WECS)

**WETLAND.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

For purposes of this definition, wetlands must have hydric soils, predominantly hydric vegetation, and display wetland hydrology.

**WETLAND ON AGRICULTURAL LAND.** Wetland where greater than fifty (50) percent of its basin is located on agricultural land.

**WIND TURBINE, HEI.** See Article 18 (WECS)

**WINE, FORTIFIED.** See Article 11 (Farm Wineries)

**WINE, TABLE OR SPARKLING.** See Article 11 (Farm Wineries)

**WIRELESS COMMUNICATIONS.** See Article 17 (WCF)

**WOODED OR WOODLAND.** An area of at least one acre in size with a stand of trees that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50) percent, having a minimum width of at least one hundred (100) feet.

**WOODY VEGETATION.** Includes trees that are not timber.

**YARD.** An open space at the grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the principal building.

- A. **Yard, Front.** A yard extending across the full width of the lot between the front line and the nearest line of the principal building.
- B. **Yard, Rear.** A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.
- C. **Yard, Side.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.

**ZONING ADMINISTRATOR.** The person(s) employed by the Board of County Commissioners to carry out the provisions of this Ordinance.

**ZONING DISTRICT.** The sections of the County for which the regulations governing the height, area, use of buildings, and premises are the same as delineated by this Ordinance.

**ZONING MAP.** The areas comprising those zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as County of Goodhue Official Zoning Map, with all proper notations, references, and other information shown thereon.

RESERVED FOR FUTURE USE

# **ARTICLE 11 PERFORMANCE STANDARDS**

---

## **SECTION 1. PURPOSE AND INTENT**

The performance standards established in this Article are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight. Those standards shall include protection of significant or unique natural features whose loss could diminish the scenic, ecological or economic benefits to the County. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated.

Before any building permit or use permit is approved, the Land Use Management Office shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal and type and location of exterior storage.

## **SECTION 2. BUILDING REGULATIONS**

- Subd. 1. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered without complying with the provisions of this Ordinance.
- Subd. 2. No building or structure shall exceed the height or bulk herein established for the district in which the building is located.

## **SECTION 3. LOT AREA REQUIREMENTS**

No lot area shall be so reduced or diminished that the required yard or structure setbacks shall be smaller than prescribed herein, nor shall the area of any lot be reduced below the minimum requirement herein established.

## **SECTION 4. TEMPORARY DWELLINGS**

It shall be unlawful for any person to erect or occupy a temporary dwelling on any lot; provided, however, that a garage may be occupied as a temporary dwelling for a period of not more than six (6) months if construction of a permanent dwelling is actually underway and in active progress during occupancy of the garage. Said garage shall be provided and equipped with garage doors. In the event that any person shall reside in any such temporary garage home for a period exceeding six (6) months, the County may proceed to have such extended use abated as a nuisance.

## **SECTION 5. ACCESSORY BUILDINGS**

In case an accessory building is attached to the principal building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. An accessory building shall not be closer than eight (8) feet to any portion of the principal building except as otherwise provided in this Ordinance.

In any residential district, no accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

A detached accessory building shall not be located in any required front or side yard.

In Suburban Residential Districts (R-1), a detached accessory building, which is accessory to a residential use, shall be limited in size to one thousand five hundred (1,500) square feet in area on lots twelve thousand (12,000) square feet to one (1) acre and two thousand one hundred (2,100) square feet on lots in excess of one (1) acre.

In the A-1, A-2 and A-3 Districts, detached accessory building(s) which are accessory to a residential use, shall be limited in total cumulative square footage to seven thousand two hundred (7200) square feet. Requests to construct an accessory building or buildings in excess of 7200 square feet may be permitted by conditional or interim use permit. Any conditional use or interim use permit application for an accessory building or buildings proposed to exceed the cumulative limit of 7200 square feet shall be evaluated based on demonstrated need for larger square footage for the proposed residential accessory use, availability of sufficient buildable site area and compatibility with surrounding land uses.

Freestanding accessory structures, including but not limited to, communication towers or antennas shall be limited to a height of ten (10) feet less than distance to the nearest property line or shall be designed and engineered to collapse progressively within the distance between the tower and the property line.

## **SECTION 6. ACCESS DRIVES AND ACCESS**

Access drives onto County roads shall require a review and a permit from the County Engineer. The County Engineer shall determine the appropriate location, size and design of such access in the interest of public safety and efficient traffic flow. Access onto township roads shall be approved by the appropriate township board.

Access driveways to principal structures shall be constructed and maintained to a minimum ten (10) foot width and base material depth sufficient to support access by emergency vehicles.

Access driveways two hundred (200) feet in length or more shall be constructed with a driving surface of at least fourteen (14) feet in width.

Access drives cannot exceed fourteen (14) percent grade over any portion of the drive.

Access drives cannot be located on any slope exceeding thirty (30) percent.

Access driveways shall have a twenty (20) foot long flat grade directly adjacent to the road that driveway accesses.

All driveways shall be limited to a minimum fifty (50) foot radius curve if one is necessary.

## **SECTION 7. VEGETATIVE, TREE, & WOODLAND ALTERATIONS**

The standards herein are intended to ensure that all vegetative alterations carried out in the County will be completed using sound and sustainable forest management practices, prevent watershed damage due to unwise logging operations, minimize the amount of woodland debris occurring in streams and waterways, and ensure that depleted forested areas are properly restocked with trees. These provisions are meant to conserve the forested acres of Goodhue County and emphasize the importance of the environmental, social and economic benefits they provide to our area and to encourage proper management of forest resources in environmentally sensitive areas.

- Subd. 1. Forest Management Activities.
  - A. Vegetative Cutting

Selective cutting and pruning of understory vegetation, shrubs, plants, bushes, grasses, suppressed trees or trees less than four (4) inches in diameter measured at breast height.

B. Intensive Vegetative Clearing

The removal of a stand of trees or vegetation in a continuous patch, strip, row or block

C. Tree Cutting

Selective removal of trees over four (4) inches in diameter measured at breast height, for the purpose of forest or site management.

D. Timber Harvesting and logging

The cutting of trees over four (4) inches in diameter measured at breast height, skidding, on-site processing, and loading of trees to be removed from a parcel.

E. Forest land conversion.

The removal of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Subd. 2. Forest Management Performance Standards.

Forest management should be conducted consistent with current best management practices, including but not limited to:

- A. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary, cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings.
- B. Forest Management Activities shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
- C. 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.
- D. Where feasible, Forest Management Activities shall be conducted between September 15 and May 15.
- E. Forest Management Activities shall maintain site hydrology.
- F. To the best extent possible, rare or unique features (e.g., rare plant communities) should be identified and protected when undertaking Forest Management Activities.
- G. If natural regeneration will not result in adequate vegetation cover, areas where Forest Management Activities are conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area.
- H. Where feasible, replanting shall be performed during the same Spring, or the following Spring.
- I. Restore all cuts, access roads or stripped slopes to a reasonable and useable condition.
- J. Process all slashing or other woody debris resulting from cutting operations in a safe manner as approved by landowner or designee.
- K. Exercise reasonable care and take whatever practical action necessary to prevent and suppress forest fires in the permit area and vicinity.
- L. Use of fertilizer, herbicides, pesticides or animal wastes must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth or vegetation.
- M. Avoid any trespassing on abutting properties unless expressly granted permission from the affected property owner.

- N. Avoid impacting abutting properties during forest management activities such as leaving tree tops or other debris resulting from the operation. Any such impact on abutting properties shall be promptly addressed by removing tree tops or debris with permission of the affected property owner.
- O. The boundaries of the area where the forest management activities will be conducted shall be clearly marked on the site.

Subd. 3. Permits

- A. No permit required.
  - 1. The removal of invasive, non-native species as defined in MN Administrative rules 6216.
  - 2. The removal of vegetation, trees, limbs, and branches that are dead, diseased, dying, or hazardous.
  - 3. Selective tree cutting or selective vegetative cutting, unless required by subpart B
  - 4. Restoration and erosion control management activities consistent with a plan approved by the local government or resource agency.
  - 5. Forest Management Activities shall not require issuance of a permit when approved in conjunction with a valid Land Use Management Department permit and limited to areas necessary for the construction of the permitted use, such as roads, driveways, structures, and SSTS.
- B. Permit Required.
  - 1. Forest Management Activities subject to the requirements of Subd. 4 shall be permitted according to the requirements of the applicable standard.
  - 2. Within Sensitive Areas. The following Forest Management Activities conducted in Sensitive Areas shall require a permit:
    - a. Intensive Vegetative Clearing
    - b. Timber Harvesting or Logging
    - c. All Forest Land Conversion
  - 3. Outside Sensitive Areas. The following Forest Management Activities conducted outside Sensitive Areas in all zoning districts shall require a permit:
    - a. Timber Harvesting or Logging
    - b. Forest Land Conversion projects over one (1) acre

Subd.4 Additional Regulations. Forest Management Activities shall adhere to the requirements of the following regulations as applicable:

- A. Cannon River Scenic and Recreational Districts. Restrictions and prohibitions as described in MR 6105.0150.
- B. Shoreland. Restrictions and prohibitions as described in MR 6120.3300, subpart 4, Shoreland Alterations.
- C. Goodhue County Zoning Ordinance Article 33 (Wetland Regulations).

Subd. 5. Permit Application. Application for a Permit shall be filed with the Goodhue County Zoning Administrator who may submit the application to the State Forester for review. The application shall contain the following information:

- A. The applicant's name, address and phone number. Also, if a contractor (commercial logger) will be conducting forest management activities the name, address and phone number of that company or individual shall be provided.

- B. A map or plat of the proposed area of forest management activities showing the confines or limits thereof, together with a plan showing the general vegetative growth pattern.
- C. A full description of the location of the land where the forest management activities are to be undertaken and the volume of timber to be removed.
- D. A statement of the purpose of the forest management activities, intent of replanting, disposal program and program of land restoration.
- E. The highways, roads or other public ways in the county upon and along which the timber is to be hauled.
- F. The estimated time when the forest management activities are to begin and will be completed.
- G. A forest management plan, including method of harvesting, method of reforestation and the location and type of erosion and sediment control measures.

## **SECTION 8. DUMPING AND DISPOSAL OF RUBBISH**

- Subd. 1. The use of land for the dumping, disposal, or storage of scrap iron, metal, glass, unused appliances or machinery, junk, garbage, rubbish, or any other refuse, or of ashes, slag, or other industrial wastes or by-products is not permitted in any zoning district. All exterior storage not included as a part of a conditional use permit, or otherwise permitted by provisions of this Ordinance, shall be considered as rubbish.
- Subd. 2. The use of land for the dumping, disposal, or storage of demolition debris or construction materials is not permitted in any district unless the appropriate permits have been granted in accordance with the provisions of this Ordinance.
- Subd. 3. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district provided the surface of such material is graded within a reasonable period of time, in a manner preventing the collection of stagnant water and which leaves the ground surface condition suitable for growing of turf or for other land uses permitted in the district.

## **SECTION 9. EXTERIOR STORAGE OF AUTOMOBILES**

In agricultural, commercial, or residential districts, no person shall place, park, permit to remain, store or leave upon any premises, except in a completely enclosed building, any motor vehicle which does not have affixed thereto a valid current motor vehicle license, or any portions thereof or parts therefrom, when such motor vehicle, portions thereof or parts therefrom are in a rusted, wrecked, partially dismantled or junked condition or in an inoperative or abandoned condition; and the owner of such motor vehicle, portions thereof or parts therefrom, and the owner and occupant of the premises upon which located shall be obligated to remove same to a duly licensed junk yard or other authorized place of deposit or storage.

## **SECTION 10. JUNK AND/OR SALVAGE RECLAMATION YARD**

- Subd. 1. All salvage and junk yards shall obtain a conditional use permit and satisfy the criteria for granting a conditional use permit contained in Article 4. Salvage and junk yards, furthermore, shall be licensed by the County Zoning Administrator and meet the following:

- A. Salvage and junk yards shall be screened from any residential district and from any public road. Plans for such screening shall be submitted to the Planning Advisory Commission for approval.
- B. Any storage or dismantling of vehicles and machinery shall be done in a manner so as not to pollute the surface or ground water in the County.
- C. Any existing salvage or junk yard shall comply with this Section within two (2) years of the adoption of this Ordinance.

**SECTION 11. SOIL EROSION AND SEDIMENT CONTROL**

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling, or exposure of soils.

- Subd. 1. Agriculture. Any land occupier of agricultural land shall be considered in compliance with this Ordinance if the occupier is using soil conservation practices approved by the Goodhue County Soil and Water Conservation District Board to prevent erosion and, under normal conditions, the occupier does not have rills, gullies, or sediment deposits, in the fields and the occupiers farming methods do not create erosion or sediment problems on adjoining properties.
- Subd. 2. Woodland Activities. Land occupiers who use wooded land for pasture must ensure that proper management is used to prevent accelerated erosion or sedimentation due to over-grazing or cattle paths. Clearing woodland to convert the land to another use is prohibited without a permit and approval by the Zoning Administrator.
- Subd. 3. Construction/Subdivision Activities. Any construction/ subdivision plan that will disturb over ten thousand (10,000) square feet shall submit to the Zoning Administrator a proposed erosion control plan as part of the overall plan. Any plan submitted to and approved by the MPCA, in conjunction with the construction, shall be considered as meeting this requirement.
- Subd. 4. Complaints. Affected Goodhue County land occupiers and/or township, county, state, or federal officials may submit a complaint, verbal or written, against any land occupier alleging that accelerated erosion or sediment damage has occurred or is occurring.
- Subd. 5. Action Initiated by Complaint. The Zoning Administrator, upon receipt of a complaint, shall request the Goodhue Soil and Water Conservation District Board to have an investigation made. A representative of the Township Board will arrange a meeting with the land occupier to determine whether an actual violation exists. The complainant will be notified of the time of the investigation and will be given the opportunity to be present when the investigation is conducted.

Within five (5) days of the investigation, the above committee will notify the Zoning Administrator whether an actual violation exists. The Zoning Administrator will then notify the violator by letter. If a violation exists, the land occupied will be given thirty (30) days from the date of the letter to work up a suitable plan to correct the violation with the Soil and Water Conservation District Board representative on a voluntary basis. The plan will include the following:

- A. Specific conservation management and/or structural practices to be implemented to bring the parcel of land in question to "T" or to control/correct the accelerated erosion or sedimentation.
- B. The deadline date when the practices will be completed.
- C. If the land occupier is unwilling or unable to develop a plan within thirty (30) days, the Soil and Water Conservation District representative will notify the Zoning Administrator of the situation and an evaluation of what practices will be required to bring the land into compliance with the Ordinance.

Subd. 6. Violation and Penalty. Refusal to comply with request for compliance with this Section shall be subject to penalty under Article 7 of this Ordinance.

## **SECTION 12. HOME BUSINESSES**

The purpose of this section is to provide citizens residing in the unincorporated areas of Goodhue County opportunities for the use or adaptive re-use of residential, accessory, and farm structures to engage in economic activities that are not detrimental or injurious to the public health and safety or character of the surrounding area. The following provisions are only intended to serve as an “incubator” for rural entrepreneurship. Home Business ventures seeking to expand beyond the scale of “subordinate and incidental” to a principal residential use shall rezone the property to an appropriate zoning district or relocate to an appropriate zoning district.

Subd. 1. **TIER 1 HOME BUSINESS.** The following standards shall apply to all Tier 1 Home Businesses:

- A. No more than one (1) non-resident employee shall be employed in conjunction with a permitted Tier 1 home business.
- B. The home business shall be incidental and subordinate to the use of the premises for farming or residential purposes.
- C. The home business shall be conducted entirely within a single-family dwelling (including any attached garage) and shall not occupy more than an area equal to 25% of the gross floor area of the dwelling. Tier 1 Home Businesses shall not be conducted in an accessory building.
- D. No traffic shall be generated by the home business beyond that which is reasonable and normal for the area in which it is located.
- E. No equipment or process shall be used in such home business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
- F. Exterior display or storage of goods, equipment or other materials associated with the home business is prohibited.
- G. Adequate off-street parking shall be provided in accordance with the requirements of Article 11, Section 16.
- H. The parcel shall meet or exceed the minimum size standards for the applicable zone.
- I. All equipment, buildings, and activities associated with the home business shall meet all setbacks for the applicable zoning district.

- J. No more than two home businesses shall be permitted on a single parcel. The total space allowed for two home businesses combined shall not exceed the maximum allowed for a single home business.

Subd. 2. **TIER 2 HOME BUSINESS.** The following standards shall apply to Tier 2 home businesses:

- A. No more than two (2) non-resident employees shall be employed in conjunction with a permitted Tier 2 home business.
- B. The home business shall be incidental and subordinate to the use of the premises for farming or residential purposes.
- C. If located within a dwelling, the home business shall occupy no more than 50% of the gross floor area of the dwelling. If located in an accessory building, the home business shall not occupy an area greater than 2100 of gross floor area feet on parcels up to 2 acres or 3400 of gross floor area feet for parcels 2 acres or greater.
- D. No traffic shall be generated by the home business beyond that which is reasonable and normal for the area in which it is located.
- E. No equipment or process shall be used in such home business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
- F. Exterior display or storage of goods, equipment or other materials associated with the home business is prohibited.
- G. Adequate off-street parking shall be provided in accordance with the requirements of Article 11, Section 16.
- H. The parcel must meet or exceed the minimum size standards for the applicable zone.
- I. All equipment, buildings, and activities associated with the home business shall be required to meet all setbacks for the applicable zoning district.
- J. No more than two home businesses shall be permitted on a single parcel. The total space allowed for two home businesses combined shall not exceed the maximum allowed for a single home business.

Subd. 3. **TIER 3 HOME BUSINESS.** The following standards shall apply to Tier 3 Home Businesses:

- A. The maximum number of non-resident employees employed in conjunction with a home business shall be 10.
- B. The minimum parcel size shall be 5 acres.
- C. If located in an accessory building, the home business shall not occupy an area greater than 7200 of gross floor area feet.
- D. Exterior operations and storage of goods, equipment or materials shall be screened from view of public roads, adjacent dwellings and adjoining residential districts.
- E. The Planning Advisory Commission shall determine the expiration of the interim use permit; which may include a time limit or a transfer of the property ownership.
- F. The Interim Use Permit may be renewed administratively up to 30 days after the expiration of the permit so long as all the conditions placed by the Board of

Commissioners have been met as determined by the Planner/Zoning Administrator. In the instance of renewal due to property ownership transfer; if the home business will continue under the same circumstances presented at the time of approval, an administrative approval may be permitted.

- G. If the permit is expired more than 30 days and the permit has not been renewed, the permit is null and void and a new interim use permit must be granted for the use to continue.
- H. Any subdivision of land separating the business buildings and/or operations from the principal dwelling shall result in revocation of the IUP.
- I. The home business shall be proximate to the associated principal dwelling.
- J. No more than two home businesses shall be permitted on a single parcel. The total space allowed for two home businesses combined shall not exceed the maximum allowed for a single home business.
- K. Such other conditions as specified by the Planning Advisory Commission pursuant to Article 4.

Subd. 4. **PERMITTED USES AND INTERIM PERMITTED USES:** Home Businesses shall be allowed as shown in the table below.

	A-1	A-2	A-3	R-1	B	I	CR	MXH
<b>HOME BUSINESSES</b>								
Tier 1 Home Business	P	P	P	P	NP	NP	NP	I
Tier 2 Home Business	P	P	P	I	NP	NP	NP	I
Tier 3 Home Business	I	I	I	NP	NP	NP	NP	I

**KEY:** P = Permitted Use I = Interim Use Permit NP = Use not permitted in the district

### **SECTION 13. BED & BREAKFAST INNS**

Subd. 1. The following standards shall apply to all Bed & Breakfast Inns:

- A. The parcel shall meet the minimum size standards for the applicable zone.
- B. Breakfast may be served to overnight guests only.
- C. Maps identifying property limits shall be provided to guests.
- D. Maximum occupancy shall not exceed 15 guests.
- E. A maximum of 6 designated guest rooms is allowed.
- F. No cooking facilities shall be allowed in guest rooms.
- G. All guest rooms shall be contained within the principal or accessory dwelling.
- H. Any existing buildings in which the public may have access shall obtain all applicable Building Code approvals prior to being utilized as part of a Bed & Breakfast facility.

## SECTION 14. EDUCATIONAL FARM RETREAT

Removed July 18, 2023

## SECTION 15. OFF-STREET LOADING AND UNLOADING REQUIREMENTS

On the premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, shopping center, laundry or other uses similarly involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the site adequate space for the required number of ten (10) foot by twenty-five (25) foot berths.

- Subd. 1. For Educational and Religious Uses. One (1) berth for each building containing ten thousand (10,000) square feet of gross floor area to two hundred thousand (200,000) square feet of gross floor area, plus one/each additional two hundred thousand (200,000) square feet of gross floor area.
- Subd. 2. For Health and Medical Institutions. One (1) berth for each building containing ten thousand (10,000) square feet to one hundred thousand (100,000) square feet plus one/each additional one hundred thousand (100,000) square feet.
- Subd. 3. Commercial. One (1) berth for each building containing forty thousand (40,000) square feet.
- Subd. 4. Industrial. One (1) berth for each building containing forty thousand (40,000) square feet. Two (2) berths each building containing forty thousand (40,000) square feet to one hundred thousand (100,000) square feet.

## SECTION 16. OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

- Subd. 1. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned and which said use is similar, shall apply.
- Subd. 2. Nothing in this Section shall prevent the extension of, or an addition to, a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
- Subd. 3. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required, shall be stated in the application for a building and zoning permit and shall be irrevocably reserved for such use.

Use	Required Parking Space
One and two family dwellings or mixed occupancy buildings	Two (2) parking spaces for each dwelling unit; the area of which may include driveways

Multiple dwellings or apartment houses, efficiency apartment or single family terrace dwelling	One and on-half (1-1/2) parking spaces for each dwelling unit
Tourist homes, motels	One (1) parking space for each guest or sleeping room or suite in a tourist home or motel, plus two (2) additional parking places for management and/or service personnel
Hospitals, sanitarium, convalescent homes, homes for the aged or the aged or dormitory.	One (1) parking space for three (3) beds plus one (1) parking space for each two (2) employees.
Orphanage and institutions of a philanthropic and charitable nature and similar uses	One (1) parking space for each ten (10) beds
Hotels	One (1) parking space for each two (2) guest rooms, plus one (1) additional space for each three (3) employees
Fraternities, boarding and two rooming houses	Provide about each building an improved area other than the front yard which shall be not less in size than two (2) times the floor space of the building.
Libraries, museums, post offices and other similar uses	One (1) parking space for each four (4) seats in the main assembly unit
Theaters and auditoriums other than incidental to a school	One (1) parking space for each four (4) seats plus additional spaces equal in number to fifty (50) percent of the number of all employees of the theater
Churches, auditoriums incidental to schools	One (1) parking space for each four (4) seats in the main assembly unit
Schools	One (1) parking space for each two (2) employees (including teachers and administrators) plus sufficient off-street space for the convenient loading and unloading of students
Dance halls, pool and billiard rooms, assembly halls and exhibition halls without fixed seats. Community centers, civic clubs, fraternal orders, union halls and similar uses.	One (1) parking space for each four (4) people allowed within the maximum occupancy load as established by the Fire Marshall.
Stadiums and sports arenas	One (1) parking space for each four (4) seats.
Bowling alleys	Six (6) parking space for each alley.
Mortuaries or funeral homes	One (1) parking space for each fifty (50) Square feet of floor space in the slumber rooms, parlors, or individual funeral service rooms.

Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments.	One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each two (2) employees.
Drive in restaurants and roadside stands.	One (1) parking space for each fifteen (15) square feet of ground floor area of the building
Medical or dental clinics, banks, business or professional offices.	One (1) parking space for each two hundred (200) square feet of floor area
Drive in banks.	One (1) parking space for each teller window and one (1) parking space for each two hundred (200) square feet of floor area
Furniture and appliance stores, personal service shops, (not including beauty or barber shops), household equipment or furniture repair shops, clothing shoe repair or service shops, whole-sale stores and machinery sales.	One (1) parking space for each five hundred (500) square feet of floor area.
Beauty parlors and barber shops	Two (2) parking spaces for each barber and/or beauty shop chair
All retail stores, except as otherwise specified herein	One (1) parking space for each two (2) of the maximum number of employees on duty at any one time, plus one (1) parking space for each of the maximum number of salesman on duty at any one time plus one (1) parking space each for the owner and/or management on duty at any one time, plus two (2) parking spaces for each stall in a repair shop, plus one (1) parking space for each stall or service area or wash rack in a servicing repair shop.
Gasoline service stations	One (1) parking space for each employee plus (1) one parking space for the owner and or management plus (2) two spaces for each grease rack, stall for servicing automobiles, or wash rack
Industrial establishments, manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehousing and storage buildings	Provide about each establishment, an improved area in addition to the front yard, which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles or employees or person doing business therein, such space shall not be less than one (1) parking space for each three (3) employees computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

## SECTION 17. SIGN REGULATIONS

All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs, shall conform to the following provisions:

Subd. 1. Sign Definitions.

- A. Sign. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.
- B. Sign, Monument. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.
- C. Sign, Off-Premises. A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where the sign is located.
- D. Sign, Pylon. A freestanding sign that is self-supporting and affixed to a pole or posts or other frame structure, not attached to a building.
- E. Sign, Surface Area of. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face V-type sign structure shall be used in computing the total surface area.
- F. Sign, Temporary. A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board or similar material and intended to be displayed for a limited period of time but does not include candidate advertisements.
- G. Sign, Wall. A sign affixed to the exterior wall, mansard roof, or soffit of a building that is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, or extend beyond the top of the parapet wall.

Subd. 2. Permit required. No sign shall be erected unless the owner of the land on which the sign will be placed obtains a sign permit. In addition, any sign may require issuance of a building permit if required by the building code.

Subd. 3. Sign types – where allowed. Wall signs and monument signs are allowed in any zoning district. Pylon signs are allowed only in the B, I, and CR Districts.

Subd. 4. Number per lot. A maximum of one (1) large sign, or two (2) small signs that combined do not exceed the maximum size as specified in Subd. 5., below, per lot shall be permitted in all districts except B, I, and CR Districts.

- A. In B, I, and CR Districts shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per one hundred (100) feet of additional lot frontage. Such structure may not contain more than two (2) signs per facing not exceeding fifty-five (55) feet in total length, no sign may be erected within one hundred (100) feet of an adjoining residential property, not exceeding the maximum size as specified in Subd. 5., below, per frontage is allowed.

- Subd. 5. Maximum size. The maximum size of a permitted sign is as follows, unless otherwise specified in a CUP/IUP:
- A. In the B, I and CR Districts, maximum size is four hundred (400) square feet for each of two allowed sign faces, or for wall signs, ten percent (10%) of the area of the building wall on which the sign is located.
  - B. In the MXH District, maximum size is sixty-four (64) square feet for each of two allowed sign faces, or for wall signs, ten percent (10%) of the area of the building wall on which the sign is located.
  - C. In the A1, Agricultural Protection District and the A2 Agricultural District temporary and seasonal off-site rode side produce stands may have no more than two (2) signs totaling fifty (50) square feet of sign area advertising the stand. In addition, the structure shall be limited in size to two thousand (2,000) square feet.
  - D. In all other districts, maximum size is as follows:
    1. For residential uses and permitted home occupations, four (4) square feet for each of two allowed sign faces.
    2. For home occupations allowed by administrative permit, sixteen (16) square feet for each of two allowed sign faces. For home occupations allowed by interim use permit, thirty-two (32) square feet for each of two allowed sign faces.
    3. For commercial or industrial businesses primarily intended to serve the agricultural community that have been permitted by conditional or interim use permit maximum size is sixty-four (64) square feet for each of two allowed sign faces, or for wall signs, ten percent (10%) of the area of the building wall on which the sign is located.
    4. For all other uses, thirty-two (32) square feet for each of two allowed sign faces.
    5. If two sign faces are proposed, they shall be immediately behind the other appearing to be two sides of a single sign and the faces shall not be at an angle to each other.
- Subd. 6. Maximum height. Monument signs shall not exceed twelve (12) feet in height above the average grade at the base of the sign. No part of a pylon sign shall exceed thirty-five (35) feet in height above the average grade at the base of the sign. No building-mounted sign shall extend above the roof of the building.
- Subd. 7. Illumination. If a sign is externally illuminated, the illumination shall be directed only on to the sign and the light source shall not be visible from neighboring properties.
- Subd. 8. Safe condition. No sign shall be permitted that shall in any way endanger the health or safety of the general public.
- Subd. 9. Clean area. All areas surrounding a permitted sign shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Zoning Administrator shall be cause for revocation of the existing sign permit and removal of the sign.

- Subd. 10. Temporary signs. Signs of a temporary nature that do not exceed twelve (12) square feet in area shall be exempt from the permitting requirement. Temporary signs may be displayed for a period not to exceed thirty (30) days, on a maximum of four (4) occasions per year.
- Subd. 11. Limits on location. The following limits on location apply to all signs, permitted and temporary:
  - A. No sign except as erected by an official unit of government for the direction of traffic or necessary public information shall be permitted within the right-of-way of any public road.
  - B. All permitted signs shall be located outside of the required sight triangle, as follows:
    - 1. Protection of clear-view sight triangle. The required front yard of a corner lot shall be unobstructed above a height of thirty (30) inches above the road edge running for a distance of twenty-five (25) feet from the intersection of the road right-of-ways.
  - C. Pylon or monument signs shall maintain a ten (ten) foot setback from all property lines.
  - D. No sign in excess of three (3) square feet shall be less than three hundred (300) feet from the intersection of two (2) or more public roads or less than three hundred (300) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

**SECTION 18. OFF-PREMISE ADVERTISING SIGNS (BILLBOARDS)**

Off-premise advertising signs may be erected on ground or wall location but not roof locations in the B, or I District, subject to the following regulations:

- Subd. 1. Spacing. Off-premise advertising signs on the same street, facing the same traffic flow shall not be placed closer together than three hundred (300) feet.
- Subd. 2. Double Face Signs. Off-premise advertising signs can be double faced and each side shall be considered as facing traffic flowing in the opposite direction.
- Subd. 3. Size, Height, and Length of Off-Premise Advertising Signs. In all zoning districts in which off-premise advertising signs are permitted, such signs shall not exceed seven hundred fifty (750) square feet in total area including all faces, except on back-to-back signs, nor shall the height exceed the permitted height of any other freestanding sign in the zone the sign is located. No off-premise sign shall exceed fifty-five (55) feet in length.
- Subd. 4. Setbacks. Off-premise advertising signs shall conform to the districts they are located in.
- Subd. 5. Exclusionary Areas. No off-premises advertising signs shall be directed or maintained within five hundred (500) feet of any park or within one hundred (100) feet of any residential zone, church, school, or playground.

## **SECTION 19. AMORTIZATION**

Removed April 4, 2017

## **SECTION 20. INSPECTION**

Removed April 4, 2017

## **SECTION 21. ADDITIONAL REQUIREMENTS, EXCEPTIONS, & MODIFICATIONS**

- Subd. 1. Except in the Wild and Scenic River District, 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.
  - D. Grain elevators.
- Subd. 2. Except in the Wild and Scenic River District, 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 space.
  - B. Water towers.
  - C. Chimneys or smokestacks.
  - D. Essential service structures.
  - E. Wind generators when located in any agricultural district.
- Subd. 3. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:
- A. Essential service lines.
  - B. Essential service structures when required to be on line to ensure the proper functioning of the line.
- Subd. 4. Yard requirements set forth elsewhere in this Ordinance may be reduced as follows: Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than twelve (12) inches into the allowable yard space nor cornices not exceeding sixteen (16) inches in width nor to platforms, terraces steps below the first floor level, not to unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than eight (8) feet.

Subd. 5. Sight Triangle. The required front yard of any lot shall not contain any wall, fence, or structure, tree or shrub, or other growth which may cause danger to traffic on the road or public road by obscuring the view; except, that this Subdivision shall not apply to agricultural crops.

## **SECTION 22. SITE DEVELOPMENT, LANDSCAPING, SCREENING, AND GREENBELT REQUIREMENTS FOR BUSINESS AND INDUSTRIAL ZONING DISTRICTS**

To minimize adverse effects to adjoining properties and to promote orderly development as well as provide open space in harmony with the environment, the following requirements shall apply to all new, expanded or changes in commercial or industrial development. This shall be interpreted to include new construction or expansion of any building.

- Subd. 1. Prior to any construction work, the owner, developer or contractor shall submit to the Zoning Administrator, a detailed site development plan which shall include: property lines, complete plans for grading, drainage, landscaping, building location, dimension of all buildings, drive and access to public roadways, display and storage areas, and screening and greenbelts.
- Subd. 2. A minimum of five (5) percent of the total lot area shall be landscaped with grass cover and trees or shrubs. Grass area shall be no less than ten (10) feet in width and the spacing of trees thereon shall not be greater than fifty (50) feet.
- Subd. 3. When a zoning district which allows commercial, manufacturing, warehousing, and storage activities is located adjacent to any residential zoning district, a satisfactory greenbelt, as approved by the Planning Commission, shall be required.
- Subd. 4. Outdoor open storage areas except those areas for display of operative and well-kept items shall require a conditional use permit in accordance with the provisions of Article 4 of this Ordinance to determine appropriate location and type of screening or greenbelts.
- Subd. 5. All open areas of the lot shall be graded to provide adequate drainage to avoid collection of stagnant water, unnecessary runoff onto adjoining properties, or public roadways and to prevent soil erosion.
- Subd. 6. It shall be the responsibility of the owner or lessee to see that the lot area is maintained in a well-kept condition, including regular maintenance and necessary replacement of plantings and compliance of all other provisions of this Section.
- Subd. 7. The Planning Commission may approve alternates to the above, provided the alternate is as effective as the provisions specified.

## **SECTION 23. ENVIRONMENTAL REVIEW PROGRAM**

- Subd. 1. Adoption by Reference of Certain Terms and Regulations for the Administration of the County Environmental Review Program. Pursuant to M.S.A. 394.25, Subdivision 8, the Goodhue County Board of Commissioners adopts by reference 6 MCAR 3.021 to 3.047, Rules for the Environmental Review Program and the terms used in M.S.A. 116D State Environmental Policy. Provisions of these rules and terms shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

Subd. 2. Cost of Preparation and Review.

- A. Information to be Provided. The applicant for a permit for any action for which environmental documents are required, either by state law or rules by the County Board, shall supply in the manner prescribed by Goodhue County Zoning Administrator all non-privileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.
- B. Environmental Assessment Worksheets. The applicant for a permit for any action for which an Environmental Assessment Worksheet (EAW) is required either by state law or rules or by the County Board shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the Administrator shall prepare a draft EAW and supply all information necessary to complete that document.
- C. Environmental Impact Statement. The County and the applicant for a permit for any action for which an Environmental Impact Statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements one copy of which is on file in the office of the County Auditor, unless the applicant and the County Board provide otherwise by a written agreement.
- D. Payment of Costs. No permit for an action for which an EAW or an EIS is required shall be issued until all costs of 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 provisions of Subd. 2.E of this Subdivision.
- E. Agreements Concerning Cost of Preparation and Review. The applicants 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 in 6 MCAR 3.042.

Subd. 3. Administration.

- A. The Zoning Administrator shall be the person for determining whether an action for which an EAW is mandatory under 6 MCAR 3.024. The Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of this Ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
- B. The Administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under 6 MCAR 3.024. The Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of this Ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
- C. All EAWs and EISs shall be prepared under the supervision of the Administrator reviewed by the Planning Commission and reviewed and approved by the County Board.

- D. When reviewing an EAW or EIS, the Administrator and the Planning Commission may suggest design alterations 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 that the design alterations are necessary to lessen the environmental impact of the action.
- E. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds under 6 MCAR 3.025 that an action is major and has potential for significant environmental effects.

Subd. 4. Optional Environmental Assessment Worksheet. The County Board may, upon recommendation by the Administrator, require than an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects. The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- A. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
- B. Is the action likely to have disruptive effects such as generating traffic and noise?
- C. Are there public questions or controversy concerning the environmental effects of the proposed actions?

Subd. 5. Enforcement and Penalty.

- A. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
- B. Any person who violates any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding seven hundred (700) dollars or imprisonment for ninety (90) days or both. Each day that the violation is permitted to exist constitutes a separate offense.
- C. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.

## **SECTION 24. PRESERVATION OF FARMING PRACTICES**

It is the declared policy of this County to enhance and encourage agricultural operations within the County.

Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations may be the subject of private nuisance complaints that would result in the cessation or curtailment of operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the County's agricultural industry as a whole.

It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.

Agricultural production that complied with all Goodhue County Ordinances, shall not be considered by this County as constituting a nuisance.

This Ordinance is not to be construed as in any way modifying or abridging the State law, rather, it is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.

- Subd. 1. **AGRICULTURAL OPERATION.** Property primarily used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, and associated processing of agricultural products produced by the operation. Agricultural Operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.
- Subd. 2. **ESTABLISHED DATE OF OPERATION.** For the purposes of this section, the established date of operation shall be the date on which the agricultural operation commenced.
- Subd. 3. **AGRICULTURAL OPERATION NOT A NUISANCE.** An agricultural operation which continues without interruption or change shall not become a private nuisance if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply:
  - A. To a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices.
  - B. To applicable State or local laws, ordinances, rules or permits.
  - C. When an agricultural operation causes injury or direct threat or injury to the health or safety of any person.
  - D. To the pollution of, or change in the condition of, waters of the State or the water flow of waters on the lands of any person;
  - E. To an animal feedlot facility of one thousand (1,000) or more animal units.

## **SECTION 25. RETREAT CENTERS**

- Subd. 1. The following standards shall apply to all Retreat Centers:
  - A. A proposed schedule of events and any proposed special events, which consist of any events not part of the normal operating schedule.
  - B. Contact information for caretaker(s) on duty and on site and the times they are present.
  - C. Provide a general floor plan indicating the units to be used for the retreat center (in which the public may have access).
  - D. Maps identifying property limits shall be provided to guests.
  - E. The PAC may require installation of property boundary indicator signs along property boundary lines in accordance with Goodhue County Ordinance Sign regulations.

- F. Retreat units shall not be converted into permanent dwelling units, unless an application is approved showing that the units meet the requirements of the Zoning Ordinance, Building Code, and Environmental Health regulations.
- G. The maximum stay of the occupants shall not exceed two weeks, unless otherwise established by the IUP/CUP.
- H. Allow periodic inspections by the Land Use Management Department, Environmental Health Department, and Fire Marshall.
- I. Any existing buildings in which the public may have access shall obtain all applicable Building Code approvals prior to being utilized as part of a Retreat Center.
- J. Proof of liability insurance for the structures, property, occupants, visitors, and events shall be maintained.
- K. Maximum capacity shall not exceed 50 guests.

## **SECTION 26. KENNELS**

Subd. 1. Application and standards. In addition to the other requirements, the application for conditional use permit shall be accompanied by 25 copies of the plans, which indicate or address the following:

- A. The stated purpose for the kennel;
- B. The species and maximum number of animals that will be at the site (include all animals over the age of 28 weeks on the property);
- C. All animals at the property must have current vaccinations. Records need to be kept on-site, or at an identified veterinarian office, and produced immediately upon request;
- D. Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas, etc.;
- E. Location of existing or proposed indoor/outdoor runs;
- F. Plans for sanitary sewage disposal, water systems (natural or manmade), and utilities servicing the site;
- G. Show the existing and proposed surface drainage;
- H. Existing or proposed location for overhead lighting;
- I. Location and width of all streets abutting the site;
- J. The kennel facility must have proper heating, cooling, ventilation and lighting:
  - 1. Confinement areas must be maintained at a temperature suitable for the animal involved.
  - 2. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

- 3. An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.
  - K. The kennel construction material must be impervious to water and odor and easily cleanable;
  - L. A manure management plan describing manure pick up and disposal;
  - M. All structures shall require a building permit;
  - N. Existing buildings used as any part of the kennel (in which the public may have access) must pass building code inspections prior to it being utilized by the kennel;
  - O. Any licenses or permits required by Environmental Health including but not limited to: water supply and septic systems.
- Subd. 2. The Planning Advisory Commission shall take into consideration the following information and performance standards in which to base their recommendation to the County Board for kennel conditional use permit applications:
- A. The measures taken to minimize noise from the proposed kennel;
  - B. The impact on local traffic;
  - C. Permanent water lines and septic systems may be required in the kennel building for drinking water, cleaning the kennels, and disposing of the waste water in an approved manner; and
  - D. Allow periodic inspections of the facility in coordination with the Land Use Management department.

## **SECTION 27. FARM WINERIES**

Subd. 1. **Statement of Purpose.** Wineries are welcomed by Goodhue County as appropriate farm activities. It is the intent of this section to promote local agriculture production by allowing construction of a farm winery with tasting room and retail sale of winery products in the A-1, A-2 and A-3 Zone Districts. It is also the intent of this section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Goodhue County and to maintain the viability of fruit farming through value added processing and direct sales of wine and wine related beverages made from locally grown fruit.

Subd. 2. **Definitions**

- A. **Farm winery.** "Farm winery" is a winery operated by the owner of a Minnesota farm which produces table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota.
- B. **Wine.** "Wine" is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one-half of one percent nor more

than 24 percent alcohol by volume for non-industrial use. Wine does not include distilled spirits as defined in Minnesota Statutes.

- C. **Fortified wine.** "Fortified wine" is wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use.
- D. **Table or sparkling wine.** "Table or sparkling wine" is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.
- E. **Distilled spirits.** "Distilled spirits" is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.
- F. **Tasting Room.** A room in conjunction with a farm winery where:
  - 1) Tasting of wine, fruit wines, and nonalcoholic fruit juices takes place at a charge or no charge to the individual; and
  - 2) The retail sales of winery products, incidental retail sales of non-food items, products by the bottle for off premises consumption and food items are allowed as provided herein. On premise consumption (wine by the glass) is also allowed.

Subd. 3. Performance Standards.

Farm Wineries are permitted provided:

- A. The farm winery is licensed by the US Treasury, Bureau of Alcohol Tobacco & Firearms; and the State of Minnesota Department of Public Safety. In addition, the farm winery must operate in conformance with all applicable local, state and federal laws, rules, and ordinances.
- B. The minimum parcel size required to construct and operate a farm winery shall be ten (10) acres or the minimum parcel size required for the construction of a structure in the Zone District the property is located within, whichever is greater.
- C. The farm winery parcel shall have a minimum of two planted acres of fruit maintained pursuant to generally accepted management practices.
- D. The total land area covered by buildings and structures used for wine processing, storage and sales does not exceed two percent (2%) of the contiguous lot area. If the total land area covered by buildings and structures used for wine processing, storage and sales exceeds ten thousand (10,000) square feet, the project is subject to approval of a conditional use permit.
- E. The above ground portion of any individual building shall not be greater than 20,000 square feet.
- F. All farm winery buildings shall comply with minimum yard setbacks for the zone district of the parcel. However, if the farm winery building is open to the public, that building shall be set back at least 100 feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the districts, subject to site plan review.

- G. Sales. Farm wineries licensed by the State of Minnesota operating in Goodhue County may sell, on the farm winery premises: table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 50,000 gallons in a calendar year. In addition sale of glassware, wine literature and accessories, cheese and cheese spreads and other wine-related food items in conjunction with an approved farm winery. A farm winery may provide samples of distilled spirits manufactured pursuant to Minnesota Statutes 340A.315 distilled spirits only through a licensed wholesaler. Samples of distilled spirits may not exceed 15 milliliters per variety.
- H. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- I. Outside, activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.

## **SECTION 28. AGRICULTURAL TOURISM ACCESSORY USES**

Subd. 1. Agricultural Related Uses are permitted as accessory uses within the A-1, A-2 and A-3 Zone Districts subject to approval of a zoning permit by the Zoning Administrator. Evidence in the form of a site plan and description of the use must be provided to indicate compliance with the following standards and any other applicable requirements set forth in this Ordinance.

- A. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- B. The operator must have a written statement from the County Environmental Services indicating the maximum number of persons that can be accommodated with existing toilet facilities and additional portable toilets must be provided for any guests exceeding the aforementioned number.
- C. Outside, activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.
- D. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.

## **SECTION 29. FARM MARKET/ON-FARM MARKETS/ROADSIDE STANDS**

Subd. 1. Farm Markets/On-Farm Markets/Roadside Stands in buildings or structures exceeding 2400 square feet as permitted uses within the A-1, A-2 and A-3 zone districts are subject

to approval of a conditional use permit or interim use permit. In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.
- B. Property boundaries, onsite parking areas and access roads.
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
- E. Location of temporary or permanent toilet facilities, which may be required.
- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).
- G. A written description of the proposed Farm Stand/On-Farm Market/Roadside Stand including a listing of products to be sold.
- H. Proposed hours of operations and duration of operations if seasonal or temporary.
- I. Anticipated number of vehicles trips per day.
- J. Proposed site lighting or landscaping.

**Subd. 2 Performance Standards.**

In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application:

- A. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- B. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County.
- C. All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.
- D. Outside, sales related activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.
- E. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
- F. The maximum size of the Farm Stand/On-Farm Market/Roadside Stand shall be established at the sole discretion of the County based on parcel size, proximity to

adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.

- G. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.

## **SECTION 30. RURAL TOURISM**

Subd. 1. Rural Tourism events may be permitted in the A-1, A-2, or A-3 Zone Districts with an approved zoning permit at the discretion of the Zoning Administrator for up to two (2) events/activities per calendar year. The right to utilize property for more than two events/activities per calendar year is subject to approval of a conditional use permit or an interim use permit by the Board of County Commissioners. In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.
- B. Property boundaries, onsite parking areas and access roads.
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
- E. Location of temporary toilet facilities, which may be required.
- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).
- G. A written description of the planned activities providing including maximum number of guests/visitors.
- H. Frequency and number of activities proposed in a calendar year.
- I. Hours of Operation/Activity including set-up/clean-up for activities and events.
- J. Proposed site lighting or landscaping.
- K. Anticipated maximum number of vehicle trips per day.

Subd. 2 Performance Standards.

In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, Section 5, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application for various Rural Tourism uses. Bed and Breakfasts and Retreat Centers shall also meet the standards found in Article 11 Section 13 and Article 11 Section 25 respectively.

- A. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate

that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.

- B. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas for facilities with greater than 50 guest capacity must be a minimum of 40 feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- C. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
- D. All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.
- E. Outside activities shall be completed during daylight hours. Inside activities for facilities with greater than 50 guest capacity shall be completed by 10:00 PM unless approved through the CUP/IUP process to conclude no later than 12:00 AM (midnight).
- F. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
- G. The owner/operator will maintain a log of the activities occurring at the included activity/event dates, group identity, times and number of guests.
- H. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved conditional use permit or interim use permit.
- I. The main event area for facilities with greater than 50 guest capacity shall be at least 500 feet from neighboring dwellings.
- J. Rural Tourism uses for facilities with greater than 50 guest capacity shall be located on a parcel at least 3 acres in size.

### **Section 31. ACCESSORY DWELLING UNITS (ADUS)**

Subd. 1. Accessory Dwelling Units (ADUs) are dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.

- A. An ADU can be either:
  - 1. Attached to, or within the primary dwelling unit; or
  - 2. Located within 100 feet of the primary dwelling unit on the same tax parcel as the primary dwelling unit.
- B. ADU's must have separate kitchen and bathroom facilities
- C. Only one (1) ADU is permitted per primary dwelling site tax parcel
- D. The ADU cannot be separated from the primary dwelling tax parcel

- E. Dwelling units that were permitted as temporary dwelling units that request to be converted to ADU status must have a public hearing at the PAC and approved by the County Board.

Subd. 2. Performance Standards

- A. Setbacks: The ADU must meet all district setbacks for structures
- B. Size: An ADU cannot exceed the size of the primary dwelling
- C. The ADU will be required to obtain all necessary permits, including Zoning, Building, Well, and SSTS

## **Section 32. ABANDONED HOMESTEADS**

Subd. 1. To qualify as an Abandoned Homestead, a site shall satisfy the following criteria:

- A. Clear, physical evidence of a dwelling, and
- B. A distinct yard containing features such as fencing, windbreaks, or other readily apparent features characteristic of a previously established homestead.

Subd. 2. Abandoned Homestead dwelling reestablishments shall comply with the following standards:

- A. The parcel shall meet the minimum size regulations, yard requirements, road access standards, Bluffland ,Shoreland , and Floodplain requirements, and
- B. The reestablished dwelling shall be sited as near to the location of the abandoned dwelling foundation as practical, and
- C. An approval for reestablishment of a dwelling as an Abandoned Homestead site shall expire and be considered null and void one (1) year after the approval date if the use has not been established.

## **Section 33. CONTRACTORS YARD**

Subd. 1. Contractors Yards shall comply with the following standards:

- A. The minimum parcel size shall be 3 acres and shall meet road access standards.
- B. The site shall not be located within Shoreland, Floodplain, or Blufflands.
- C. Materials, structures, and operations associated with the Contractors Yard shall be located a minimum of 100 feet from adjacent neighboring dwellings existing at the time of permit application.
- D. Non-Resident Employees, except designated office or shop personnel, may occupy the site only for the purpose of gathering equipment and supplies, necessary fabrication, or general maintenance.
- E. There shall be no on-site retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
- F. Exterior storage of materials, vehicles, and equipment may require screening from public view.

- G. The routes and conditions of local transportation networks will be part of the review process to determine if they are capable of supporting the proposed use without appreciably diminishing traffic safety along primary access routes. When appropriate, the applicant shall bear the costs of required dust mitigation measures.

Subd. 2. **PERMITTED USES:** Contractors Yards shall be allowed as shown in the table below.

	A-1	A-2	A-3	R-1	B	I	CR	MXH
Contractors Yard	C/I	C/I	C/I	NP	C/I	P	NP	NP

**KEY:** P = Permitted Use C = Conditional Use Permit I = Interim Use Permit NP = Use not permitted in the district

### Section 34. Self-Service Storage Facilities

Subd. 1. Self-Service Storage Facilities shall comply with the following standards:

- A. Storage units/facilities may only be used for storage. Storage units/facilities may not be used for retail sales (including garage sales), industrial uses, vehicle repair, human habitation, or storing any living animal or organism.
- B. Storage of hazardous, flammable, or explosive materials as defined in MN Statute 182.651 is prohibited.
- C. Water service to storage units is prohibited except for a fire suppression system.
- D. The site shall not be located within any wetland, floodplain, or blufflands.
- E. All lighting shall be downward projecting or shielded to prevent light from being directed off the premises.
- F. The facility shall be secured by fencing.
- G. Exterior storage of materials, vehicles, and equipment may require screening from public view.
- H. Areas for exterior storage and access lanes for storage structures shall be surfaced with aggregate, asphalt, or similar material.
- I. Driving lanes between structures must be a minimum of 18 feet between the nearest points of buildings.
- J. A landscaping and drainage plan detailing adequate provisions for stormwater control and erosion prevention shall be provided.

### Section 35. Transfer Facilities

Subd. 1. Transfer Facilities shall comply with the following standards:

- A. No more than 120 cubic yards of waste shall be stored on-site at any given time and no more than 120 cubic yards of waste shall be managed on-site per day.
- B. The site shall be located at least 1,000 feet from any existing dwelling, except dwellings on the same parcel as the Transfer Facility.
- C. Transfer Facilities shall be located at least 1,000 feet from any Residential district (R1).

- D. Transfer Facilities shall comply with the Goodhue County Waste Management Ordinance, Minnesota Pollution Control Agency requirements, state, and federal laws. Documents required for submittal under the Goodhue County Waste Management Ordinance for Transfer Facilities shall be submitted to the Zoning Administrator with the conditional use permit application. A copy of the MPCA permit (if required) shall be submitted to the Zoning Administrator prior to opening.
- E. The owner or operator shall submit information regarding the surrounding property uses, any potential environmental hazards, sanitary facilities and waste disposal, and lighting.
- F. Exterior storage, loading, and unloading areas shall comply with setback requirements of the underlying zoning district and be adequately screened from view from all public roadways and adjacent residential uses except those uses on the same parcel as the Transfer Facility.
- G. Outdoor storage and parking areas shall have durable, all-weather, impervious surfacing.
- H. The site shall be fenced on all sides to prevent unlawful dumping and entrance.
- I. At each entrance to the facility, the owner or operator shall install and maintain a sign that lists the wastes that are or are not accepted at the facility, its hours of operation, a number to call for assistance with disposal of items that are not accepted at the facility, the MPCA assigned permit number, name of the facility, and prices for use of the facility.
- J. The owner or operator shall be responsible for ensuring the public access road that the facility is located on is not blocked or made impassable by hauled materials and that ditches are free of materials. The owner or operator shall be responsible for dust control on aggregate surfaced roads if requested by the road authority.
- K. All materials shall be confined to the designated processing and storage areas. The property shall be maintained so as to prevent wind dispersion of materials. The facility grounds and immediately adjacent property shall be free of litter stemming from facility operations.
- L. Mixed municipal solid waste, industrial waste, hazardous waste, and liquid waste shall not be accepted on-site, including oil.
- M. Transfer Facilities shall not be located within a floodplain, shoreland, wetland, sinkhole, bluffland, within active mineral extraction facilities, or wild and scenic river district.

# ARTICLE 12 BLUFF LAND PROTECTION

---

## SECTION 1. INTENT AND PURPOSE

Goodhue County recognizes the historic and economic values of the bluffs that line the many rivers and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs.

## SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

- Subd. 1. **BLUFF.** A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:
- A. The slope rises at least twenty-five (25) feet above the toe of the bluff; and
  - B. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty (30) percent or greater;
  - C. An area with an average slope of less than twenty (20) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.
- Subd. 2. **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 3. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented 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.
- Subd. 4. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 5. **TOP OF THE BLUFF.** 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 highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 6. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

### **SECTION 3. BOUNDARIES**

- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:
- A. N634E - Massbach-Schapville complex, 18-35% slopes
  - B. N598E - Winneshiek-Waucoma complex, 18-35% slopes
  - C. N594E - Chelsea loamy sand, 12-35% slopes
  - D. N553E - Frankville-Nasset-Mt. Carroll complex, 18-35% slopes
  - E. N635E - Frankville-Nasset-Downs complex, 18-35% slopes
  - F. N642E - Frankville-Nasset complex, Oneota formation, 18-35% slopes
  - G. N609E - Hawick sandy loam, 18-45% slopes
  - H. M516E - Wangs-Wagen Prairie complex, 18-35% slopes
  - I. M537E - Meridian-Bassett complex, 18-35% slopes
  - J. N526F - Gale-Oak Center complex, 18-45% slopes
  - K. M540F - Frontenac-Bellechester complex, 18-45% slopes
  - L. N639F - Frontenac-Lacrescent complex, 20-45% slopes
  - M. N631E - Schapville silt loam, 18-35% slopes
  - N. N580G - Brodale, very flaggy-Bellechester-Rock outcrop complex, 45-90% slopes
  - O. N632G - Brodale, flaggy-Schapville complex, 18-80% slopes
  - P. N638G - Brodale, flaggy-Bellechester complex, 30-70% slopes
  - Q. N640G - Lacrescent, flaggy-Frontenac-Rock outcrop complex, 45-90% slopes
  - R. N641F - Brodale channery loam, 20-45% slopes, flaggy
  - S. N639G - Frontenac-Lacrescent complex, 30-70% slopes
  - T. M539F - Bellechester loamy sand, 18-45% slopes

### **SECTION 4. GENERAL REGULATIONS**

- Subd. 1. Developments and other land disturbing activities including: structures, accessory facilities, driveways, and parking areas shall not be placed within bluff impact zones except the following:
- A. Stairways and landings subject to provisions set forth in Subd. 6, of this Section.
  - B. Facilities such as ramps, lifts, or mobility paths subject to provisions set forth in Subd. 6, of this Section.
  - C. Uses identified in Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 1
- Subd. 2. Setback from top or toe of the bluff to any structure in any district shall be no less than thirty (30) feet. Exceptions may include structures allowed under Article 30, Section 3, Subdivisions 6, 12, and 13.
- Subd. 3. The maximum height of any structure shall be twenty-five (25) feet from the highest natural grade touching foundation. Exceptions may include structures allowed under

the following provisions: Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 13. Height for structures that may be permitted within bluff impact zones under these provisions shall be set forth within Conditional or Interim Use Permits

- Subd. 4. No person may begin a mining or quarrying activity or expand a mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 5. Towers as defined in Article 17 (Wireless Communication Facilities) must be located outside of bluff impact zones and shall be subject to a minimum setback of 1.1 times the height of the tower from the top of a bluff and a minimum of 30 feet from the toe of a bluff.
- Subd. 6. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous. Stairways and lifts shall meet the following design requirements:
  - A. Stairways and lifts must not exceed four (4) feet in width on residential lots.
  - B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (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 the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
  - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming Summer, leaf on conditions, whenever practical.
  - F. Facilities such as ramps, lifts, or mobility paths are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of the Minnesota Accessibility Code.
- Subd. 7. No grading, excavating or filling (including Mineral Extraction) within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:
  - A. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
  - B. Plans to place fill or excavated materials in bluff impact zones shall be prepared by qualified professional for continued slope stability, and approved by Land Use Management. All costs to be born by the applicant.
- Subd. 8. The top or toe of bluffs shall be certified by a Minnesota Licensed Land Surveyor or Zoning Administrator.
- Subd. 9. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

RESERVED FOR FUTURE USE

# **ARTICLE 13    CONFINED FEEDLOT REGULATIONS**

---

## **SECTION 1.    INTENT**

An adequate supply of healthy livestock, poultry, and other animals is essential to the wellbeing of Goodhue County citizens and the State of Minnesota. These domesticated animals provide our daily source of meat, milk, eggs and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices.

Through this and other ordinances, Goodhue County supports conservation efforts and environmentally safe land use practices. Livestock, poultry and other animals produce manure which may, where improperly stored, transported, or disposed, have a negative affect on the environment. When animal manure adds to surface water, groundwater, long term air pollution or land pollution in the County, it must be controlled.

The following regulations for the control of livestock, poultry, and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. However, these rules recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.

These rules comply with the policy and purpose of the state of Minnesota in regard to the control of pollution as set forth in Minnesota Statutes, chapters 115 and 116. It has been our experience that residential and agricultural uses of land can be incompatible. These feedlot controls will regulate the uses and development of land in Goodhue County which may adversely affect the health, safety, and general welfare of the public.

No person shall permit or allow their land or property under their control to be used for any confined feedlots, and no animal manure from any confined feedlot shall be disposed of within the County of Goodhue, except at an operation which has been approved in accordance with the provisions of this Article.

All feedlots within Goodhue County shall comply with minimum standards set forth within MPCA Chapter 7020 (herein referred to as MPCA 7020) rules of this Ordinance.

OFFSET Odor Modeling references in this Article are based on the model developed or modified by the University of Minnesota Department of Bio systems and Agricultural Engineering.

## **SECTION 2.    ADOPTION BY REFERENCE OF STATE REGULATIONS**

Subd. 1        Pursuant to M.S.A. 394.25, Subdivision 8, the Goodhue County Board of Commissioners hereby adopts by reference Minnesota Rules, Chapter 7020, Rules for the Control of Pollution from Animal Feedlots. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

Subd. 2.        Nothing in this Article shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.

## **SECTION 3.    APPLICATION PROCEDURE**

Applications for locating any confined feeding operation in Goodhue County shall be governed by the following procedures:

- Subd. 1. The owner of a proposed or existing animal feedlot for ten (10) or more animal units shall make application for a permit or registration to the County Feedlot Officer. Feedlots of 1000 animal units or more shall be required to make application to the Minnesota Pollution Control Agency.
- Subd. 2. Feedlot application forms/registration forms may be obtained from the Goodhue County Feedlot Officer.
- Subd. 3. Feedlot permit applications, registration forms, or other related feedlot forms shall be required when any of the following conditions exist:
- A. A new animal feedlot is proposed.
  - B. A change in operation, as described in MPCA 7020, of an existing animal feedlot is proposed.
  - C. Ownership of an existing animal feedlot is changed.
  - D. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.
  - E. Feedlots that have been abandoned for five (5) or more years and are to be restocked.
  - F. An inspection by Minnesota Pollution Control Agency (MPCA) staff or county feedlot officer reveals that the animal feedlot creates or maintains a potential pollution hazard.
- Subd. 4. Any new or expanding feedlot that is within two miles of an incorporated city's municipal boundary must provide notification to the city as part of the application procedure.

#### **SECTION 4. GENERAL REQUIREMENTS**

- Subd. 1. No animal feedlot or manure storage area shall be constructed, located, or operated so as to create or maintain a pollution hazard.
- Subd. 2. Vehicles, spreaders. All vehicles used to transport animal manure on county, state, and interstate highways or through municipalities shall be leak-proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak-proof. This shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer (MPCA 7020).
- Subd. 3. Manure storage. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one year and shall be applied at rates not exceeding local agricultural crop nutrient requirements except where allowed by permit. Local agricultural crop nutrient requirements can be obtained at local Natural Resources Conservation Services offices or local Minnesota Extension Service offices, (MPCA 7020).
- Subd. 4. Animal Manure. Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state rules (MPCA 7020).
- Subd. 5. Owner's duties. The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions herein (MPCA 7020).

## **SECTION 5. FEEDLOTS REQUIRING A CONDITIONAL USE PERMIT**

- Subd. 1. Any of the following described animal feeding operations whether existing or proposed, shall require a conditional use permit issued by the County:
- A. Any new or expanding feedlot that meets or exceeds five-hundred (500) animal units in an A-1 Zoning District.
  - B. Any new or expanding feedlot that meets or exceeds three-hundred (300) animal units in an A-2 Zoning District.
  - C. Any proposed lagoon system, earthen storage basin, or associated structure (pit) for the storage or treatment of animal wastes that exceeds 500,000 gallons.
  - D. Any animal feedlot when located outside of a farmyard.
- Subd. 2. All Conditional Use Permits shall have animal waste plans, including:
- A. All requirements within Sections 5 and 6 of this Article.
- Subd. 3. Mandatory Environmental Assessment Worksheet (EAW). The PCA is the Regulatory Unit of Government (RGU) for items listed in Minnesota Rules 4410 unless the County will issue the feedlot permit, in which case the County is the RGU.
- Subd. 4. Standards for Conditional Use Permits:
- A. The County may impose in addition to the standards and requirements set forth in this Article additional conditions which the Planning Commission or County Board consider necessary to protect the public health, safety, and welfare.
  - B. Conditional Use Permits shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes as regulated otherwise by this Article.
  - C. The Goodhue County Board of Commissioners may require the applicant, or permit holder, to furnish and place in a dedicated account, an amount to be administered by the County for reclamation/liability purposes based upon the animal units involved.
  - D. The County shall review the impact of the feedlot and its effect on the neighborhood and environment. The review shall include, but not be limited to, the following conditions:
    - 1. The size of the operation and type of animal raised in the operation.
    - 2. The method of spreading or incorporating manure from the feedlot.
    - 3. The measures which will be taken to minimize odor at the feedlot site and during the disposal of manure.
    - 4. The method of disposal of dead, dying, or diseased animals.
  - E. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity. (Article 4, Sec. 5, Subd. 1).
  - F. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, vibration, so that none of these will

constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (Article 4, Sec. 5, Subd. 1).

- G. Notification to property owners in adjacent counties will be made pursuant to Article 4, Subd 3.
- H. The feedlot shall not be in conflict with the County's Comprehensive Land Use Plan.

## **SECTION 6. INFORMATION REQUIRED FOR A CONDITIONAL USE PERMIT**

The permit application shall include the following items:

- Subd. 1. A completed feedlot permit application form.
- Subd. 2. A map or aerial photo indicating dimensions of feedlot showing all existing homes, buildings, lakes, ponds, water courses. (MPCA 7020 -) wetlands, dry runs, rock out-croppings, roads, wells, contour and surface water drainage within 1/2 mile of the feedlot.
- Subd. 3. A plan indicating operational procedure, the location and specifics of proposed animal waste facilities. The quantity and type of effluent to be discharged from the site.
- Subd. 4. Method/plan for disposal of dead animals (shall be consistent with the Minnesota Board of Animal Health regulations).
- Subd. 5. Nutrient Management Plan which will include the location of all manure application sites, crop types, application rate in gallons/acre or tons/acre, and the resulting application rate of N, in pounds/acre. Manure application shall not exceed agronomic rates of N and utilizing them for crop use, for the prevention of leaching and potential non-point pollution problems, using best management practices developed by the University of Minnesota Extension Service or a Nutrient Management Plan developed in accordance with MPCA or the Natural Resource Conservation Services (NRCS) guidelines. (MPCA 7020).
- Subd. 6. Land spreading agreements shall be provided if the applicant does not own the minimum acreage as required in the nutrient management plan and that minimum must be under agreement throughout the lifetime of the permitted feedlot. Any shortage of minimum required acreage is cause for revocation of the permit and constitutes a violation of this Ordinance.
- Subd. 7. Any other additional information as contained in the application and requested by the County Feedlot Officer or MPCA.
- Subd. 8. Well Testing and Baseline data may be required.
- Subd. 9. Applications for Conditional Use Permits (Section 5) must also include information contained in Article 4, Conditional Uses, Section 2. Application.

## **SECTION 7. REQUIRED SETBACKS FOR NEW FACILITIES.**

As per Minnesota Statutes 394.25, a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence.

- Subd. 1. All new feedlots will be prohibited within 100-year floodplain areas.
- Subd. 2. No new feedlots shall be situated closer than 100 feet from any public or private well; this includes existing abandoned wells.
- Subd. 3. No new feedlot shall be within 1000 feet of the high water mark of a lake or within 300 feet of the high water mark of a stream or river.
- Subd. 4. No new feedlot or portions thereof shall be constructed within 100 feet of an adjoining property line.
- Subd. 5. New residential districts (R1) shall not be located within 1000 feet or 96% OFFSET odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, from any existing feedlot, whichever is greater, nor shall any new feedlot be located within 1000 feet or 96% odor annoyance free rating distance from any residential district (R1), whichever is greater.
- Subd. 6. New dwellings (other than those designated as an accessory to a feedlot or the feedlot operator's dwelling), new churches, new public parks, new schools (as defined in Minnesota Statutes 120A.05), or new private schools excluding home school sites, shall not be located within 1000 feet or 94% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, from any existing feedlot, whichever is greater.  
  
New feedlots shall not be located within 1000 feet or 94% odor annoyance free rating, as determined by the OFFSET odor evaluation model, from any existing dwelling (other than those designated as an accessory to a feedlot or the feedlot operator's dwelling), churches, public park, school (as defined in Minnesota Statutes 120A.05), or private school excluding home school sites, whichever is greater.
- Subd. 7. New construction on existing feedlots shall meet a 91% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, to a dwelling (other than those designated as an accessory to a feedlot or the feedlot operator's dwelling)
- Subd. 8. No new feedlot will be allowed within one mile of the cities of Red Wing, Cannon Falls, Pine Island, Lake City, Kenyon, or Zumbrota. No new feedlot will be allowed within one half mile of all other incorporated municipalities. Any variance request to this subdivision will be denied when the affected municipality's city council demonstrates that the proposed request is inconsistent with its comprehensive plan or growth plan.
- Subd. 9. New feedlots or new construction on existing feedlots shall meet a 99% odor annoyance free rating distance, as determined by the OFFSET odor evaluation model, at the closest incorporated municipality boundary line of the cities of Red Wing, Cannon Falls, Pine Island, Lake City, Kenyon, or Zumbrota. Any variance request to these distances must be accompanied by written consent from the affected municipality's city council.
- Subd. 10. No new feedlots or expansion of existing feedlots shall be sited:
  - A. Within 300 feet of a sinkhole
  - B. Within a Bluff Impact zone
  - C. Within an abandoned quarry

## **SECTION 8. MANURE APPLICATION SETBACKS**

- Subd. 1. There shall be a 300 foot setback from any dwelling (other than the operator's dwelling), church, or school (as defined in Minnesota Statutes 120A.05), and private schools excluding home school sites for surface, incorporated, or injected manure applications,

- Subd. 2 There shall be a 1000 foot setback from any dwelling (other than the operator's dwelling), church, or school(as defined in Minnesota Statutes 120A.05), and private schools excluding home school sites, for irrigation manure application.
- Subd. 3 There shall be a 200 foot setback from any public or private well for surface, incorporated, injected, or irrigation manure application.
- Subd. 4 Written agreements between affected neighbors may be an exception to minimum setback requirements for the land application of manure, provided the setback complies with the MPCA 7020 rules and Goodhue County Environmental Health ordinance.

## **SECTION 9. STANDARDS FOR EARTHEN STORAGE BASINS & CONCRETE PITS (MPCA)**

- Subd. 1. The standards for these structures shall be in compliance with MPCA requirements.
- Subd. 2. The sizing capacity of any manure storage or treatment area should be in accordance with NRCS or MPCA.

## **SECTION 10. FEEDLOT PERMITS WITH POTENTIAL POLLUTION HAZARDS**

MPCA or the County Feedlot Officer shall make on-site inspections of feedlots.

- Subd. 1. If a problem does not exist the animal feedlot owner shall be notified.
- Subd. 2. If a potential pollution hazard is found to exist, the animal feedlot owner shall be notified. The owner must, within a reasonable time period, respond to MPCA or the County Feedlot Officer with plans for abatement and a timetable.
- Subd. 3. The County Feedlot Officer or the MPCA shall issue permits listed as follows:
  - A. A NPDES (National Pollution Discharge Elimination System) permit
  - B. A SDS (MN State Disposal System) permit
  - C. Construction Short Form
  - D. County Feedlot Operation Permit or Registration

# ARTICLE 14 MINERAL EXTRACTION

---

## SECTION 1. PURPOSE

The purpose of this section is to protect the public health, safety and welfare through the following:

- Subd. 1. Identify areas in County where mineral extraction is most appropriate and minimizes conflicts with other land uses.
- Subd. 2. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- Subd. 3. Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the County as a whole.
- Subd. 4. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Goodhue County Comprehensive Plan.

## SECTION 2. DEFINITIONS

- Subd. 1. **ACCESSORY USES:** Accessory uses of a mineral extraction facility include the manufacture, storage and sale of products made from minerals on the premises and storage and sale of minerals, recycled asphalt, recycled concrete and topsoil not extracted on the premises. In addition, the storage and manufacture of explosives may be permitted as an accessory use of a mineral extraction facility-subject to approval of a conditional use permit.
- Subd. 2. **COMPREHENSIVE PLAN:** The Goodhue County Comprehensive Plan.
- Subd. 3. **COUNTY:** The County of Goodhue, Minnesota.
- Subd. 4. **DEWATERING:** The pumping, extraction or removal of surface and subsurface water
- Subd. 5. **DUST:** Airborne mineral particulate matter.
- Subd. 6. **EXCAVATION:** The removal of soil and minerals from the ground.
- Subd. 7. **MINERAL RESOURCE:** Sand, gravel, rock, clay, topsoil, and similar higher density non-metallic natural minerals.
- Subd. 8. **MINERAL EXTRACTION:** The removal of sand, gravel, rock, clay, topsoil, and other minerals from the ground and off the site.
- Subd. 9. **MINERAL EXTRACTION FACILITY:** Any area that is being used for removal, stockpiling, processing, transferring, or storage of minerals.
- Subd. 10. **MINERAL EXTRACTION PERMIT:** The permit required for mineral extraction facilities.
- Subd. 11. **MINING TECHNICAL EVALUATION PANEL.** A panel of two or more professional experts in the fields of mining, engineering, geology, hydrology, ecology, and landscape architecture that are retained for the purpose of reviewing and evaluating mining proposals, requesting pertinent information necessary for the application review, and

reporting findings to staff, the Planning Advisory Commission, and the County Board. The panel's fees and expenses shall be paid for by the applicant.

- Subd. 12. **OPERATOR:** Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.
- Subd. 13. **PRINCIPAL USE:** The principal use of mineral extraction facility is the extraction, processing, storage and sale of minerals from the facility.
- Subd. 14. **PROCESSING:** Any activity which may include the crushing, screening, washing, stockpiling, compounding, mixing, concentrating, or treatment of sand, gravels, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, concrete, asphalt, proppant, glass, or other similar products.
- Subd. 15. **RECLAMATION:** To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this ordinance.
- Subd. 16. **SILICA SAND:** Round formed sand having a high percentage of silicon dioxide (quartz) found primarily in high concentration in the Jordan and St. Peter Geologic Formations.
- Subd. 17. **SOIL:** A natural three-dimensional body of the earth's surface.
- Subd. 18. **SUBJECT PROPERTY:** The land on which mineral extraction is permitted.
- Subd. 19. **TOPSOIL:** The upper portion of soils present that is the most favorable material for plant growth.
- Subd. 20. **ZONING ORDINANCE:** The Goodhue County Zoning Ordinance.

### **SECTION 3. EXCEPTIONS FROM PERMIT REQUIREMENTS**

A mineral extraction permit shall not be required for the following:

- Subd. 1. Excavation for structure if a building permit has been issued.
- Subd. 2. Excavation in a right-of-way, temporary easement, or utility corridor by state, county, city or township authorities in connection with construction or maintenance of public improvements.
- Subd. 3. Excavations not exceeding four hundred (400) cubic yards annually.
- Subd. 4. Excavation for agricultural purposes if the excavated material is not moved off-site.
- Subd. 5. Excavation for public utility purposes.
- Subd. 6. Temporary excavations involving mining operations associated with road construction, including borrow pits, used exclusively for public infrastructure construction projects.
  - A. If the project is under the administration of a public entity and the contract requires erosion control, sediment containment and site restoration provisions must be in compliance with MPCA's NPDES General Storm Water Permit.
  - B. Temporary borrow pits must be closed and restored within 24 months of the first date of work on the project.
  - C. A reclamation plan as outlined in this ordinance as Map C must be submitted for approval by the Zoning Administrator prior to excavation. The Zoning Administrator may request appropriately licensed professionals to review the plan. Any costs for the

plan review shall be paid for by the applicant. In addition, a financial security may be required.

## **SECTION 4. MINERAL EXTRACTION PERMIT REQUIRED**

### **Subd. 1. Conditional/Interim Use Permits**

Owners and operators of any mineral extraction facility commencing on or after the adoption of this Ordinance shall obtain a conditional/interim use permit and shall be processed in accordance with Article 4 of this Ordinance and the additional procedures and requirements of this Article.

### **Subd. 2. Land Use Permits/Registration of Existing Mineral Extraction Facilities**

Existing mining extraction facilities shall not be required to obtain a conditional/interim use permit provided that the facility has been continuously registered with the County since July 2004 and provide the following information:

The following items shall be submitted to the Zoning Administrator:

- A. Name, address, phone number of contact person for the operator and landowner.
- B. Property boundaries by a Minnesota Licensed Land Surveyor.
- C. Existing structures.
- D. Existing drainage and permanent water areas.
- E. Existing vegetation.
- F. Existing wells and private sewer systems.
- G. Acreage and complete legal description of the subject property on which the facility is located, including all contiguous property owned by the landowners.
- H. A narrative outlining the type of material to be excavated mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to describe the existing Mineral Extraction Facility request in detail.
- I. Estimated time frame facility has been operated, to include hours per day, days per week, months per year, number of years in operation.
- J. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- K. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits, historical and archeological permits, storm water permits issue for the existing Mineral Extraction Facility.
- L. A description of site screening, landscaping, and security fencing.
- M. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.

### **Subd. 3. Setbacks and performance standards for Registered Mines existing prior to the adoption of the August 2012 mining ordinance shall be governed by the terms of their existing conditional use permits or other permits, prior zoning regulations and performance**

standards in existence at the time of their initial operation, but shall be obligated to conform to all health and safety standards.

- Subd. 4. As a condition of registration (Section 6, Subd.2 of this Article), Goodhue County staff has the right to access the subject property after providing notice to the operator.
- Subd. 5. Mineral extraction facility operation sites (including extraction, processing, stockpiling, roads), shall be limited to no more than forty (40) acres of exposed or uncovered ground at any one time.
- Subd. 6. Any significant change (such as a change in the primary product excavated or processed, increase in noise, dust, hours of operation, blasting, etc.) to the operations or use of the land approved under a current existing registered mineral extraction facility permit shall require an amended conditional/interim use permit and all procedures shall apply as if a new permit were being issued.
- Subd. 7. Mineral Extraction Facilities shall be prohibited within 1000 feet from Public Waters as defined in MS 103G.005 or to the limit of the floodplain of the Public Water whichever is greater, within the Bluffland Subsection area as defined in the Ecological Classification System defined by the Minnesota DNR.

## **SECTION 5. CONDITIONAL/INTERIM USE PERMIT APPLICATION REQUIREMENTS FOR NEW MINERAL EXTRACTION FACILITIES**

- Subd. 1. Application Form: An application for a mineral extraction permit shall be submitted to the County on a form supplied by the County. The required maps and application Information shall include but not be limited to the following:
  - A. Site maps of the proposed operations will show the entire site (s) and include areas within 600 feet of the site. All maps shall be drawn at a scale of one-inch (1”) to two hundred feet (200’) unless otherwise stated below:
    - 1. Map A- Existing site conditions to include:
      - a. Property boundaries surveyed by a Minnesota Licensed Land Surveyor.
      - b. A survey which provides contour lines at five (5) foot intervals.
      - c. Existing vegetation including plant community, evaluation of condition of plant community, and dominate species.
      - d. Existing structures.
      - e. Existing pipelines, power lines and other utilities.
      - f. Easements affecting the permitted property.
      - g. Adjacent public road right-of-way.
      - h. Existing access points to public roads.
      - i. Existing Bluff Impact zones according to Article 12 of this ordinance.
      - j. Test borings and monitoring wells used to characterize the site.

- k. Threatened and Endangered Species on the site and within ¼ mile of the site.
- l. Distribution, thickness and type of existing topsoil and subsoil.
- m. Location of existing historical, cultural, and archeological features identified in the SHPO and County's databases and those not identified but discovered onsite.
- n. Location of areas previously affected by mining on site, including location of stockpiles, wash ponds, and sediment basins.

#### GEOLOGY

- o. Geologic units and contacts.
- p. Depth to bedrock (if applicable).
- q. Confining units (clays, shale, siltstone).
- r. Fracture patterns and traces (for rock quarries).
- s. Location of any known caves, joints, fractures, sinkholes, stream sinks, and springs.

#### HYDROLOGY

- t. Drainage patterns and permanent water areas within 600 feet of the property lines.
  - u. Water-table elevations with ground water flow direction.
  - v. Wells within one mile radius of the property lines showing location, depth, static water level, age, and construction.
  - w. Location and elevation of any known springs within 600 feet of the property lines.
  - x. General location of septic systems within 600 feet of the property lines.
  - y. Location of designated trout streams within 600 feet of the property lines.
2. Map B – Proposed operations to include:
- a. Proposed boundaries of the mining extraction facility extents surveyed by a Minnesota Licensed Land Surveyor.
  - b. Vegetation protection plan for vegetation remaining on site.
  - c. Soil salvage plan, including storage areas, methods of protection from erosion, compaction and weeds.
  - d. Structures to be erected.
  - e. Location of sites to be mined showing depth of proposed excavation.
  - f. Location of tailing (strippings or overburden) deposits showing maximum height of deposits.
  - g. Location of processing areas and machinery to be used in the mining operation.

- h. Location of storage of mined materials, showing height of storage deposits.
  - i. Location of vehicle parking.
  - j. Location of storage of explosives.
  - k. Location of fuel storage.
  - l. Erosion and sediment control structures.
  - m. Water retention ponds.
  - n. Drainage Plan including revisions to existing drainage patterns.
  - o. Proposed internal road system including typical cross sections.
  - p. Proposed new access points to adjacent public roads.
  - q. Proposed haul routes of vehicles removing material from the pit including current spring weight restrictions on the proposed routes.
3. Map C – Reclamation plan. The Reclamation Plan must take into account the Performance Standards listed in this Article in addition to:
- a. Property boundaries surveyed by a Minnesota Licensed Land Surveyor.
  - b. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
  - c. Proposed land use after mining.
  - d. Location, species, rate, and density of vegetation to be seeded and planted.
  - e. Location and nature of any structure to be erected in relation to the end use plan.
  - f. Proposed improvements such as roads, paths, ponds, etc.
  - g. Topsoil restoration plan.
  - h. Rates, kinds, and location of soil amendments.
  - i. Mulching, erosion control fabric, and other soil stabilization methods.
  - j. Include the grading plans, topsoil protection and replacement, seeding, re-vegetation, mulching, erosion control, and sedimentation control specifications for each phase and final restoration.
  - k. Including quantified performance standards for the reclamation and maintenance of each plant community to be restored. These shall be based on a minimum percent cover of acceptable vegetation, maximum percent cover of unacceptable vegetation, and minimum species diversity at reclamation milestones: 0-24 months, 2-5 years, 6 years or more after substantial completion. Acceptable and unacceptable vegetation shall be defined in the plan.
- B. Name, address, phone number, of contact person for the operator.
  - C. Name, address, phone number of landowner.
  - D. Acreage and complete legal description of the subject property, on which the facility will be located, including all contiguous property owned by the landowners.

- E. A narrative outlining the type of material to be excavated, mode of operation (including any screening, drying, and storage of material), estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.
- F. Estimated time frame to operate facility, to include hours per day, days per week, months per year, number of years in operation.
- G. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.
- H. A description of the estimated average daily and peak daily number of vehicles accessing the facility. If more than one access to the pit is proposed to the Mineral Extraction facility, provide a breakdown of anticipated average daily and peak number of vehicles using each access.
- I. Any other information or documentation required for issuance of a conditional/interim use permit under Article 4 of this Ordinance.

Subd. 2. Supporting Documentation. Every application for a mineral extraction facility permit shall include submission of supporting documentation. The documentation must take into account the Performance Standards listed in this Article and may be presented in descriptive or map form. Supporting documentation shall include, but is not limited to the following:

- A. A description of existing land uses on the subject property.
- B. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property.
- C. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
- D. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- E. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- F. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits (Minnesota Wetland Conservation Act and/or Corps. of Engineers), Historical and Archeological permits, Storm Water Permits, Mine Safety and Health Administration permits, and the required EAW for subject property over forty (40) acres.
- G. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
- H. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control downstream off site damage caused by any increase to the natural flow of water or any diversion of the existing natural flow of water.

- I. A description of actions to be taken to mitigate potential impacts resulting from mineral extraction and processing, including potential impact related to; wetlands, erosion, noise, air pollution, surface water contamination, traffic, dust or vibrations.
- J. A description of site screening, landscaping and security fencing.
- K. A description of the method in which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method which complaints are to be resolved, such as neighbor notifications, meetings, or property value guarantees.
- L. A plan for groundwater quality protection. The plan shall include a minimum of three (3) borings showing depth to groundwater. If washing or processing are not proposed, and If groundwater is not encountered at a depth of fifteen (15) feet below the bottom of the proposed pit floor, the applicant need not extend borings any further. If washing/processing operation is proposed a minimum of three (3) monitoring wells shall be installed to evaluate the hydro-geologic environment. The County reserves the right to require additional borings or monitoring wells if necessary.
- M. A minimum of three (3) cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past.
- N. Description of methods to control the weight of the vehicles leaving the pit and the methods to insure vehicles do not travel on roads with weight limits lower than the weight of the vehicles.
- O. Description of methods to prevent mud and debris from being tracked onto public roads.
- P. If a mineral extraction facility proposes to dewater the site, a plan must be submitted that includes:
  - 1. dewatering points and their elevations
  - 2. hydro-geologic parameters of the unit dewatered including hydraulic conductivity, transmissivity, and storativity
  - 3. proposed volume and rate of dewatering
  - 4. discharge point
  - 5. duration of dewatering
- Q. Contingency Plans. A plan for responding to spills and berm/earthen dam failure, or accidental release of chemicals, process water, or tailings.
- R. Seismic Monitoring. If a mineral extraction facility proposes using explosives, a pre-blast survey performed by a Minnesota Licensed Engineer of surrounding dwellings and buildings within one half mile shall be conducted prior to initial blasting. Yearly seismic surveys will be offered and conducted by the applicant's engineer if blasting has occurred within the previous year.
- S. Description of site security and property boundary signage to be utilized at the facility.
- T. Map of the location of public schools, churches, campgrounds, nursing homes, and platted residential properties within one mile of the proposed Mineral Extraction Facility's property lines.

- U. Description of local public monies or subsidies anticipated to be used in the establishment, operation, monitoring, or reclamation aspects of the proposal.

Subd. 3. Additional Requirements for Underground Mining Extraction Facilities.

- A. A description of the stability of lands overlaying the underground workings.
- B. Locations of adits, ventilation shafts, and other surface openings.
- C. Detailed description of water handling procedures, including dewatering and processing water.
- D. A detailed description of the fate and transport of groundwater into and out of the mine workings.
- E. Residential and farm wells will be centered inside a 500 foot radius of undisturbed ground.
- F. Designs for mining under public roads require approval of the road authority.
- G. Mining or tunneling must maintain a 200 foot vertical extension setback from permanent surface structures.

Subd. 4. Permitting Procedure for Conditional/Interim Use Permits:

- A. Application. A request for a mineral extraction conditional/interim use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form, the required application fee shall be paid, and a deposit made to reimburse the County for its out-of-pocket costs in processing the application.
  - 1. The application shall also be accompanied by twenty (20) hard copies and one electronic copy of the detailed written and graphic materials fully explaining the proposed change, development, or use as specified in this Article.
  - 2. If a Mining Technical Evaluation Panel report is required, it must accompany the application in order for the application to be considered complete.
  - 3. The Zoning Administrator shall refer the application along with all related information, to the County Planning Advisory Commission for consideration.
- B. Notice. The Zoning Administrator shall notice a public hearing as specified in Section 3 of Article 4 of this Ordinance.
- C. Additional Information. The Planning Commission and County staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the County to review the request or to establish performance conditions in relation to this Ordinance.
- D. Referrals. The Planning Commission, County staff, and County Board may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District, the Minnesota Pollution Control Agency, or the Mining Technical Evaluation Panel.
- E. Recommendation. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the County Board. The County may impose such additional restrictions or conditions as deemed

necessary to protect the public interest. These conditions may include, but are not limited to the following:

1. Matters relating to the appearance of the Mineral Extraction Facility.
  2. Hours of operation.
  3. Increasing setbacks.
  4. Blasting notifications and frequency.
  5. Limiting the height, size or location of buildings and stockpiles.
  6. Controlling the location and number of vehicle access points.
  7. Increasing street width and improving access conditions, including turn lanes, bypass lanes, etc.
  8. Increasing the number of required off street parking spaces.
  9. Limiting the number, size, location, or lighting of signs.
  10. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
  11. Designating sites for open space.
  12. Delineating the area to be mined, total size and open area at any one time.
  13. Requiring phased reclamation.
  14. Requiring financial security to guarantee compliance with the conditions of approval.
  15. Water quality monitoring.
  16. On and off site improvements to mitigate impacts caused by revisions to the natural flow of surface waters.
  17. Requiring conditions that would mitigate silica sand ambient air particles from leaving the facility property.
- F. County Board's Action and Findings. The County Board shall approve, modify, or deny the request and state the findings of its actions. Approval of a Conditional Use/Interim Use Permit shall require passage by majority vote of the full County Board. The Zoning Administrator shall notify the applicant of the County Board's action.
- G. Reapplication/Lapse of Conditional Use Permit. The Board shall not accept reapplication for the same or substantially same Conditional/Interim Use Permit within six (6) months of denial.
- H. Amended Conditional/Interim Use Permit. Any change to the operations or use of the land approved under a current conditional use permit shall require an amended conditional/interim use permit and all procedures shall apply as if a new permit were being issued.

## **SECTION 6. APPLICATION REQUIREMENTS FOR REGISTRATION/LAND USE PERMITS AND CONDITIONAL/INTERIM USE PERMITS**

- Subd. 1. Security. The County shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a letter of credit, bond, or cash escrow in such form and sum as determined by the Board as part of the permit. The security shall be sufficient to reimburse the following costs:
- A. Costs of bringing the operation into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs.
  - B. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation.
  - C. Site restoration.
  - D. Costs the county may incur in enforcing the terms of the conditional use permit, and land use permit, including attorney's fees.
  - E. Bonds shall be for a minimum of one (1) year and shall include a provision for notification to the County at least thirty (30) days prior to cancellation or non-renewal.
- Subd. 2. Annual Registration. Annual registration of all mineral extraction facility permits is required. The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the County, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval and to review the applicability of the conditions and to review bonding requirements
- A. Permit holders must complete and return registration forms provided by the County. Failure to maintain registration shall be cause for revocation of the permit. Other Goodhue County conditional/interim use permits may expire if there is no activity authorized under the permit within one (1) year of permit approval.
  - B. Conditional/Interim use permits and land use permits for mineral extraction facilities will not automatically expire because there is no activity as authorized with in a year's time as long as the permittee complies with the annual registration specified herein.
  - C. Annual registration is done administratively by the Zoning Administrator and will not require a review by the Planning Commission or the Board of Commissioners provided all conditions are being met and the activity meets all standards as outlined in this Ordinance, other permits, Road Impact Agreements, and Development Agreements.
  - D. For underground mineral extraction facilities, a map prepared by a Minnesota Licensed Land Surveyor showing the property boundaries, the location, depth, size, and elevation of the tunnels and extent of the area mined must be submitted with the annual registration fee.
  - E. Permit holders must show current proof of insurance coverage for the facility operations and property with each annual registration.
- Subd. 3. Use Restrictions. The following uses are prohibited unless specifically authorized in the mineral extraction permit:

- A. The following uses are prohibited unless specifically authorized in the mineral extraction permit:
  - 1. The production or manufacturing of veneer stone, sills, lintels, out flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
  - 2. The manufacture of concrete building blocks or other similar blocks permanent ready-mixed concrete, or permanent asphalt production plants and any similar production or manufacturing processes.
- B. The use of flocculants, such as acrylamides, or any known chemical that is considered to be a Contaminant of Concern (COC) as defined by the Environmental Protection Agency, is prohibited from use in the washing or processing of the mineral resource.

Subd. 4. Mineral Extraction Facilities Performance Standards. The following performance standards apply to all mineral extraction facilities in the County:

- A. Recommended Hours of Operation. Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday unless specified otherwise in the conditional use permit for the facility.
  - 1. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the County three working days in advance of the proposed extension.
  - 2. Other exceptions to the hours of operation must be approved by the County Zoning Administrator. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety or a public good project, that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.
- B. Fencing. Fencing, signs, and barriers are required around ponding areas and steep sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.
- C. Access. The permittee must obtain a permit from the road authority for all proposed new access points to public roads. The road authority may restrict the weight of vehicles allowed to use any permitted access.
- D. Roadway Dust Control. Operators shall be responsible for providing continuous dust control during facility operation on gravel roads that are the primary routes to or from a mineral excavation facility. Watering roadways or other dust control measures along paved roads accessing the facility such as pavement sweeping and wheel washing may be required.
- E. Mineral Extraction Facility Dust Control and Air Quality. To mitigate public nuisances and public health concerns the County shall require dust control in a mineral extraction facility.
  - 1. Remedies to control dust may include methods such as berming, landscaping, enclosures for processing equipment, and watering stockpiled materials and all roads within the site.

2. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred feet (600') of the mineral extraction facility lot line.
3. The County may require air quality/air particulate monitoring of a mineral extraction facility. Mineral Extraction Facilities that excavate, transfer, process or stockpile silica sand shall monitor air quality/air particulates as described herein. Monitoring equipment shall be in accordance with MPCA or the Goodhue County best practices standards, whichever are more stringent.
  - a. If required, the operator shall begin air quality/air particulate and weather monitoring at least six months prior to operation to create a baseline of the area.
  - b. Stationary monitors shall be located at strategic locations along the mineral extraction facility property lines, within the site, and may also be required to be located at neighboring residences within 600 feet of the facility's property lines.
  - c. Continuous remote readings shall be taken and reported to the County when requested; a summary report shall accompany the operations annual renewal documentation and fees.
- F. Noise. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency. To mitigate public nuisances, the facility shall use County approved practices including building berms, enclosing generators, and leaving existing trees at the property boundaries to minimize noise impacts.
- G. Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all Federal and State laws, rules and statutes.
- H. Blasting. Seismic blasting records shall be submitted to the Zoning Administrator within 10 days of receiving the blast analysis.
- I. Water Resources. The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quantity and quality of surface or subsurface water. Surface water leaving the site shall be of equal quality as water originating off site before it passes through the site. The operator shall perform any water treatment necessary to comply with this provision.
- J. Screening. Screening barriers shall be subject to the approval of the permitting authority.
  1. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties.
  2. A screening barrier may be required between the mineral extraction facility and any public road.

3. A screening barrier may be required to mitigate visual impacts of the mineral extraction facility from existing historical, cultural, recreational features and dwellings, including but not limited to trails, navigable waters, and sites identified in the State Historic Preservation Office (SHPO) and County's cultural databases.
- K. Unauthorized Storage. Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
- L. Setbacks. The following minimum setbacks shall be maintained from property boundaries at the surface and their vertical extensions below the surface:
1. No mining activities, (including stockpiling) shall take place within fifty (50) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material unless by written consent of the owner of the adjoining property is first secured and recorded with the county recorder and a copy submitted to the Zoning Administrator.
  2. One thousand (1000) feet from any existing dwelling or platted residential subdivision, not owned by the operator or owner. The setback may be reduced down to three hundred (300) feet if written consent of the owner of the adjoining property is first secured, recorded with the county recorder and a copy submitted to the Zoning Administrator. This paragraph is not applicable for Mineral Extraction Facilities in operation before and has been used annually since a subdivision within 300 feet of the Mineral Extraction Facilities was platted.
  3. Setbacks for new dwellings and new platted residential subdivisions shall be reciprocal unless the mineral extraction facility agrees to waive the setback by written consent and recorded with the county recorder and a copy of the recorded consent submitted to the Zoning Administrator.
  4. All Silica Sand Mineral Extraction Facilities shall be setback a minimum of one mile from R1, Suburban Residential Zoning Districts, incorporated cities and campgrounds.
  5. Fifty (50) feet to the boundary of any zone where such operations are not permitted.
  6. Fifty (50') feet of any road right-of-way line of any existing or platted street, road, or highway, unless written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.
  7. No mining activity shall take place within fifty (50) feet of any road right-of-way of any existing or platted street, road or highway, except for berm construction, vegetative screening, or maintenance activities unless by written consent of the adjacent road authority having jurisdiction over the right-of-way.
  8. Mineral extraction facilities must conform to shoreland and DNR regulated trout stream regulations. Setbacks from shoreland areas, trout streams, and other water resources such as sinks, springs, and seeps may be imposed based upon the proposal and potential risks to these areas.

9. All Silica Sand Mineral Extraction Facilities shall be setback a minimum of one mile from the high water mark of the Mississippi.
  10. The Planning Commission or County Board may increase the setbacks based upon residential locations, social or economic concerns, type of mining, or to mitigate public nuisance concerns.
- M. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The proposed size of the extraction, processing, staging, and stockpiling operations are to be identified. Size of each operation may be limited by the permit approving authority.
- N. Weed Control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
- O. Waste Disposal. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State, and County requirements.
1. Portable asphalt and concrete plants to be approved on a per project basis by the permitting authority.
  2. An estimate of the amount of recycled concrete and asphalt material to be processed must be submitted. An estimate of the time required and the amount required to be stockpiled before being processed must be submitted.
- P. Water Quality Monitoring. Water Quality monitoring shall be performed when a mineral extraction facility meets any of the following:
1. Mining below the water table.
  2. If the property lines are within 600 feet of known Karst features, springs, streams, or lakes.
  3. If the operation is proposing to dewater the site.
  4. If the site is using chemicals as part of the washing or ponding process.
  5. If otherwise required by the County Board or the MPCA.
  6. If mining silica sand.
  7. If a washing/processing operation is proposed a minimum of three (3) monitoring wells shall be installed to evaluate the hydro-geologic environment. The County reserves the right to require additional borings or monitoring wells if necessary.
  8. A Water Monitoring Plan shall include placing a sufficient number of monitoring wells in strategic locations along the property lines and within the site to adequately characterize and monitor surface and groundwater.
  9. Monitoring of residential wells within 600 feet of the property lines may also be required.
  10. Continuous remote readings shall be taken and reported to the County when requested; a summary report shall accompany the operations annual renewal documentation and fees.

- Q. General Compliance. The operators must comply with all other federal, state, regional, county, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations, and Zoning Ordinance regulations.
- R. Additional Regulations. The County may impose additional regulations and requirements to the mineral extraction facility to protect the public health, safety, and welfare.
- S. Land Reclamation. The reclamation plan is a crucial component of this ordinance and shall follow Best Practices and approved plans. It is expected that reclamation will be occurring in phases and completed in step with the opening of new excavation areas of the facility.
1. Land shaping. For sand and aggregate facilities, final grades may not exceed one (1) foot vertical to three (3) feet horizontal slope except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin twenty (20) feet from property lines. Proposed topography shall fit in with regional topography and mirror landforms typical of Goodhue County
  2. Soil restoration, vegetation, and stabilization.
    - a. If the restoration plan includes areas intended for plant growth, topsoil depth shall be replaced within two (2) inches of the original undisturbed depth, with a minimum thickness of 4-6 inches. If the land use following reclamation is intended for row crop agricultural production, a minimum topsoil thickness may need to be increased.
    - b. Seeding and mulching shall be consistent with approved plans, permits and Best Practices.
    - c. Soil restoration, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached.
    - d. Soil erosion and sedimentation control plans shall be submitted to the County and be consistent with MPCA's General Storm Water Permit and NPDES/SDS permits.
  3. Reclamation plan review. A comprehensive review of the reclamation plan is necessary to stay current with the progress of the facility, address issues, adjust financial securities, and incorporate current Best Practices. Reclamation plans may be required to be amended in order to address these concerns.
    - a. Reclamation plans will be reviewed after the first year of permitting, and as needed thereafter, yet no more than three years between the reviews.
    - b. Site visits may be required as part of the review and evaluation.
    - c. As-built surveys, soil borings, or other testing may be required as part of the review to ensure phased reclamation is completed according to the approved or amended reclamation plan.

- d. Amended reclamation plans may need to be reviewed by the Mining Technical Evaluation Panel.
  - e. Amended reclamation plans must be approved by the Planning Commission, or may be approved administratively if the changes are consistent with the overall final concept.
  - f. All final grades and restoration must be consistent with the approved and amended reclamation plans.
- 4. Within twelve (12) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.
  - 5. Site reclamation must be completed within twelve (12) months after completion of mineral extraction, after termination of the permit, or according to an approved plan schedule. Failure to annually register the mineral extraction facility will be considered termination of the mineral extraction facility and the twelve (12) month period begins.
- T. Best Practices. In order to protect the environment and the public's health, safety and welfare, applications shall incorporate Best Practice standards into the design, operation, and reclamation of Mineral Extraction Facilities. A list of Best Practice documents is available through the Zoning Administrator. The County reserves the right to update the list as appropriate.
- U. Violations and Penalties.
- 1. Any firm, person or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
  - 2. In the event of a violation or threatened violation of any of the terms of this Ordinance, the County may take appropriate action to enforce this Ordinance, including exercising the performance bonds application for injunctive relief, action to compel performance, or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.
- Subd. 5. Mineral Extraction Facilities may be required to enter into Road Impact and Development Agreements as conditions of their permit and registration.
- A. Road Impact Studies and Agreements: When a proposed or amended Conditional/Interim Use Permit is requested, the County may require a Road Impact Study and a Road Impact Agreement to alleviate the additional burden on the County's financial resources associated with the road infrastructure maintenance affected by granting the request.
  - B. Development Agreements. When a proposed or amended Conditional/Interim Use Permit is requested, the County may require a Development Agreement.

## **SECTION 7. MINING TECHNICAL EVALUATION PANEL PROCEDURES.**

- Subd. 1 The members of the Mining Technical Evaluation Panel shall consist of two or more professional experts in the fields of mining, engineering, geology, hydrology, ecology, and landscape architecture.
- Subd. 2 The Zoning Administrator will advertise every five years, or as needed, for Request for Qualifications for the Mining Technical Evaluation Panel professionals. The Zoning Administrator shall maintain a list of qualified professionals from which to choose for evaluation of individual proposals. The Zoning Administrator will present the proposed list to the Planning Advisory Commission and County Board for review.
- Subd. 3 Mining Technical Evaluation Panel members must not have a pecuniary interest in the project, including any present financial relationship from the applicant company, or worked on the mineral extraction facility proposal and must disclose potential conflict of interest for each proposal they review.
- Subd. 4 When the Zoning Administrator determines that a proposal warrants a review by the Mining Technical Evaluation Panel, the applicant must submit the information required in Sections 5 and 6 of this Article to the Zoning Administrator to distribute to the Panel. The Zoning Administrator will assemble the Panel and distribute the material. The material shall also be distributed to the County engineer and SWCD staff.
- Subd. 5 The applicant shall respond to any questions or requests for more information or clarification from the Mining Technical Evaluation Panel in a timely manner.
- Subd. 6 The Mining Technical Evaluation Panel shall have 30 days after the material is distributed to review the proposal in accordance with this Article and report the results of their review. The report will be submitted to the Zoning Administrator and made part of the application.
- Subd. 7 If the Mineral Extraction Facility is excavating, stockpiling, processing, or transporting silica sand a Mining Technical Report shall be required.

## **ARTICLE 15 ESSENTIAL SERVICES**

---

### **SECTION 1. PURPOSE AND INTENT**

It shall be the intent of this Article to encourage the coordination and communication between utility owners and the County before the placement of essential services in or within two hundred (200) feet of any County road right-of-way. This effort should benefit the convenience and general welfare of the County and the utility owners.

### **SECTION 2. SCOPE OF REGULATIONS**

For the purpose of this Ordinance, essential service facilities in all zoning districts shall be regulated according to the procedure described in this Article.

### **SECTION 3. EXEMPT FROM REGULATIONS**

- Subd. 1. Required maintenance of any essential service facility, when such maintenance does not substantially change the location of the existing facility, shall be exempt from the regulations of this Article.
- Subd. 2. Ordinary service extension that services one parcel of land only.

### **SECTION 4. ESSENTIAL SERVICE FACILITIES PROCEDURE**

- Subd. 1. The owner shall file with the County Engineer such maps indicating the location and type of service proposed.
- Subd. 2. The County Engineer shall review the plans within fifteen (15) days and notify the owners of his action.
- Subd. 3. The maps and accompanying data may be submitted to the County Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.
- Subd. 4. Following such review when deemed necessary, or when requested by the County Board, the County Planning Commission shall make a report of its findings and recommendations on the proposed essential services and shall file such report with the County Board within thirty (30) days.
- Subd. 5. Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications required under this Ordinance within thirty (30) days.

## **SECTION 5. ESSENTIAL SERVICE CONSTRUCTION STANDARDS**

- Subd. 1. When an underground essential service crosses hard surface roads or private roads in use and being maintained, the road shall be bored unless the County Engineer approves an alternate procedure.
- Subd. 2. Each location of an installation within two hundred (200) feet of a County highway right-of-way shall be made in such fashion so as to meet with the approval of the Goodhue County Highway Engineer.
- Subd. 3. The owner shall file with the Goodhue County Highway Engineer as built drawings of the essential service facility as it traverses Goodhue County highways. This shall refer to those utilities constructed after the adoption of this Ordinance.
- Subd. 4. If in the construction of the essential service facility an open drainage ditch is traversed, the owner shall lay its essential service facility below the original bottom of the drainage ditch as designed, and the method of construction shall not impede the normal flow of water.
- Subd. 5. All tile lines or other drainage systems which are cut or disturbed by the owner in the exercise of any rights acquired through easement or condemnation shall be restored and repaired to the previous condition and operable state without cost to the landowner or County authority.
- Subd. 6. If a township road shall be involved, the Town Board where the road is located shall be given the opportunity to approve or disapprove of the location of installation.
- Subd. 7. The clerk of the Town Board of the affected township shall receive as built drawings of the essential service as it traverses the township roads.

# **ARTICLE 16 MANUFACTURED/MOBILE HOME PARKS/CAMPGROUNDS**

---

## **SECTION 1. INTENT**

The intent and purpose of this Article is to assure quality development equal to that found in other types of residential areas throughout the County. Excellence of design, development, and maintenance is the desired objective.

## **SECTION 2. APPLICATION**

Each mobile home park shall require a conditional use permit. The applicant for a permit, in addition to other requirements, shall include the name and address of the developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by plans which indicate the following:

- Subd. 1. Location and size of the mobile home park.
- Subd. 2. Location, size, and character of all mobile home lots, mobile home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal roadways, parking spaces and sites, and all setback dimensions.
- Subd. 3. Detailed landscaping plans and specifications.
- Subd. 4. Location and width of walkways.
- Subd. 5. Plans for sanitary sewage disposal, surface drainage, and water systems.
- Subd. 6. Plans for an overhead street lighting system.
- Subd. 7. The method of disposing of garbage and refuse.
- Subd. 8. Location and size of all streets abutting the mobile home park and all driveways from such street to the park.
- Subd. 9. Plan and specifications for all road construction either within the park or directly related to park operation.
- Subd. 10. Floor plans of all service buildings to be constructed within the mobile home park.
- Subd. 11. Such other information as may be required or requested by the County.
- Subd. 12. Plans for a tornado shelter.

## **SECTION 3. PERFORMANCE STANDARDS FOR MOBILE HOME PARKS.**

- Subd. 1. All mobile homes shall be properly connected to a central water supply and a central sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Zoning Administrator. Where a public water supply is available to the mobile home park or at the boundary of the park, a connection to said public water supply shall be provided for each mobile home.

- Subd. 2. Each mobile home park shall maintain an off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) coach sites and located within three hundred (300) feet of the unit to be served.
- Subd. 3. Plans for the disposal of surface storm water shall be approved by the Zoning Administrator.
- Subd. 4. A properly landscaped area shall be adequately maintained around each mobile home park. All mobile home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
- Subd. 5. Every structure in the mobile home park shall be developed and maintained in a safe, approved, and substantial manner. The exterior of every structure shall be kept in good repair. All of said structures must be constructed to meet existing County codes.
- Subd. 6. The area beneath all mobile homes shall be enclosed with a material that shall be generally uniform through the entire mobile home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
- Subd. 7. All mobile home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the mobile home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a mobile home lot which is occupied by a mobile home or upon the streets within the mobile home park.
- Subd. 8. Each mobile home park shall have a structure designated as the tornado shelter. The structure shall be designed specifically for the purpose of protection from storms. It shall be structurally sound and accessible to all persons in the park.
- Subd. 9. All structures being placed in the park shall require a permit.

#### **SECTION 4. MOBILE HOME PARK LOTS**

- Subd. 1. Each mobile home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
- Subd. 2. Mobile homes shall be placed upon mobile home lots so that there shall be at least a twenty (20) foot clearance between mobile homes and twenty (20) feet between the front of the mobile home and the front lot line and twenty-five (25) feet between the rear of the mobile home and the rear lot lines.
- Subd. 3. The area occupied by a mobile home shall not exceed fifty (50) percent of the total area of a mobile home site; land may be occupied by a mobile home, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard, or any structure.
- Subd. 4. The yards shall be landscaped except for necessary driveway and the sidewalk needs which shall not exceed one-half (1/2) the width of the site.

- Subd. 5. Each mobile home lot shall have off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
- Subd. 6. The corners of each mobile home lot shall be clearly marked and each site shall be numbered.

## **SECTION 5. MOBILE HOME STANDS**

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

- Subd. 1. The mobile home stands shall not heave, shift, or settle unevenly under the weight of the mobile home, due to the frost action, inadequate drainage, vibration, or other forces acting upon the structure.
- Subd. 2. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota State Uniform Manufactured Home Standard Code, whichever is more restrictive.

## **SECTION 6. PARK MANAGEMENT**

- Subd. 1. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.
- Subd. 2. The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- Subd. 3. An adult caretaker must be present at all times and is responsible for the maintenance of the park at all times.
- Subd. 4. Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.
- Subd. 5. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.
- Subd. 6. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means, said lot limits shall be approximately the same as shown on the accepted basis.
- Subd. 7. A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.
- Subd. 8. No public address or loudspeaker system shall be permitted.
- Subd. 9. Dogs and animals shall not be permitted to run at large within the manufactured home park.

- Subd. 10. No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.
- Subd. 11. The park management shall provide for the weekly collection and disposal of garbage, waste and trash as approved by the County.

## **SECTION 7. CAMPGROUND AND RECREATIONAL VEHICLE SITE REGULATIONS**

- Subd. 1. Campground Operation. No person, firm, or corporation shall develop or operate any campground without having first obtained a conditional use permit.
- Subd. 2. Application. The application for conditional use permit, in addition to the requirements, shall indicate the name and address of the developer and a general description of the construction schedule and construction costs. The application for a conditional use permit shall be accompanied by 20 copies of plans, which indicate the following:
- A. Location and size of site.
  - B. Location and size of all vehicle or tent sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking spaces, and all setback dimensions.
  - C. Detailed landscaping plans and specifications.
  - D. Detailed grading plan with two (2) foot contour intervals.
  - E. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service.
  - F. Plans for overhead street lighting system shall be submitted for approval by the Zoning Administrator.
  - G. The method of disposing of garbage and refuse.
  - H. Location and size of all streets abutting the site.
  - I. Road construction plans and specifications.
  - J. Plans for any and all structures.
  - K. Such other information as may be required or requested by the County.
- Subd. 3. Designation of Uses. The campground design shall designate specific areas for private tent camping, recreation vehicles, and trailers.
- Subd. 4. Lot Size. The minimum lot size of each lot in the campground shall be two thousand (2,000) square feet.
- Subd. 5. Performance Standards for Campgrounds.
- A. All water supply and sanitary facilities must conform to the current standards of the Minnesota Department of Health and Pollution Control Agency.
  - B. All utilities, such as sewer, water, fuel, electric, telephone, and television antenna lead-ins, shall be buried to a depth specified by the State Department

of Health, and there shall be no overhead wires or support poles except those essential services for street or other lighting purposes. All utility connections shall be approved by the State Department of Health prior to connection. Plans for the disposal of surface storm water shall be approved by the Zoning Administrator.

- C. All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. The proposed method of garbage, waste, and trash disposal must be approved by the County and must meet or exceed the current Minnesota Department of Health Standards.
- D. All structures shall require a building permit.
- E. Periodic inspection of the entire campground by the Zoning Administration may be required.
- F. No trailer shall be allowed in a campground that does not conform to the requirements of the Motor Vehicle Code of the State of Minnesota. Every structure in a campground shall be developed and maintained in a safe, approved, and substantial manner.
- G. A properly landscaped area shall be adequately maintained around each campground. No tents, RVs or buildings shall be located within twenty (20) feet of the exterior boundary or within forty (40) feet of any exterior existing public right-of-way.
- H. The operator of every campground shall maintain a register in the office indicating the name and address of the owner and occupants of each site, the license number of each trailer and automobile of each occupant, and the date of arrival and departure of each vehicle. The corners of each lot shall be clearly marked and each lot shall be adequately lighted from sunset to sunrise.
- I. No campground shall be located so that drainage from the campground will endanger any water supply. All sites shall be well drained. No portion of the campground shall be located in an area subject to flooding. No waste water from the trailers or other recreational vehicles shall be deposited on the surface of the ground.
- J. Each lot shall abut or face a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which shall have unobstructed access to the internal road system.
- K. Each lot, or pair of lots, shall contain adequate containers to store, collect, and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have such an insect proof, water tight, rodent proof refuse container on the lot(s).
- L. Each lot shall be no further than four hundred (400) feet from the nearest readily available drinking water supply.
- M. Each lot with an individual water system connection shall have a water supply capable of supplying one hundred (100) gallons of water per site per day.

- N. Incineration of refuse, garbage, or other wastes shall not be permitted within any campground.
- O. All centralized refuse collection containers and maintenance equipment shall be stored in a screened and fenced service yard within the campground.
- P. Each campground must have one (1) or more central community buildings with central heating which must be maintained in a safe, clean, and sanitary condition. Said buildings shall be adequately lighting during all hours of darkness and shall contain laundry washers, dryers, and drying areas, in addition to public toilets and lavatory. Each campground shall have a building for the use of the operator distinctly marked "office" and such marking shall be illuminated during all hours of darkness. An illuminated map of the campground shall be displayed at the office.
- Q. An adult caretaker must be on duty at all times in the campground.
- R. Each lot shall have two hundred (200) square feet of off-street parking space, or as approved by the Zoning Administrator, for two (2) automobiles. No parking spaces shall be closer than ten (10) feet to any side yard lot line.
- S. All campgrounds shall be equipped with at least one (1) central toilet, bathing, and laundry building which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health

# ARTICLE 17 WIRELESS COMMUNICATION FACILITIES

---

## SECTION 1. PURPOSE

The purposes of the regulations and requirements of this article are to:

- Subd. 1. Accommodate the communication needs of the residents and businesses while protecting the public health, safety and general welfare;
- Subd. 2. Facilitate the provision of wireless communication facilities through careful siting and design standards;
- Subd. 3. Avoid potential damage to adjacent properties from the construction and operation of wireless communication facilities through structural standards and setback requirements;
- Subd. 4. Maximize the use of existing and approved towers, buildings or structures to accommodate new wireless communication antennas to reduce the number of towers needed to serve the industry.

## SECTION 2. DEFINITIONS

- Subd. 1. **ANS/TIA/EIA.** American National Standard/Telecommunication Industry Association / Electronic Industrial Association.
- Subd. 2. **Antenna.** Any device or equipment used for the transmission or reception of Electromagnetic waves, which may include Omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).
- Subd. 3. **Applicant.** Any person, provider, firm, partnership or company who files an application for any permit required by this code for the construction, replacement, or alternation of a wireless communication facility or any component thereof.
- Subd. 4. **Base Station.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this section or any equipment associated with a tower.
  - A. The term includes, but is not limited to equipment associated with wireless communication services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - B. The term includes, but is not limited to radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- Subd 5. **Co-location.** The location of more than one antenna or set of antennas of more than one government or commercial wireless communication service provider on the same tower structure.
- Subd. 6. **FAA.** Federal Aviation Administration.

- Subd. 7. **FCC.** Federal Communications Commission.
- Subd. 8. **Height.** The distance measured from ground level to the highest point on a tower or structure, including any antenna.
- Subd. 9. **High Power Transmission Line.** A 68 kV or greater electric transmission line with towers at least 75 feet in height.
- Subd. 10. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, mono-pole towers and self-supporting lattice towers, including any support thereto.
- Subd. 11. **Tower Accessory Structure.** Any structure located at the base of a tower for housing base receiving or transmitting equipment.
- Subd. 12. **Wireless Communications.** Any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging and similar services that currently exist or may be developed.

### **SECTION 3. APPLICABILITY**

- Subd. 1. **Pre-existing Towers and Antennas.** Any tower antenna for which a permit has been issued prior to the effective date of this chapter shall not be required to meet the requirements of this chapter, other than the requirements of Section 4, Subd. 1, 2 and 6. Any addition or change to a pre-existing tower or antenna shall comply with all applicable requirements of this chapter.
- Subd. 2. **District Height Limitation.** The requirements set forth in this chapter shall govern the design and siting of towers and antennas that exceed the height limitations specified for each zoning district.
- Subd. 3. **Amateur Radio; Receive-Only Antennas.** This chapter shall not govern the installation of any tower or antenna that is owned or operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas. Commercial antennas attached to such a tower or any tower modification made for the purpose of accommodating such an antenna shall comply with all applicable requirements of this chapter.

### **SECTION 4. GENERAL REQUIREMENTS**

- Subd. 1. All towers and antennas shall comply with all FCC and FAA rules and regulations.
- Subd. 2. Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer in the state of Minnesota.
- Subd. 3. Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
- Subd. 4. For leased sites, written authorization for siting the wireless communication facilities from the property owner must be provided as set forth in Section 8, Subd. 4, C.

- Subd. 5. All wireless communication facilities must be adequately insured for injury and property damage. Proof of insurance with the county named, as an additional insured shall be provided.
- Subd. 6. All unused towers and antennas must be removed within 12 months of cessation of operation or use, unless the Land Use Management Director provides a written exemption. After the facilities are removed, the site shall be restored to its original condition or as close as possible, and anchoring elements shall be removed from the ground to within 4 feet of ground level. If removal and/or restoration is not completed within 90 days of the expiration of the 12 month period specified herein, the County is authorized to complete the removal and site restoration and the cost shall be assessed against the property as a special assessment.
- Subd. 7. Proposals to erect new towers and antennas shall accompanied by any required federal, state or local agency licenses or applications for such licenses.
- Subd. 8. Only one tower is permitted on a parcel of land. Additional towers may be permitted with a conditional use permit if the additional tower is located within 200 feet of the existing tower and all other requirements of this chapter are met.
- Subd. 9. The self-support structure design is the preferred tower structure. Use of guy towers must be justified on the basis of co-location opportunities or specific structural requirements.

## **SECTION 5. PROHIBITIONS**

- Subd. 1. No tower shall be over 400 feet in height.
- Subd. 2. No advertising message or sign shall be affixed to any tower or antenna.
- Subd. 3. Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
- Subd. 4. No part of any tower or antenna shall extend across or over any right-of-way, Public Street, highway, sidewalk or property without permission of the controlling authority.
- Subd. 5. No part of any tower or antenna, except for guy wires and anchors shall extend beyond the fenced enclosure required under Section 7, Subd. 5, A.
- Subd. 6. No temporary mobile communication sites are permitted except in the case of equipment failure, equipment testing, equipment replacement, or in the case of an emergency situation authorized by the Land Use Management Director.

## **SECTION 6. DISTRICT REQUIREMENTS**

- Subd. 1. Business (B) and Industry (I) Districts.
  - A. The following is permitted with a zoning permit from the Zoning Administrator issued under this article:
    - 1. Antennas attached to an existing tower or structure to a maximum 400 feet.
  - B. The following is permitted subject to a conditional use permit issued under this article and Article 4:
    - 1. Any new tower to a maximum of 400 feet.

Subd. 2. Agricultural Districts (A-1, A-2 and A-3) and Commercial Recreational District.

A. The following is permitted subject to a zoning permit from the Zoning Administrator issued under this article:

1. Antennas attached to an existing tower or structure to a maximum of 400 feet.

B. The following is permitted subject to a conditional use permit issued under this article and Article 4:

1. Any new tower to a maximum height of 400 feet.

Subd. 3. Suburban Residence District (R-1).

A. The following are permitted subject to a conditional use permit issued under this article and Article 4:

1. Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.

2. Any new tower to a maximum height of 400 feet.

Subd. 4. Wild and Scenic River (WS).

A. No towers shall be permitted in the Wild and Scenic River District.

Subd. 5. Floodplain (FP).

A. The following is permitted subject to a zoning permit from the Zoning Administrator issued under this article:

1. Antennas attached to an existing tower or structure to a maximum of 400 feet.

B. The following is permitted subject to a conditional use permit issued under this article and Article 4:

1. Any new tower to a maximum of 400 feet.

Subd. 6. Shoreland (S).

A. No towers shall be permitted in the Shoreland Overlay District.

## **SECTION 7. PERFORMANCE STANDARDS**

Subd. 1. General.

Except as provided in this chapter, all wireless communications facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered as an accessory use and a smaller area of land may be leased provided that all requirements of this chapter can be met.

Subd. 2. Setbacks and Separation.

A. Generally, tower structures shall be set back from the nearest property line a distance equal to the height of the tower. This setback may be reduced to one-half the height of the tower if the applicant submits a report stamped by a professional engineer registered in the State of Minnesota that certifies that the tower is designed and engineered to collapse upon failure within the

distance from the tower to the property line. Other setback reductions, to the minimum required by the applicable zoning district, may be had by obtaining the written agreement of the adjacent property owner.

- B. When located on contiguous lands also containing the residence of the owner of the property, the setback from any single family residence on adjacent property shall be no less than that from the residence of the owner of the property on which the tower is to be located, unless it can be shown that this section would preclude any tower meeting the applicant's needs from being located on said lands. For the purpose of this article, contiguous lands shall include adjacent parcels separated by a public highway, whether dedicated or by easement.

Subd. 3. Co-location/Sharing of Facilities.

- A. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any the following conditions:
  - 1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - 2. Existing towers or structures are not sufficient height to meet the applicant's engineering requirements.
  - 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - 4. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.
  - 5. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry or do not exceed the cost of new tower development.
  - 6. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
- B. New towers with a minimum height of 125 feet shall be designed to accommodate at least two (2) other users. New towers with a minimum height of 99 feet shall be designed to accommodate one (1) additional user. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
- C. The holder of a permit for a tower shall allow co-location for additional users as may be accommodated based on the tower design and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

- D. The addition or replacement of antennas and associated equipment (including wiring, cabling, equipment cabinets and back-up power) to an existing antenna support structure or other structure that at the time of application supports or houses an antenna, transceiver or other associated equipment may be subject to a building permit according to the building officials determination and shall be considered co-location subject to the following standards. Nothing in the Section would prevent the removal of transmission equipment (e.g. Antennas).
1. Replacement of the underlying structure is not allowed under this provision
  2. The Department must respond to applications within sixty (60) days unless stopped by mutual agreement of both parties or upon notification that an application is incomplete if notice is given within thirty (30) days of application submission. The timeframe begins to run when an application is first submitted, not when it is deemed complete by the Department.
  3. For antenna support structures outside of public rights of way: increases in the height of the antenna support structures are allowed provided the increase is not more than twenty (20) feet or ten (10) percent, whichever is greater. Changes in height are cumulative and are measured from the tower or base station as originally approved.
  4. For antenna support structures in public rights of way: increases in the height of the tower are allowed provided the increase is not more than ten (10) feet or ten (10) percent whichever is greater. Changes in height are cumulative and are measured from the tower or base station as originally approved.
  5. For antenna support structures outside the public rights-of-way: an antenna is allowed to protrude from the edge of the tower provided it doesn't protrude twenty (20) feet or more than the width of the tower at the level of the appurtenance.
  6. For antenna support structures inside the public rights-of-way and all base stations: an antenna is allowed to protrude from the edge of the structure provided it doesn't protrude more than six (6) feet.
  7. Installation of up to four (4) new equipment cabinets for the technology involved for the co-location is allowed.
  8. Excavation or construction outside of the current site of the tower or base station is not allowed.
  9. The addition or replacement of antennas and/or the placement of associated equipment cannot defeat stealth elements of the tower or base station.
  10. The tower must be in compliance with existing conditions associated with prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets or new excavation that does not exceed the thresholds listed in this section.

Subd. 4. Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. In locations where the visual impact of the tower would be minimal, the landscaping requirement

may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this subdivision.

Subd. 5. Security Fencing, Lighting and Signs.

- A. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a 6 foot high chain link fence with locked gate.
- B. Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.
- C. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency.

Subd. 6. Color and Materials.

- A. All towers, antennas and accessory structures shall use building materials, colors, textures, screening and landscaping that blend the facilities with the surrounding natural features and built environment to the greatest extent possible. The tower shall be a color that minimizes visibility unless otherwise required by FAA or FCC regulations.
- B. All metal towers shall be constructed or treated with corrosion resistant material.

Subd. 7. Parking and Access. Adequate parking spaces shall be provided on each site so that parking on public road right of way will not be necessary. Access must be provided by an all-weather gravel or paved driveway.

## **SECTION 8. PERMIT REQUIREMENTS**

Subd. 1. The construction or installation of any wireless communication facilities requires a zoning permit or conditional use permit under this ordinance.

Subd. 2. Zoning Permits. Use and facilities permitted under this article may be authorized by the Zoning Administrator upon the submittal and approval of a properly completed application for a zoning permit under this article and Article 4. Construction must be initiated within 180 days of approval.

Subd. 3. Conditional Use Permits. Uses and facilities requiring a conditional use permit under this chapter shall be considered by the County Planning Advisory Commission and County Board of Commissioners upon submittal and approval of a properly completed application for a conditional use permit under this article and Article 4.

Subd. 4. Applications. In addition to the application requirements identified in Article 4, all applications for zoning permits or conditional use permits for new wireless communication facilities shall include the following information:

- A. A report stamped by a professional engineer registered in the state of Minnesota and other professionals which:

1. Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.
  2. Describes the tower height and design, including a cross-section, elevation and foundation design.
  3. Certifies the facility's compliance with structural and electrical standards.
  4. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.
  5. Identifies the location of all sites that were considered as possible alternates to the site being applied for.
  6. Describes the lighting and/or painting to be placed on the tower if required by the FCC or FAA.
  7. Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities, and identifies both the class of the license and the license holder.
  8. Describes how the requirements and standards of this article will be met by the proposed facilities.
- B. Each application shall include a facility plan. The County will maintain an inventory of all existing and proposed wireless communication site installations and all providers shall provide the following information in each plan. The plan must be updated with each submittal as necessary.
1. Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, and paging or other anticipated wireless communications services).
  2. Provide a list of all existing wireless communication facility sites within the County for the services to be provided by the provider.
- C. Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the zoning permit or conditional use permit, including the restoration and reclamation requirements of Section 4 of this article. Such acknowledgment shall be made applicable to all successors, heirs and assignees.
- D. Additional Information and Analysis.
1. The Zoning Administrator may at his/her discretion, require visual impact demonstrations including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless communication facilities, or facility design alternatives for the proposed facilities.
  2. The Zoning Administrator may employ, on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis.

- E. As part of a permit review process the applicant may be asked to provide plans and technical data regarding the proposed tower to the County's Office of Emergency Management in order to explore opportunities to co-locate County communication antennas, on a proposed tower.
- F. Existing Tower/New Antenna. Applications for a zoning permit to add a new antenna to an existing tower or structure shall be subject to the requirements of Subd. 4, B, 2 of this section.

## **SECTION 9. TRANSFERABILITY**

All permits issued under this article shall be made transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this article and the Zoning Ordinance as a whole and any permit conditions that may exist. Written notice shall be made to the Zoning Administrator within 30 days of such transfer.

RESERVED FOR FUTURE USE

# Article 18 Wind Energy Conversion System Regulations

---

## SECTION 1. PURPOSE

**Purpose** – This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Goodhue County that have a total nameplate capacity of 5 Megawatts or less (Small Wind Energy Conversion Systems – SWECS) and are not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, Wind Energy Conversion Systems, as amended. For LWECS, the county does not assume regulatory responsibility or permit authority under MS 216F.08, but any standards more stringent than those of the MPUC are to be considered and applied to LWECS per MS 216F.081

## SECTION 2. DEFINITIONS

- Subd. 1. **Airfoil:** A part such as a blade, with a flat or curved surface, designed to provide a desired reaction.
- Subd. 2. **Azimuth:** A horizontal angle measured clockwise in degrees with 00° 00' 00" being the north reference point.
- Subd. 3. **Aggregated Project:** Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
- Subd. 4. **C-BED Project:** As defined in Minnesota Statutes 216B.1612, as amended. Based on the total name plate generating capacity, C-BED Projects are considered to be (1) Micro-WECS, (2) Non-Commercial WECS or (3) Commercial WECS as defined in this Section.
- Subd. 5. **Commercial WECS:** A WECS of 1 megawatt to 5 megawatts in total name plate generating capacity.
- Subd. 6. **Comprehensive Plan:** Comprehensive Plan means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for future development of the unincorporated area of the County.
- Subd. 7. **Decibel:** A unit of measure of sound pressure.
- Subd. 8. **dB (A), A-Weighted Sound Level:** A measure of over-all sound pressure level in decibels, designed to reflect the response of the human ear.
- Subd. 9. **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.
- Subd. 10. **Feeder Line:** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS..

- Subd. 11. **Generator nameplate capacity:** The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a name plate physically attached to the generator.
- Subd. 12. **Hub Height:** The distance from the ground to the center axis of the turbine rotor.
- Subd. 13. **Large wind energy conversion system or LWECS.** "Large wind energy conversion system" or "LWECS" means any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more.
- Subd. 14. **Meteorological Tower:** For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
- Subd. 15. **Micro-WECS:** Micro-WECS are WECS of 1 kilowatt nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
- Subd. 16. **Nacelle:** Contains the key components of the wind turbine, including the gearbox, yaw system, and electrical generator.
- Subd. 17. **Non-Commercial WECS:** A WECS of less than 1 megawatt in total name plate generating Capacity and 225 feet in total height or less.
- Subd. 18. **Non Prevailing Wind:** The non-dominant wind direction in Goodhue County.
- Subd. 19. **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 of power.
- Subd. 20. **Preliminary Acoustic Study:** A study certifying the WECS will be in compliance with State of Minnesota Noise Standards.
- Subd. 21. **Prevailing Wind:** The predominant wind direction in Goodhue County.
- Subd. 22. **Project:** A WECS or combination of WECS.

- Subd. 23. **Project Boundary:** The boundary line of the area over which the entity applying for a WECS permit has legal control for purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
- Subd. 24. **Project Owner:** An individual or entity with legal ownership of WECS project.
- Subd. 25. **Public conservation lands:** Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
- Subd. 26. **Qualified Independent Acoustical Consultant:** A person with Full Membership in the Institute of Noise Control Engineers/INCE, or other demonstrated acoustical engineering certification. The Independent Qualified Acoustical Consultant can have no financial or other connection to a WECS developer or related company.
- Subd. 27. **Rotor:** A system of airfoils connected to a hub that rotates around an axis.
- Subd. 28. **Rotor Blades:** See Airfoil.
- Subd. 29. **Rotor diameter (RD):** The diameter of the circle described by the moving rotor blades.
- Subd. 30. **Small wind energy conversion system or SWECS:** "Small wind energy conversion system" or "SWECS" means any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts.
- Subd. 31. **Substations:** Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 kilovolts) for interconnection with high voltage transmission lines shall be located outside of the road right of way.
- Subd. 32. **Total height:** The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
- Subd. 33. **Total Name Plate Capacity:** The total of the maximum rated output of the electrical power production equipment for a WECS project
- Subd. 34. **Tower:** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
- Subd. 35. **Tower height:** The total height of the WECS exclusive of the rotor blades.
- Subd. 36. **Transmission Line:** Those electrical power lines that carry voltages of at least 69,000 volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- Subd. 37. **WECS:** "Wind energy conversion system" or "WECS" means any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy.

- Subd. 38. **Wind Turbine:** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

### **SECTION 3. PROCEDURES**

- Subd. 1. Land Use Permits, Conditional Use Permits, and Variances shall be applied for and reviewed under the procedures established in Article 2, Article 4 and Article 5 of the Goodhue County Zoning Ordinance, except where noted below.
- Subd. 2. The application for WECS that are under the permitting authority of this ordinance shall include the following information:
- A. The name and address of all project applicants and project owners.
  - B. The legal description, address, and parcel identification numbers associated with the project.
  - C. Project description including: the number and type of towers, tower height; if applicable, name plate generating capacity, rotor diameter, and total structure height with blades.
  - D. A site plan drawn to scale showing the following information within the project boundary and within one mile of the project boundary, unless otherwise noted, (in the case of single towers, the plan shall show this information within a one mile buffer of the individual tower):
    - 1. The project boundary, parcels lines, and landowner names.
    - 2. Contours: 2 foot – 10 foot depending on the scale of the project.
    - 3. Existing structures including but not limited to: buildings, communication towers, and WECS towers.
    - 4. Existing registered feedlots, registered mining operations, airports, air strips.
    - 5. Natural and Regulatory features as defined in the County’s Environmental Constraints Land Use Evaluation (ECLUE) Model.
    - 6. Existing roads.
    - 7. Proposed location of towers, related accessory structures, concrete batch plants, and staging areas. If the location of related structures and staging areas are unknown at the time of application, indicate the proposed size or area dimensions as a note on the plan.
    - 8. Proposed Haul Routes within the County to be utilized for material transport, construction, and maintenance activities. Indicate which roads the anticipated loads are more than posted weight limits.
  - E. If energy produced will be used exclusively on-site or connected to a utility electrical grid. If connected to a grid, indicate on the site plan the proposed route and connection points.
  - F. A Decommissioning plan as outlined in Section 5 of this article.

The application for Commercial WECS, as defined in this article, shall also include the following information:

- A. Preliminary Stray Voltage Test as outlined in Section 6, Subd. 1 of this article.
  - B. A Preliminary Acoustic Study as outlined in Section 8 of this article.
  - C. A list of all other State and Federal regulatory permits necessary for the project. Evidence of these permit approvals must be provided to the County prior to the issuance of building permits.
  - D. Documentation indicating if the project is a C-BED project. If the project is a C-BED project, the documentation shall indicate the percentage ownership of the project owners.
  - E. If the energy produced from a project is not used exclusively on-site but is distributed to a utility electrical grid, provide documentation from the utility companies involved indicating they have entered a Power Purchase Agreement with the project participants.
- Subd. 3. Aggregated Projects – Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in MS Statute 216F.01 through 216F.07 shall be regulated by the State of Minnesota.
- Subd. 4. The County may, at its discretion, require a Development Agreement to address specific technical procedures which may include but are not limited to: road use and repair, telephone line repair, site specific issues, payment in lieu of taxes, other financial securities, or real property value protection plans. The County may negotiate with applicants to limit night time noise to a limit of an annual average of 40 decibels (dBA), corresponding to the sound from a quiet street in a residential area (World Health Organization night noise guidelines for Europe).
- Subd. 5. WECS projects that have a total nameplate capacity of more than 5 megawatts as regulated by the County shall provide to the County copies of all PUC filings and decisions as it pertains to the proposed project. The owners/operators of such WECS projects shall also provide the items listed in this Section to the County at the time of filing with the PUC in order that the County has adequate time to review and comment on the project to the PUC. The County may, at its discretion, hold public meetings to discuss such projects.
- Subd. 6. The applicant must provide proof of liability insurance covering the towers/project covering the lifespan of the project from the initial construction to final decommissioning.

## SECTION 4. DISTRICT REGULATIONS

Subd. 1. WECS will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below:

DISTRICT	NON-COMMERICAL MICRO WECS	NON-COMMERICAL*	COMMERCIAL	METEOROLOGICAL TOWER*
A-1	Permitted	Permitted	Conditionally Permitted	Permitted
A-2	Permitted	Permitted	Conditionally Permitted	Permitted
A-3	Permitted	Conditionally Permitted	Not Permitted	Conditionally Permitted
R-1	Permitted	Not Permitted	Not Permitted	Not Permitted
B	Permitted	Conditionally Permitted	Not Permitted	Not Permitted
MXH	Conditionally Permitted	Not Permitted	Not Permitted	Not Permitted
I	Permitted	Permitted	Conditionally Permitted	Permitted
S	Not Permitted	Not Permitted	Not Permitted	Not Permitted
FP	Not Permitted	Not Permitted	Not Permitted	Not Permitted
WS	Not Permitted	Not Permitted	Not Permitted	Not Permitted
CR	Not Permitted	Not Permitted	Not Permitted	Not Permitted
W	Not Permitted	Not Permitted	Not Permitted	Not Permitted

### \*. Setbacks – Wind Turbines and Meteorological Towers

	WIND TURBINE – NON-COMMERICAL MICRO WECS	WIND TURBINE – NON-COMMERICAL WECS	WIND TURBINE – COMMERCIAL WECS	METEOROLOGICAL TOWERS
Property lines	1.1 times the total height or in A-1 and A-2 Districts only the distance of the fall zone as certified by a professional engineer plus 10 feet.	1.1 times the total height or in A-1 and A-2 Districts only the distance of the fall zone as certified by a professional engineer plus 10 feet.	3 RD Non-prevailing and 5 RD Prevailing***	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.

Neighboring Dwellings*	750 feet This setback requirement may be reduced by the Zoning Administrator subject to maintaining adequate health and safety requirements.	750 feet	750 feet from participating neighboring dwellings; non-participating dwelling setbacks are 10 RD; Setbacks can be less if an owner agrees to a reduced setback, but no less than 750 feet.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
ROAD RIGHTS OF WAY**	The Distance Of The Fall Zone, As Certified By A Professional Engineer Plus 10 Feet Or 1.1 Times The Total Height	The Distance Of The Fall Zone, As Certified By A Professional Engineer Plus 10 Feet Or 1 Times The Total Height	1.1 Times The Height May Be Reduced For Minimum Maintenance Roads Or A Road With An Average Daily Traffic Count Of Less Than 10.	The Fall Zone, As Certified By A Professional Engineer Plus 10 Feet Or 1.1 Times The Total Height.
OTHER RIGHTS-OF-WAY (RAILROADS, POWER LINES, ETC.)	THE LESSER OF 1.1 TIMES THE TOTAL HEIGHT OR THE DISTANCE OF THE FALL ZONE, AS CERTIFIED BY A PROFESSIONAL ENGINEER PLUS 10 FEET.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	THE LESSER OF 1.1 TIMES THE TOTAL HEIGHT OR THE DISTANCE OF THE FALL ZONE, AS CERTIFIED BY A PROFESSIONAL ENGINEER PLUS 10 FEET.	THE FALL ZONE, AS CERTIFIED BY A PROFESSIONAL ENGINEER PLUS 10 FEET OR 1.1 TIMES THE TOTAL HEIGHT.

	<b>WIND TURBINE – NON-COMMERICAL MICRO WECS</b>	<b>WIND TURBINE – NON-COMMERICAL WECS</b>	<b>WIND TURBINE – COMMERCIAL WECS</b>	<b>METEOROLOGICAL TOWERS</b>
Public conservation lands	1.1 TIMES THE TOTAL HEIGHT	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	3 RD Non-Prevailing and 5 RD Prevailing***	600 feet
Wetlands	1.1 TIMES THE TOTAL HEIGHT	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	1,000 FEET OR 3 RD NON-PREVAILING AND 5 RD PREVAILING***	600 feet
Other Structures	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	3 RD Non-Prevailing and 5 RD Prevailing***	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.
Other Existing WECS and Internal Turbine Spacing	NA	750 FEET FROM TOP OF BLUFF (MISSISSIPPI RIVER AND CANNON RIVER), 500 FEET FROM TOP OF BLUFF FROM OTHER BLUFFS IN SHORELAND AREAS OR FOR NON-SHORELAND BLUFFS.	3 RD Non-Prevailing and 5 RD Prevailing	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.  -Extent of wake interference impacts on existing WECS shall be considered
BLUFFS	750 FEET FROM TOP OF BLUFF (MISSISSIPPI RIVER AND CANNON RIVER), 500 FEET FROM TOP OF BLUFF FROM OTHER BLUFFS IN SHORELAND AREAS OR FOR NON-SHORELAND BLUFFS.		1350 FEET FROM TOP OF BLUFF (MISSISSIPPI RIVER AND CANNON RIVER), 500 FEET FROM TOP OF BLUFF FROM OTHER BLUFFS IN SHORELAND AREAS OR FOR NON-SHORELAND BLUFFS.	1350 FEET FROM TOP OF BLUFF (MISSISSIPPI RIVER AND CANNON RIVER), 500 FEET FROM TOP OF BLUFF FROM OTHER BLUFFS IN SHORELAND AREAS OR FOR NON-SHORELAND BLUFFS.

\* The setback for dwellings, schools, churches, health care facilities, campgrounds shall be reciprocal unless the owner or authorized agent signs a letter of understanding waiving this setback, but no less than a 750 foot setback.

\*\* The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

\*\*\*Prevailing and Non Prevailing Rotor Diameter setbacks shall be measured horizontally from the tower base.

- Prevailing Wind –Azimuth between 290 degrees to 30 degrees and between 130 degrees and 230 degrees.
- Non-Prevailing Wind – Azimuth between 30 degrees and 130 degrees and between 230 degrees and 290 degrees.

### **Setbacks – Substations and Accessory Facilities:**

Minimum setback standards for substations and feeder lines shall be consistent with the standards for essential services established in Article 15 (Essential Services) of the Goodhue County Zoning Ordinance.

#### **Substation setbacks**

- 0 feet / structure setback from road ROW – located wholly outside the ROW.
- Property lines 0 feet / structure setback from property lines/side yard.

## **SECTION 5. REQUIREMENTS AND STANDARDS**

### Subd. 1. Safety Design Standards

- A. Engineering Certification – For all WECS, a Minnesota licensed engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- B. Clearance – Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
- C. Warnings –For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage.

Subd. 2. Total height – Non-Commercial WECS shall have a total height of 225 feet or less.

Subd. 3. Tower configuration – All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.

Subd. 4. Meteorological towers may be guyed.

Subd. 5. Color and Finish – All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.

Subd. 6. Lighting – Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations,. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.

Subd. 7. Other Signage – All signage on site shall comply with Article 11 (Performance Standards), Section 18. (Sign Regulations) of the Goodhue County Ordinance. The manufacturer’s or owner’s company name and/or logo may be placed upon the nacelle of the WECS.

Subd. 8. Feeder Lines – All communications and feeder lines, equal to or less than 34.5 kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Goodhue County Ordinances.

Subd. 9. Waste Disposal – Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

- Subd. 10. Avoidance and mitigation of damages to Public Infrastructure:
- A. All public roads to be used for the purpose of transporting WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the WECS shall obtain applicable weight and size permits from the impacted road authorities prior to construction.
  - B. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits.
  - C. Contact Goodhue County Dispatch prior to any road closures for the re-routing of emergency vehicles. Notify and consult with affected property owners to ensure reasonable access.
  - D. Contact the road authority to conduct an inspection of the road conditions of the haul routes prior to and after construction.
  - E. The applicant shall retain a Minnesota Licensed Engineer approved by the County Engineer to analyze bridges along the haul routes to determine if the bridges have the capacity to support the oversized vehicles. The applicant shall provide a signed report by the registered engineer to the road authority to the use of the bridges identified on the haul routes.
  - F. The applicant shall provide financial assurance in the form of a cash escrow or irrevocable letter of credit in an amount equal to 125% of the cost(s) to repair anticipated damages to public infrastructure including public roads and drainage systems as determined by the road authority, to be held by the County until the Township and/or County road authority have provided the County Public Works Director and the County Finance Director with a written release that all haul routes within their jurisdiction in Goodhue County have been returned to pre-construction condition by the Applicant/Developer. As an alternative for paved roads the road authorities may agree to accept a payment as reimbursement for the road life consumed by the project.
  - G. The developer will be responsible to maintain the haul roads during construction to insure they can be used by the travelling public.
  - H. The road authority will repair the roads if the Applicant/Developer is not responsive and invoice Applicant/Developer.
- Subd. 11. The Applicant shall be responsible for immediate repair of damage to public and private drainage systems stemming from construction, operation, maintenance, or decommissioning.
- Subd. 12. Discontinuation and Decommissioning - A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Goodhue County Zoning Administrator outlining the steps and schedule for returning the WECS to service.
- A. All WECS towers shall be removed from the properties and properly disposed of, recycled, or reclaimed within 90 days of discontinuation of use. Accessory facilities, footings and foundations must be reviewed by an engineer, geoscientist, and/or the Building Official to determine the reuse or environmental impact of removal within 90 days of the discontinuation of

use. If it is determined that the footings or foundations must be removed, a removal plan must be submitted to the County for approval.

- B. Each WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use.
- C. The cost estimates shall be made by a competent party approved by the County; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.
- D. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
- E. The owner and/or operator shall provide financial security in the form of a cash escrow or an irrevocable letter of credit in an amount equal to 125% of the cost estimate prepared by a competent party (see paragraph C) to ensure that decommissioning of Commercial WECS is completed as required in this subdivision.

Subd. 13. Orderly Development – Upon issuance of a conditional use permit, all Commercial WECS shall notify the PUC or Department of Commerce, Energy Facility Permitting staff of the project, location, and details on the survey form specified by the PUC.

## **SECTION 6. STRAY VOLTAGE TESTING FOR COMMERCIAL WECS PROJECTS**

Subd. 1 Pre-construction Stray Voltage Test. The applicant shall offer to perform at least two pre-construction stray voltage tests at all registered feedlots within the proposed project boundary and within a one-mile radius beyond the proposed project boundary. The applicant shall pay for these associated costs.

Subd. 2. A copy of the test results shall be sent to each of the following: property owners, Minnesota Public Utilities Commission, local utilities, and the County. The applicant shall obtain written permission from property owners prior to stray voltage testing. If permission is denied, all responsibility for stray voltage problems shall be with the property owner.

Subd. 3 If a registered feedlot owner within the project boundary has a stray voltage test performed for their facility, and it is found that the cause of the stray voltage is attributed to the Commercial WECS project, the project owners shall pay for all costs associated with the testing and correcting of the problem.

## **SECTION 7. PRELIMINARY ACOUSTIC STUDY FOR COMMERCIAL WECS PROJECTS**

Subd. 1. An acoustic study that demonstrates the project will be compliant with State of Minnesota Noise Standards.

Subd. 2. This shall include the estimated dB (A) levels at all receptors within one (1) mile of the nearest turbine within a project area and shall include accumulated sound within the project.

## **SECTION 8. LOCAL EMERGENCY SERVICES NOTIFICATION REQUIREMENTS FOR COMMERCIAL WECS PROJECTS**

- Subd. 1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s) that serve the WECS project area.
- Subd. 2. The Applicant shall coordinate with local emergency response serves for the WECS Project. A copy of the plan shall be submitted to the Goodhue County Office of Emergency Management.

## **SECTION 9. OTHER APPLICABLE STANDARDS**

- Subd. 1. Noise – All WECS shall comply with State of Minnesota Noise Standards.
- Subd. 2. Electrical codes and standards – All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- Subd. 3. Owner/Operator contact information shall be provided to the County on a yearly basis.
- Subd. 4. Minnesota State Building Code – All WECS shall comply with the Minnesota State Building Code.
- Subd. 5. Interference – The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

# Article 19 SOLAR ENERGY SYSTEM (SES) REGULATIONS

---

## SECTION 1. PURPOSE

**Purpose** – This Article of the Goodhue County Zoning Ordinance is established to regulate the installation and operation of Solar Energy Systems (SES) The purpose of these regulations along with other pertinent references found in other Articles of the Zoning Ordinance is to regulate the installation and operation of Solar Energy Systems (residential, commercial, and utility) pursuant to applicable Minnesota Statutes and Rules.

## SECTION 2. DEFINITIONS

- Subd. 1. **Grid-intertie SES.** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
- Subd. 2. **Ground-mounted SES.** A solar collector, or collectors, located on the surface of the ground. The collector or collectors may be physically affixed or attached to the ground; ground-mounted systems include pole-mounted systems.
- A. **Residential SES.** Accessory to the primary use of the land, designed to supply energy for onsite residential use; excess energy produced may be sold back to the grid through net metering.
  - B. **Commercial SES.** Accessory to a permitted farm or business use of the land, designed to generate energy to offset utility costs or as an additional revenue stream.
  - C. **Utility Scale SES.** An energy system that is the primary use of the land, designed to provide energy primarily to off-site uses or export to the wholesale market.
- Subd. 3. **Off-grid SES.** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by electric utility company.
- Subd. 4. **Photovoltaic SES.** An active solar energy system that converts solar energy directly into electricity.
- Subd. 5. **Roof-mounted SES.** A solar collector, or collectors, located on the roof of the building or structure. The collector or collectors may be physically affixed, or attached to the roof.
- A. **Residential SES.** Accessory to the primary use of the land, designed to supply energy for onsite residential use; excess energy produced may be sold back to the grid through net metering.
  - B. **Commercial SES.** Accessory to a permitted farm or business use of the land, designed to generate energy to offset utility costs or as an additional revenue stream.
  - C. **Utility Scale SES.** An energy system that is the primary use of the land, designed to provide energy primarily to off-site uses or export to the wholesale market.
- Subd. 6. **Solar Cell.** The basic unit of a photovoltaic solar panel.

- Subd. 7. **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.
- Subd. 8. **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, Subdivision 17, to solar energy. Required contents of a Solar Easement are defined in Minnesota Statute Section 500.30.
- Subd. 9. **Solar Energy.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- Subd. 10. **Solar Energy System (SES).** A device set of devices, or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.
- Subd. 11. **Substation.** Any electrical facility containing power conversion equipment designed for interconnection with power lines. Part of the electrical transmission system converting high voltage to low voltage or converting low voltage to high voltage for incorporation into the electrical power grid.

### **SECTION 3. GENERAL PROCEDURES**

#### Subd. 1. Approval Required

All Solar energy systems greater than 2000 watt capacity shall require a building permit and a zoning approval in the form of an administrative review, SES Zoning Permit, or a Conditional /Interim Use Permit (see Section 7 of this Article).

- A. Residential Rooftop and Ground Mounted Solar Energy Systems may be approved administratively.
- B. Commercial Rooftop and Ground Solar Energy Systems may be approved through a SES Zoning Permit or a Conditional/Interim Use Permit.
- C. Utility Scale Photovoltaic (PV) Rooftop and Ground Solar Energy Systems require a conditional/interim use permit

### **SECTION 4. SOLAR ENERGY SYSTEM STANDARDS**

#### Subd. 1. General Standards

- A. Systems shall be designed and operated in a manner that protects public safety.
- B. Systems shall be in compliance with any applicable local, state and federal regulatory standards, including, but not limited to, the State of Minnesota Uniform Building Code, as amended, and the National Electric Code, as amended.
- C. Tree removal shall be minimized and mitigated in accordance with Article 11, Section 7 of this Ordinance.

Subd. 2. Roof-Mounted Solar Energy Systems

The following standards shall apply to roof-mounted solar energy systems:

- A. Roof-mounted solar shall not exceed by more than four feet the maximum allowed height in any zone district except in Shoreland areas the height limits established within Article 31 (Shoreland District) for structures may not be exceeded.
- B. In addition to the structure setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the structure on which the system is mounted or built, except for when such an extension is designed as an awning.
- C. Exterior piping and conduit for roof-mounted solar hot water systems may extend beyond the perimeter of the structure on side and rear exposures.

Subd. 3 Ground-Mounted and Pole-Mounted Solar Energy Systems

The following standards shall apply to ground and pole-mounted solar energy systems:

- A. Ground and pole-mounted systems shall not exceed twenty (20) feet in height when oriented at maximum design tilt.
- B. Ground and pole-mounted systems shall be subject to yard setback requirements for the Zone District within which they are located.
- C. The total collector surface area of pole or ground mount systems shall not exceed fifty percent (50% of the building footprint of the principal structure in the following zone districts:
  - 1. R-1, Suburban Residence
  - 2. MXH, Mixed Use Hamlet Zone
- D. Ground and pole-mounted systems shall have natural ground cover under and between the collectors and surrounding the system's foundation or mounting device(s).
- E. Ground and pole-mounted solar energy systems do not count as an accessory structure for the purpose of meeting limits on the total square footage of accessory structures allowed in the A-1, A-2 and A-3 Zone Districts (see Article 11, Section 5).

Subd. 4. Photovoltaic Solar Energy Systems

The following standards shall apply to photovoltaic solar energy systems:

- A. The electrical disconnect switch shall be clearly identified and unobstructed.
- B. No grid-intertie photovoltaic solar energy system shall be installed until documentation has been given to the Zoning Administrator which confirms that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Documentation may consist of an interconnection agreement or a written explanation from the utility provider or contractor outlining why an interconnection agreement is not necessary. Off-grid systems are exempt from this requirement.

- C. Photovoltaic solar energy system components must have an Underwriters laboratory (UL) listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) rating.

Subd. 5. Utility Scale Solar Energy Systems (Roof or Ground Mounted)

- A. All elements of the system shall meet or exceed all district regulations based on the applicable zoning district except as may be amended by provisions of this Article.
- B. Systems shall meet the requirements for erosion and sediment control per Article 11, Section 12 of this Ordinance.
- C. Power and communication lines running between banks of solar collectors and to electric substations or interconnections with buildings shall be buried underground or in conduit overhead to an Inverter if the system is fenced in. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- D. Vegetative screening or buffering of the 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.

## **SECTION 5. APPLICATIONS FOR SOLAR ENERGY SYSTEMS**

An application to the County for a permit under this section shall contain the following information, including but not limited to the following:

Subd. 1: Application Submittal Requirements for Solar Energy Systems:

- A. A site plan of existing and proposed conditions as defined in Article 10, Section 2, Subd. 95.
- B. Number of Solar Collectors to be installed.
- C. Location and spacing of solar panels
- D. Ground mounted system applications shall identify existing vegetation on installation site (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.), and provide a maintenance plan for controlling vegetative growth on site upon installation of the SES.
- E. A description of the method of connecting the array to a building or substation and a signed copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
- F. Planned location of underground or overhead electric lines connecting the SES to the building, substation or other electric load.
- G. New electrical equipment other than at the existing building or substation that is the connection point for the SES.
- H. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

- I. Existing and proposed (if existing grade will be altered) topography at 2 foot contours.

**Additional application submittal requirements for Commercial and Utility Scale Roof, Ground Mounted, and all reflective Solar Energy Systems:**

- J. Visual Impact Analysis: Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.
- K. Proposed storm-water management measures: Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction. A NPDES permit may be required.
- L. Screening or buffering plan included any site grading and/or landscape plantings proposed along public roads or abutting residential properties.
- M. Maintenance plan for grounds surrounding the systems.
- N. A plan outlining the use, storage, and disposal of chemicals used in the cleaning of the collectors and/or reflectors unless certified organic cleaning products are used.
- O. Identify the onsite location and measures that will be taken to avoid, minimize, or mitigate adverse effects to existing historical, cultural, and archeological features identified by SHPO, the County's databases, and those discovered onsite.

**Additional application submittal requirements for Utility Scale Roof, Ground Mounted, and all reflective Solar Energy Systems:**

- P. Criteria to determine potential impacts on agricultural production due to temporary or permanent use of agricultural land for the production of solar energy:
  - 1. Number of acres of Prime Agricultural Soils to be impacted.
  - 2. Number of acres in A-1 Agricultural Protection Zone to be impacted.
  - 3. Proposed duration of operation of the SES.
- Q. Criteria to evaluate potential environmental impacts:
  - 1. Environmental Assessment Worksheet (EAW) determination as to the potential for any significant impacts and proposed mitigation measures (for Solar Energy Projects subject to environmental review under Minnesota Rules Chapter 4410.
  - 2. Review of Goodhue County Environmental Constraints Land Use Model (ECLUE) Ratings for proposed Utility Scale Site Area.
  - 3. Proximity to existing Electric Utility Lines and Substations for Grid-Intertie and existing SES projects.

## SECTION 6. DECOMMISSIONING

A decommissioning plan shall be submitted with all applications for Commercial and Utility Scale solar energy systems.

- Subd. 1 Decommissioning plans shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon its becoming a discontinued use. The cost estimates shall be made by a competent party, such as professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system. Owners of residential SES may rely on manufactures data to submit estimates.
- Subd. 2 Decommissioning of the system must occur within ninety (90) days from either of the following:
- A. The end of the system’s serviceable life; or
  - B. The system becomes a discontinued use.
- Subd. 3 A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the system to service.
- Subd. 4 The County Board may at its discretion require the owner and/or operator of the commercial or utility scale system to provide financial security in the form of a cash escrow or irrevocable letter of credit in an amount equal to 125% of a cost estimate for decommissioning prepared by a competent party to ensure that decommissioning shall be completed if the applicant or operator for any reason fails to meet the requirements of this Section.

## SECTION 7. PERMITTED USES, CONDITIONAL USES OR INTERIM USES FOR SOLAR ENERGY SYSTEMS

Solar Energy Systems will be permitted, conditionally permitted, interim permitted or not permitted based on the generating capacity and land use district as established in the table below (P=Permitted, ZP= Zoning Permit, C=Conditionally Permitted, I=Interim Permitted, NP=Not Permitted):

District	Utility Scale Solar Energy Systems	Commercial Scale Energy Systems	Residential Scale Solar Energy Systems
Agriculture Protection (A-1)	C or I	ZP	P
Agriculture (A-2)	C or I	ZP	P
Urban Fringe (A-3)	C or I	ZP	P
Suburban Residence (R-1)	NP	ZP	P
Mixed Use Hamlet (MXH)	NP	ZP	P
Business (B)	C or I	ZP	P
Industry (I)	C or I	ZP	P
Wild and Scenic River (WS)	NP	C or I	P

Commercial Recreation (CR)	NP	C or I	P
Shoreland (S)	I*	C or I	P
Floodplain Management (FP)	NP	C or I*	ZP*
Wetlands (W)	NP	NP	NP

\*All provisions of Article 31 (Floodplain Regulations) must be met.

Projects must comply with Minnesota Statutes for Protection of Water Resources, Minnesota Shoreland Management Act, and Minnesota Wetland Conservation Act.

RESERVED FOR FUTURE USE

# ARTICLE 20 ZONING DISTRICTS AND DISTRICT PROVISIONS

---

## SECTION 1. ZONING DISTRICTS

The zoning districts shall apply as designated on the Zoning Map and defined within this Ordinance and applicable state or federal regulations. Two types of zoning districts are utilized. All lands under jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

### PRIMARY DISTRICTS

A-1, Agricultural Protection  
A-2, Agriculture  
A-3, Agriculture/Urban Expansion  
R-1, Suburban Residence  
B, Business  
I, Industry  
WS, Wild and Scenic River  
CR, Commercial Recreational  
MXH, Mixed Use Hamlet

### OVERLAY DISTRICTS

FP, Floodplain  
S, Shoreland

## SECTION 2. ZONING MAP

The location and boundaries of the districts established by this Ordinance is set forth on the zoning maps which are hereby incorporated as a part of this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update the maps and amendments.

## SECTION 3. DISTRICT BOUNDARIES

The boundaries of zoning districts, as shown on the County of Goodhue Official Zoning Map accompanying and made a part of this Ordinance, unless otherwise shown, are the center line of streets, alleys or the subdividing or boundary lines of recorded plats or the extension thereof, railroad rights-of-way lines, and the corporate limits of cities within Goodhue County.

## SECTION 4. ZONING BOUNDARY INTERPRETATION

Appeals from the determination of the exact location of district boundary lines shall be heard by the Board of Adjustment.

Where interpretation is needed as to the exact location of the boundaries of the Floodplain, FP 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, the Board of Adjustment shall make the necessary interpretation based on elevations of the regional (100 year) flood profile and other available technical data.

## **SECTION 5. PERMITTED USES**

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

- Subd. 1. Conditional uses allowed in accordance with the provisions of this Ordinance.
- Subd. 2. Any structure 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 and continues to completion within one year after the effective date of this Ordinance, shall be a non-conforming structure.
- Subd. 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.

## **SECTION 6. 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 case, 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 development within the County.

## **SECTION 7. TABLE OF USES FOR A1, A2, A3 AND R1**

## **SECTION 8. TABLE OF USES FOR B and I**

# GOODHUE COUNTY ZONING ORDINANCE

## Table of Uses

Use	A-1	A-2	A-3	R-1	CS
<b>Residential</b>					
Single-Family Dwelling	P	P	P	P	P
Two, Three, Or Four Family Dwellings	NP	NP	NP	P	NP
Accessory Dwelling Unit (ADU) (Art. 11 § 31)	P	P	P	P	P
Residential Accessory Buildings ≥ 7,200ft <sup>2</sup> (Art. 11 § 6)	C/I	C/I	C/I	NP	C/I
Mobile Home Park ( Art. 16 )	NP	NP	NP	C/I	NP

### Agricultural

<b>Feedlots (Art.13)</b>					
New Feedlot (Art.13)	P	P	NP	NP	NP
New Feedlot outside of Farmyard (Art.13)	C/I	C/I	NP	NP	NP
Feedlot expansion up to ≤ 100 Animal Units (Art.13)	P	P	P	NP	NP
Feedlot expansion to ≥ 300 Animal Units (Art.13)	P	C/I	NP	NP	NP
Feedlot expansion to ≥ 500 Animal Units (Art.13)	C/I	C/I	NP	NP	NP
Animal waste storage structure ≥ 500,000 gallons (lagoon system, earthen basin, or associated structure [pit]) (Art.13)	C/I	C/I	C/I	NP	NP
Agricultural Operations (including tree farms) (Art.11 § 24)	P	P	P	NP	P
Farm Market/On-farm market/Roadside Stand < 2400ft <sup>2</sup> (Art. 11 § 29)	P	P	P	NP	NP
Farm Market/On-farm market/Roadside Stand > 2400ft <sup>2</sup> (Art. 11 § 29)	C/I	C/I	C/I	NP	NP
Plant Nurseries & Sales	P	P	P	NP	NP
Farm Wineries < 10,000ft <sup>2</sup> (Art. 11 § 27)	P	P	P	NP	NP
Farm Wineries > 10,000ft <sup>2</sup> (Art. 11 § 27)	C/I	C/I	C/I	NP	NP
Temporary/Seasonal Off-Site Roadside Produce Stands	C/I	C/I	NP	NP	C/I
1 Animal Unit per acre on a minimum 1-acre parcel				I	
Agricultural Tourism Accessory Uses (Art. 11 § 28) (including, but not limited to, barn dances, corn mazes, gift shops, petting farms, sleigh/hay rides, vineyard harvest festivals)	P	P	P	NP	NP

### Commercial

Home Businesses - Tier 1 (Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 (Art.11 § 12)	P	P	P	I	I
Home Businesses - Tier 3 (Art.11 § 12)	I	I	I	NP	NP
Commercial Kennel/Raising of fur-bearing animals (Art.11 § 26)	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Boarding or Rooming Houses as an accessory use	C/I	C/I	C/I <sup>bc</sup>	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I <sup>bc</sup>	C/I	NP
Rural Tourism Facilities	C/I	C/I	C/I	NP	NP
Contractors Yard (Art.11 § 33)	C/I	C/I	C/I	NP	NP
Veterinary Clinic	C/I	C/I	NP	NP	NP

### Industrial

Mining, Quarrying, Excavating/Filling (Art.14)	P	P	NP	NP	NP
Junk/Salvage Reclamation Yard (Art.11 § 10)	C/I	C/I	NP	NP	NP

a. Accessory buildings > 500ft<sup>2</sup> shall be ≥ 100ft from any lot line and ≥ 200ft from the nearest dwelling (Art.23 § 3 subd. 1)

b. Any mining, excavating, or filling of land for these uses shall be by conditional use (Art.23 § 3 subd. 10)

c. Accessory structures and uses customarily incidental to this use shall be by conditional use (Art.23 § 3 subd. 11)

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

# GOODHUE COUNTY ZONING ORDINANCE

## Table of Uses

Use	A-1	A-2	A-3	R-1	CS
<b>Recreational</b>					
Public Stable	C/I	C/I	C/I	NP	NP
Park/Recreational Area (operated by a governmental agency)	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Park/Recreational Area	NP	NP	NP	C/I	C/I
Hunting Club/Shooting Preserve	C/I	C/I	NP	NP	NP
Campground &/or RV Site ( <i>Art.16 § 7</i> )	C/I	C/I	C/I	NP	NP
Park Manager's Residence (1 per campground/RV park w/ ≥ 30 campsites)	NP	C/I	C/I	NP	NP
Commercial Outdoor Recreation Facilities (including, but not limited to, Golf Courses/Driving Ranges, Tennis Courts, Skiing, Swimming Pools, Park Facilities)	C/I	C/I	C/I <sup>abc</sup>	NP	NP
Commercial Outdoor Recreation Health Facilities	NP	C/I	NP	NP	NP
Commercial Outdoor Recreation Storage Structure (size & location to be approved by the Planning Advisory Commission)	NP	NP	C/I <sup>bc</sup>	NP	NP
Retreat Centers ( <i>Art.11 § 25</i> )	NP	C/I	C/I	NP	NP
<b>Institutional</b>					
Community Building	C/I	C/I	C/I <sup>bc</sup>	C/I	C/I <sup>bc</sup>
Church	C/I	C/I	C/I <sup>bc</sup>	C/I	C/I <sup>bc</sup>
Cemetery	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Memorial Garden	C/I	C/I	NP	NP	NP
Public School	C/I	C/I	C/I <sup>bc</sup>	C/I	NP
Private School	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Nursery School	C/I	C/I	C/I <sup>bc</sup>	NP	NP
Funeral Home	NP	NP	C/I <sup>bc</sup>	NP	NP
Hospital, Sanitarium, Philanthropic/Eleemosynary Institutions (except correctional institutions, animal hospitals)	NP	NP	C/I <sup>bc</sup>	NP	NP
<b>Miscellaneous</b>					
WECS (Non-Commercial Micro) ( <i>Art. 18</i> )	P	P	P	P	P
WECS (Non-Commercial) ( <i>Art. 18</i> )	P	P	C/I	NP	NP
WECS (Commercial) ( <i>Art. 18</i> )	C/I	C/I	NP	NP	NP
WECS (Meteorological Tower) ( <i>Art. 18</i> )	P	P	C/I	NP	NP
SES (Utility Scale) ( <i>Art. 19</i> )	C/I	C/I	C/I	NP	NP
SES (Commercial Scale) ( <i>Art. 19</i> )	P	P	P	P	P
SES (Residential Scale) ( <i>Art. 19</i> )	P	P	P	P	P
Aircraft Landing Fields & Facilities	C/I	C/I	NP	NP	NP
Sanitary Landfills/Sewage Disposal Works	C/I	NP	NP	NP	NP
Non-agricultural Lagoons (In accordance w/ MPCA regulations)	C/I	NP	NP	NP	NP
Migratory Labor Camp	C/I	C/I	NP	NP	NP
Commercial Radio Towers/TV Towers/Transmitters	C/I	C/I	C/I	NP	C/I
Solid Waste Transfer Facilities	C/I	C/I	C/I	NP	NP
KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT					

**GOODHUE COUNTY ZONING ORDINANCE**  
*Business and Industrial Districts Table of Uses*

<b>Use</b>	<b>B</b>	<b>I</b>
<b>Retail</b>		
Retail stores under 40,000 square feet	P	NP
Automotive service station	P	NP
Retail stores over 40,000 square feet	C/I	NP
Automobile sales, car wash, trailer sales or service, auto repair garage, or automobile rental	P	NP
Motor fuel station	C/I	NP
Agricultural equipment sales or service	P	NP
Truck sales or service, truck wash or truck repair garage	P	NP
Building supply sales	P	NP
Boat sales or repair	P	NP
Landscape nursery or commercial greenhouse	P	NP
Shopping center	C/I	NP
<b>Services</b>		
Funeral Home	P	NP
Beauty shop or barber shop	P	NP
Bank or savings and loan institution	P	NP
Professional offices	P	NP
Drive-in establishment including banks and restaurant	P	NP
Eating or drinking establishment	P	NP
Motel	P	NP
Bed & Breakfast Inn	C/I	NP
<b>Entertainment/Recreational Establishments</b>		
Theater, dance hall, bowling alley, pool or billiard hall	P	NP
Rural Tourism Facilities	C/I	NP
Public swimming pool, roller or ice rink	P	NP
<b>Industrial</b>		
Assembly of previously prepared materials which have been manufactured elsewhere	P	P
Building materials storage yards	NP	P
Contractor's establishment, storage yard, or equipment rental	NP	P
Grain elevator including storage and processing	NP	P
KEY: P = PERMITTED   NP = NOT PERMITTED   C = CONDITIONAL USE PERMIT   I = INTERIM USE PERMIT		

**GOODHUE COUNTY ZONING ORDINANCE**  
***Business and Industrial Districts Table of Uses***

<b>Use</b>	<b>B</b>	<b>I</b>
Wholesale establishment: warehousing, storage buildings, commercial laundries or dry cleaning plants	NP	P
Manufacture, compounding or treatment of materials	NP	P
Manufacturing process or treatment of products using light machinery; such as tool and die shops or metal fabricating plants	NP	P
Manufacturing of cement, lime, gypsum or plaster	NP	C/I
Distillation of bone, coal, tar petroleum, refuse, grain or wood	NP	C/I
Essential services building or storage yards	P	P
Explosives manufacture or storage	NP	C/I
Fertilizer manufacture, compost or storage	NP	C/I
Refining or recovery of products from animal refuse or offal	NP	C/I
Junkyard	NP	C/I
Livestock feeding yards, slaughtering of animals or stock yards	NP	C/I
Petroleum or asphalt refining or manufacturing	NP	C/I
Smelting or refining of metals from ores	NP	C/I
Steam board hammers or forging presses	NP	C/I
Storing, curing, or tanning of raw, green or salted hides or skins	NP	C/I
<b>Institutional</b>		
Church	C/I	C/I
<b>Miscellaneous</b>		
WECS (Non-Commercial Micro) (Art. 18)	P	P
WECS (Non-Commercial) (Art. 18)	C/I	P
WECS (Commercial) (Art. 18)	NP	C/I
WECS (Meteorological Tower) (Art. 18)	NP	P
SES (Utility Scale) (Art. 19)	C/I	C/I
SES (Commercial Scale) (Art. 19)	P	P
SES (Residential Scale) (Art. 19)	P	P
Commercial Radio Towers/TV Towers/Transmitters	C/I	C/I
Residence when included as part of the principal building occupied by owner or their employee	P	P
Self service storage facility	C/I	C/I
Solid waste transfer facility	C/I	C/I
KEY: P = PERMITTED   NP = NOT PERMITTED   C = CONDITIONAL USE PERMIT   I = INTERIM USE PERMIT		

# **ARTICLE 21 A-1, AGRICULTURAL PROTECTION DISTRICT**

---

## **SECTION 1. PURPOSE**

This district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

## **SECTION 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the A1 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the A1 Zoning District shall be as shown in Article 20, Section, "Table of Uses".

## **SECTION 4. ACCESSORY USES AND STRUCTURES**

Accessory structures and uses customarily incidental to any of the above permitted uses shall be permitted when located on the same property. Accessory uses in the A-1 District shall include Agricultural Related Uses as defined in Article 10 of this ordinance subject to performance standards set forth in Article 11 of this Ordinance.

## **SECTION 5. GENERAL DISTRICT REGULATIONS**

Any lot in the A-1, Agricultural Protection District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

Subd. 1. Lot Size.

- A. Dwelling shall be located on parcels containing a buildable area of not less than two (2) acres.
- B. The lot is large enough and so situated as to meet the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).

Subd. 2. Density.

- A. Four (4) single family dwellings per section unless additional dwellings are permitted by Sections 2 and 3 of this Article.

Subd. 3. Yard Requirements. Every permitted, conditionally permitted dwelling, or accessory structure shall meet the following yard requirements:

- A. Each lot shall have a minimum width of one hundred (100) feet at the building line.

- B. Front Yard of all Structures.
  - 1. There shall be a minimum setback of sixty (60) feet from any right-of-way lines.
  - 2. 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.
- C. Side and Rear Yard.
  - 1. Rear and side yards shall be a minimum of thirty (30) feet. However, livestock buildings shall be subject to a side and rear yard setback of one hundred (100) feet.

Subd. 4 Public Road Frontage or Road Access Easement Standards:

- A. Each lot shall include a minimum 33 feet of frontage on a public road right-of-way extending to the building line. As an alternative a single lot that does not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.

Subd. 5. Bluff Impact Zone. For any use or structure in the A-1 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 6. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

- A. Agricultural buildings shall be exempt from the height requirements.
- B. Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.

Subd. 7. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 11, Section 22.

## **SECTION 6 GENERAL REGULATIONS**

Subd. 1. Each permanent dwelling shall be sited on a separately surveyed or described parcel.

Subd. 2. Any building in which the keeping of livestock, fur bearing animals, or dogs (when such keeping results in the accumulation of animal wastes) is carried on shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property.

Subd. 3. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of “Prime Agricultural Soils” as identified in the Goodhue County Soil Survey (United States Department of Agriculture Web Soil Survey).

# **ARTICLE 22 A-2, AGRICULTURE DISTRICT**

---

## **SECTION 1. PURPOSE**

The purpose of this district is to maintain and conserve agricultural investments and prime agricultural farmland, but provide for a slightly higher density of dwellings than the A-1 District. This A-2 District is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present. This district also has more topographic features and less prime farmland than the A-1 District.

## **SECTION 2. PERMITTED USES**

All Permitted uses are subject to zoning and building permits. Permitted uses allowed in the A2 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and Interim uses allowed in the A2 Zoning District shall be as shown in Article 20, Section 7, "Table of uses".

## **SECTION 4. ACCESSORY USES AND STRUCTURES**

Accessory structures and uses customarily incidental to any of the above permitted uses shall be permitted when located on the same property. Refer to Article 11, Section 5 for further regulations on Accessory Structures. Accessory uses in the A-1 District shall include Agricultural Related Uses as defined in Article 10 of this ordinance subject to performance standards set forth in Article 11 of this Ordinance.

## **SECTION 5. GENERAL DISTRICT REGULATIONS**

Any parcel in an A-2, Agriculture District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Size.
  - A. All buildable parcels in this district shall contain an area not less than two (2) acres.
- Subd. 2. Density Requirements.
  - A. Twelve (12) single family dwellings per section unless additional dwellings are permitted by Sections 2 and 3 of this Article.
  - B. Any dwellings allowed by Subd. A. above shall be limited to one per 1/4, 1/4 section, except as allowed by Sections 2 and 3 of this Article.
- Subd. 3. Yard Requirements.
  - A. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

1. Front Yard.
    - a. There shall be a minimum setback of sixty (60) feet from the right-of-way line of any public road or highway.
    - b. 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.
  2. Side Yard.
    - a. Every building shall have two (2) side yards. Each side yard shall have a minimum width of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.
  3. Rear Yard.
    - a. Every building shall have a rear yard. The rear yard shall have a minimum depth of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.
- Subd. 4. Public Road Frontage or Road Access Easements Standards:
- A. Each Lot shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative a single lot that does not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
  - B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.
- Subd. 5. Bluff Impact Zone. For any use or structure in the A-2 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.
- Subd. 6. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
- A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.
  - B. Accessory buildings shall comply with regulations set forth in Article 11 of this Ordinance.

## **SECTION 6. GENERAL REGULATIONS**

- Subd. 1. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of “Prime Agricultural Soils” as identified in the Goodhue County Soil Survey (United States Department of Agriculture Web Soil Survey).
- Subd. 2. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 11, Section 21.
- Subd. 3. Distances from feedlots, dwellings, churches, parks, and schools are listed in Article 13 of this Ordinance.

Subd. 4 Each permanent dwelling shall be sited on a separately surveyed or described parcel.

RESERVED FOR FUTURE USE

# **ARTICLE 23 A-3, URBAN FRINGE DISTRICT**

---

## **SECTION 1. PURPOSE**

The intent of the A-3 District is to provide for urban expansion in close proximity to existing incorporated urban centers within Goodhue County in accordance with the Comprehensive Plan by conserving land for farming and other open space land uses for a period of time until urban services become available.

It is the intent that urban development be deferred in such areas until an orderly transition from farm to urban uses shall be achieved by either the annexation of areas adjacent to the incorporated limits of existing urban centers or the extension of public or other centralized sewage collection and treatment systems.

It is intended that the status of all areas in this district be reviewed, jointly, by the appropriate planning bodies who shall determine whether there should be a transfer of all or any part of such area to some other appropriate land use, or to indicate any changes in the existing Land Use Plan for the particular political entity or change in the Capital Program of the community affecting this district.

## **SECTION 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the A3 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the A3 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 4. ACCESSORY STRUCTURES AND USES**

Accessory structures and uses customarily incidental to any of the above permitted uses shall be permitted when located on the same property. Refer to Article 11, Section 5 for further regulations on Accessory Structures.

## **SECTION 5. GENERAL DISTRICT REGULATIONS**

Any lot in the A-3, Urban Fringe District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Area.
  - A. There shall be a minimum lot size of thirty-five (35) acres per principal building or use when not served by a public or centralized sewage collection and treatment system.
  - B. Lot area shall meet the requirements in Article 24, Section 5, Subd. 1.B if served by a municipal sewage treatment system.

- C. Parcels with an existing dwelling as of June 5, 2012 which have 35 acres or more may be split provided the minimum lot size for the dwelling parcel must be at least 2 acres. All other requirements listed in Subdivisions 2, 3 and 4 of this Section would apply. Further development of dwellings on a parcel from which a dwelling site has been split shall be prohibited until such time as the Zone District Classification is changed.

Subd. 2. Yard Requirements.

- A. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:
  - 1. Front Yard.
    - a. There shall be a minimum setback of sixty (60) feet from the right-of-way line of any public road or highway.
    - b. 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.
  - 2. Side Yard.
    - a. Every building shall have two (2) side yards. Each side yard shall have a minimum width of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.
  - 3. Rear Yard.
    - a. Every building shall have a rear yard. The rear yard shall have a minimum depth of thirty (30) feet. However, livestock buildings shall be subject to a side yard setback of one hundred (100) feet.

Subd. 3. Public Road Frontage or Road Access Easements Standards:

- A. Each Lot shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative a single lot that does not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.

Subd. 4. Bluff Impact Zone. For any use or structure in the A-3 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 5. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

- A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.
- B. Accessory buildings shall comply with regulations set forth in Article 11 of this Ordinance.

## **SECTION 6. GENERAL REGULATIONS**

- Subd. 1. No new animal feedlots shall be established and expanding feedlots shall not exceed one hundred (100) animal units.
- Subd. 2. Each permanent dwelling shall be sited on a separately surveyed or described parcel.
- Subd. 3. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of “Prime Agricultural Soils” as identified in the Goodhue County Soil Survey (United States Department of Agriculture Web Soil Survey).

## **SECTION 7. JOINT POWERS REVIEW**

All proposed developments within this district shall be submitted to the incorporated community and appropriate township for review and comment. The proposal shall be submitted to the affected public entity at least twenty (20) days prior to the scheduled appearance before the Planning Commission.

All review and comments by the affected entity to the Goodhue County Planning Commission shall be in writing.

RESERVED FOR FUTURE USE

# **ARTICLE 24 R-1, SUBURBAN RESIDENCE DISTRICT**

---

## **SECTION 1. PURPOSE**

The R-1, Suburban Residence District is intended to provide a district which will define and protect areas suitable for low to medium density residential development as the principal land use and to allow related facilities desirable for a residential environment.

## **SECTION 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the R1 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the R1 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses."

## **SECTION 4. ACCESSORY STRUCTURES AND USES**

Accessory structures and uses in the R1 district may be permitted when located on the same parcel as the Principal structure or use and shall comply with the following standards:

- Subd. 1. No accessory buildings or uses shall be permitted on a parcel prior to establishment of the principal building.
- Subd. 2. Detached accessory buildings shall be limited in size to 1,500 square feet in area for parcels 12,000 square feet to 1 acre and 2,100 square feet in area for parcels greater than 1 acre.
- Subd. 3. Any private garages, either separated or in connected groups, having common unpierced dividing walls between contiguous private garages.
- Subd. 4. Any temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

## **SECTION 5. DIMENSIONAL REQUIREMENTS**

Parcels in the R-1 District shall meet the following minimum standards:

- Subd. 1. Parcel Size, Width and Depth.
  - A. Parcels shall contain a minimum 1 acre of Buildable Area.
  - B. Parcels rezoned or subdivided prior to September 3, 2019 shall contain a minimum 20,000 square feet of area per dwelling unit when served by an individual SSTS or 6,000 square feet of area per dwelling unit when served by a Community SSTS.
  - C. All parcels shall have a minimum width of 100 feet at the building setback line and a minimum depth of 125 feet.

- Subd. 2. Yard Requirements. Every building shall meet the following yard requirements:
- A. Front Yard.
    - 1. There shall be a minimum setback of 40 feet from the right-of-way line of any public road or highway; except that, this setback may be reduced to 25 feet when such public road is a minor street serving only a residential subdivision.
    - 2. In the event any building is located on a lot at the intersection of 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 2 side yards. Each side yard shall have a minimum width of 8 feet.
  - C. Rear Yard. Every building shall have a rear yard. The rear yard shall have a minimum depth of 8 feet.
- Subd. 3. Bluff Impact Zone. For any use or structure in the R-1 District, the setback from the bluff impact zone shall be no less than 30 feet.
- Subd. 4. Height Requirements. Every building shall meet the following height requirements:
- A. Buildings shall not exceed 35 feet in height.
  - B. Freestanding accessory structures, including but not limited to, communication towers or antennas shall be limited to a height of 10 feet less than the distance to the nearest property line or shall be designed and engineered to collapse progressively within the distance between the tower and the property line.
- Subd. 5. Parcel Coverage. No principal building together with its accessory buildings shall occupy more than 20 percent of the total parcel area.
- Subd. 6. Substandard Lots of Record. When contiguous and under identical ownership, must be combined to meet minimum standards of this Ordinance in order that any permitted or conditionally permitted use is allowed on such lot or lots.

## **SECTION 6. GENERAL REGULATIONS**

- Subd. 1. Plat Required. Any subdivision of an R1 zoned parcel that could result in the creation of one or more additional dwelling sites shall be platted according to procedures set forth in the Goodhue County Subdivision Controls Ordinance.
- Subd. 2. Public Road Frontage or Road Access Easements Standards:
- A. Each Parcel shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative, a single parcel that does not front on a public road may be permitted upon the recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
  - B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.

RESERVED FOR FUTURE USE

RESERVED FOR FUTURE USE

# **ARTICLE 26 MXH, MIXED USE HAMLET ZONE DISTRICT**

---

## **SECTION 1. PURPOSE**

The Mixed Use Hamlet Zone establishes a zoning district to allow a mix of residential, public and commercial land uses to co-exist within the same zoning district. This district is intended to be applied to “historic” hamlets in the rural areas of Goodhue County where homes, apartments, condominiums, commercial buildings and public land uses are currently present. This District establishes regulations that better recognize the mix of land uses that have historically co-existed in hamlets throughout the County. It is not the intent of this District to create new areas to be developed as hamlets where a rural settlement does not currently exist.

The following areas that will be considered eligible for this zone are the existing historical communities of: Welch (in Section 28, T113N, R16W); Vasa (in Section 15, T112N R16W); White Rock (in Section 32, T112N R16W); Stanton (in Section 30, T112N R18W); and Frontenac Station (in Section 15, T112N R13W).

## **SECTION 2. INITIATING ZONING MAP AMENDMENTS TO THE MXH DISTRICT**

The ability to implement a more flexible approach in regulating land use as established in this Article will require cooperation between Townships where MXH Districts may be established and Goodhue County. It is essential that Township and County Officials work closely to identify hamlets or portions of hamlets that lend themselves to the establishment of an MXH District.

- Subd. 1. The initial application to consider an amendment to the Goodhue County Zoning Map for a change of zone of property to the MXH District may be initiated only by a Goodhue County Township or by the County.
- Subd. 2. Prior to establishment of an MXH District, existing land use for each parcel of property to be included in the MXH District must be documented. Documentation of existing land use shall include a listing of land use(s) for each tax parcel, which include a description of the use, a map, and photographs which identify existing buildings along with a description of how each building is currently being used. The purpose of documenting existing land use of property and buildings is to ensure there is understanding of how properties within a proposed MXH Zone District are being used at the time of change of zone.
- Subd. 3. Change in the use of land and/or building(s) to a different use as established by Section 3 of this Article shall require a Conditional Use Permit (CUP).

## **SECTION 3. PERMITTED USES**

- Subd. 1. None.

## **SECTION 4. CONDITIONAL USES AND INTERIM USES**

Residential, business and/or public land uses may be permitted on the same parcel of property in separate buildings or in the same building subject to compliance with the State Building Code.

Any change in land use from those documented in the initial establishment of the MXH District shall be required to obtain a Conditional Use Permit (CUP). The intent of requiring issuance of a CUP for any change in land use on a given parcel(s) within the MXH District is to ensure that abutting and nearby property owners have an opportunity to hear about a proposed change in use and to offer comments that may impact conditions for approval or establish a basis for denial.

In the MXH, Mixed Use Hamlet District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with all of the pertinent provisions of this Ordinance.

- Subd. 1. Any boarding and rooming houses or bed & breakfast inn.
- Subd. 2. Any church.
- Subd. 3. Any community building including but not limited to Township Halls, Post Offices, Community Centers and Libraries.
- Subd. 4. Any park or recreational area.
- Subd. 5. Any public school.
- Subd. 6. Entertainment and recreation establishments.
  - A. Any theater, dance hall, bowling alley, pool or billiard hall.
- Subd. 7. Any single, two, three, or four family dwelling, or residential subdivision subject to the provisions of Section 7, of this Article.
- Subd. 8. Retail uses, professional offices, and personal or professional services in buildings. See Section 7 and 8 of this Article for development standards.
- Subd. 9. Any home business.
- Subd. 10. Wind Energy Conversion Systems.

## **SECTION 5. COMMERCIAL DEVELOPMENT STANDARDS**

Uses established in the MXH (Mixed Use Hamlet) District shall be operated subject to the following conditions:

- Subd. 1. Any store or business shall be conducted entirely within a building.
- Subd. 2. Requirements as listed in Article 11, Section 23.
- Subd. 3. The size of commercial or mixed use buildings shall be determined during the conditional use review process based upon the following criteria:
  - A. Amount of available site area;
  - B. Size of structures located on nearby properties;
  - C. Compatibility of design of proposed structure(s) with other structures located within the hamlet.

## **SECTION 6. ACCESSORY USES**

In the MXH, Mixed Use Hamlet District, any following accessory use, building or structure customarily incidental to the conditionally permitted use shall be allowed, provided that such accessory use, building or structure shall be located on the same tax parcel.

- Subd. 1. Any home business.
- Subd. 2. Any private garages either separated or in connected groups, having common unpierced dividing walls between contiguous private garages.
- Subd. 3. Any temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.
- Subd. 4. Any other accessory building, structure or use customarily incidental to the conditionally permitted uses of this Article.
- Subd. 5. Any such accessory building or use must not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.

## **SECTION 7. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS**

Any lot in an MXH, Mixed Use Hamlet District on which any conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Size, Width and Depth.
  - A. Any lot used as a business, residential or for public use shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by State or County Health Regulations
  - B. Lot size, depth and width requirements for business, residential or public uses shall be determined during the conditional use permit review process and shall be based on the following criteria:
    - 1. Relationship to the size and width of nearby properties.
    - 2. Ability to meet parking, access, open space and storm water management needs.
- Subd. 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 setback of forty (40) feet from the right-of-way line of any public road or highway; except that, this setback may be reduced to twenty-five (25) feet when such public road is a minor street serving only a residential subdivision. In situations where the setbacks of structures on abutting properties and/or on the same block are less than the above referenced standards, the front yard setback may be determined based upon an average setback distance as determined by the Zoning Administrator.
    - 2. 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, except attached residential dwelling units or attached commercial buildings which may be permitted at zero lot line. Each side yard shall have a minimum width of eight (8) feet.
- C. Rear Yard. Every building shall have a rear yard. The rear yard shall have a minimum depth of eight (8) feet.
- D. If a parcel has existing structures, yard setbacks will be determined through the CUP process and the building permit process. Determinations will be made based upon site conditions including, but not limited, to the size and shape of the parcel, the distance between the proposed structures and structures on adjacent parcels, and traffic safety issues such as parking, road access, and sight visibility.

Subd. 3. Bluff Impact Zone. For any use or structure in the MXH District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

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

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

Subd. 5. Accessory Buildings. No accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

Subd. 6. Lot Coverage.

- A. No principal building for a residential land use together with its accessory buildings shall occupy more than twenty (20) percent of the total lot area
- B. No principal building together with its accessory buildings for a commercial or public land use shall occupy more than eight (80) percent of the total lot area.
- C. If a parcel has existing structures, lot coverage will be determined through the CUP process and the building permit process. Determinations will be made based upon site conditions including, but not limited to, the size and shape of the parcel, the distance between the proposed structures and structures on adjacent parcels, and traffic safety issues such as parking, road access, and sight visibility.

Subd. 7. Survey. All CUP's and any building permits for new structures must be accompanied by a survey from a Minnesota Licensed Surveyor. The survey shall show:

- A. The lot lines;
- B. All existing structures and improvements including, but not limited to, walls, fences, walks, and parking on the parcel;
- C. The proposed locations of new structures and improvements;
- D. The location of structures on adjacent parcels within ten (10) feet of all lot lines.

## **SECTION 8. ESSENTIAL SERVICES REGULATIONS**

Essential service facilities may be allowed in any MXH, Mixed Use Hamlet District in accordance with the provisions of Article 15 of this Ordinance.

RESERVED FOR FUTURE USE

# **ARTICLE 27 B, BUSINESS DISTRICT**

---

## **SECTION 1. PURPOSE**

The B, Business District is intended for retail, service, and repair establishments. The trade area population served by these establishments requires easy access. It is the intent of the B District regulations that establishments desiring location along major traffic routes be grouped with appropriate and adequate access ways provided.

## **SECTION 2. COMMERCIAL DEVELOPMENT STANDARDS**

Uses established in the B, Business District shall be operated subject to the following conditions:

- Subd. 1. All business operations shall be conducted entirely within a building except for motor fuel stations, automobile or trailer sales and display areas, rental areas, and storage areas.
- Subd. 2. Any public entrance to such store, shop, or business shall be from the principal street upon which the property abuts, or within 50 feet thereof, except that a rear entrance from the building to a public parking area may be provided.
- Subd. 3. Any open-air display area, open automobile or truck sales lot, trailer sales lot, or farm implement display area shall provide a graveled or aggregate surfaced area, which shall be properly maintained.

## **SECTION 3. ACCESSORY USE**

In the B, Business District, any accessory uses, buildings, or structures customarily incidental to any permitted or conditionally permitted use shall be permitted, provided that such accessory use, building, or structure shall be located on the same property.

- Subd. 1. Any building or use customarily necessary to any permitted use which may include the repair, alteration, finishing assembly, or storage of goods.
- Subd. 2. Any temporary building for uses incidental to construction work provided that such building shall be removed upon the completion of the construction work.

## **SECTION 6. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENT**

Any lot in a B, Business District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Size and Width. Any lot used as a business shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by state or County health regulations, but shall not be less than 5,000 square feet in area and have a frontage of less than 50 feet.
- Subd. 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 setback of 45 feet from any right-of-way lines.
    - 2. 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. No side yard shall be required for any interior lot.
    - 2. For corner lot abutting any agricultural or residential district, a minimum side yard of 45 feet shall be required.
  - C. Rear Yard. A rear yard of not less than 20 feet shall be required.
- Subd. 3. Bluff Impact Zone. For any use or structure in the B District, the setback from the bluff impact zone shall be no less than 30 feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall not exceed 35 feet in height.
- Subd. 5. Exceptions. Certain uses here exempted from meeting the lot size, yard and height requirements. These exemptions are listed in Article 11, Section 21.

## **SECTION 7. ESSENTIAL SERVICES REGULATIONS**

Essential service facilities may be allowed in any B, Business District in accordance with the provisions of Article 15 of this Ordinance.

## **SECTION 8. GENERAL REGULATIONS**

Additional requirements for parking and other regulations in the B, Business District are set forth in Article 11 of this Ordinance.

# ARTICLE 28 I, INDUSTRY DISTRICT

---

## SECTION 1. PURPOSE

The I, Industry District is intended to provide a district that will allow compact, convenient, limited, highway-oriented industry closely related to existing urban areas in the County and at standards that will not impair the traffic carrying capabilities of abutting roads and highways. It is recognized that industrial uses are an important part of the County's land use patterns. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

## SECTION 2. INDUSTRIAL DEVELOPMENT STANDARDS

Uses established in the I, Industry District shall be operated subject to the following conditions:

- Subd. 1. Every use, except permitted storage yards shall be conducted entirely within a building with a landscaped front yard and with the side and rear yard used for loading and unloading and parking.
- Subd. 2. Any open storage area shall provide a graveled or aggregate surfaced area which shall be properly maintained.

## SECTION 3. ACCESSORY USES

In the Industrial District, any accessory uses, buildings, or structures customarily incidental to any permitted or conditionally permitted use shall be permitted, provided that such accessory use, building, or structure shall be located on the same property.

- Subd. 1. Any building or use customarily necessary to any permitted use which may include the repair, alteration, finishing assembly, fabrication or storage of goods.
- Subd. 2. Any temporary building for uses incidental to construction work provided that such building shall be removed upon the completion of the construction work.
- Subd. 4. Any dwelling unit for employees having duties in connection with any premises requiring residence on the premises.

## SECTION 4. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

Any lot in the Industrial District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Size and Width. Any permitted or conditional use shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by state or County health regulations, but shall not be less than 10,000 square feet in area and have a frontage of less than 50 feet.
- Subd. 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 setback of 45 feet from any right-of-way lines.

2. 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 building shall have two side yards. Each side yard shall have a minimum width of 20 feet.
  2. Any lot abutting an agricultural or residential district, a minimum side yard of 45 feet shall be required.
- C. Rear Yard. A rear yard of not less than 50 feet shall be required.
- Subd. 3. Bluff Impact Zone. For any use or structure in the I District, the setback from the bluff impact zone shall be no less than 30 feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall not exceed 45 feet in height.
- Subd. 5. Exceptions. Certain uses here exempted from meeting the lot size, yard, and height requirements. These exemptions are listed in Article 11, Section 22.

## **SECTION 5. ESSENTIAL SERVICES REGULATIONS**

Essential service facilities may be allowed in any Industrial District in accordance with the provisions of Article 15 of this Ordinance.

## **SECTION 6. GENERAL REGULATIONS**

Additional requirements for parking and other regulations in the Industrial District are set forth in Article 11 of this Ordinance.

# ARTICLE 29 WS, WILD AND SCENIC RIVER DISTRICT

## SECTION 1. PURPOSE

To establish standards and criteria for uses in the Cannon River land use district shall be to protect and preserve existing natural, scenic, historical, scientific, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the State-Wide Standards and Criteria for Scenic and Recreational Rivers, 6105.0010 - 6105.0250 and 6105.1550 - 6105.1680.

Subd. 1. No land may be subdivided which is held unsuitable by the local authority, or the Commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.

## SECTION 2. AUTHORIZATION

In order to preserve and protect the Cannon River and its adjacent land which possesses scenic, recreational, natural, and historical values, the Cannon River in Goodhue County has been given a Scenic Recreational River Classification pursuant to Minnesota Statutes, Sections 103F.301 to 103F.345 (1990). The boundaries outlying the land in Goodhue County subject to this designation are based upon the Cannon River Management Plan, 6105.1550 - 6105.1680, and are delineated on the Official Zoning Map of Goodhue County.

In case of conflict between the zoning map and the legal descriptions of the Cannon River Management Plan, 6105.1680, the legal description shall take precedence.

Subd. 1. **BLUFFLINE.** A line along the top of a slope connecting the points at which the slope becomes greater than twelve (12) percent. This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.

## SECTION 3. PERMITTED, CONDITIONAL AND NON-PERMITTED USES

		LAND USE DISTRICTS	
		Scenic River	Recreational River
Subd 1	Governmental campgrounds, subject to management plan specifications	P	P
Subd 2	Private campgrounds, subject to management plan specifications	C	C
Subd 3	Public accesses, road access type with boat launching facilities subject to management plan specifications	P	P
Subd 4	Public accesses, trail type subject to management plan specifications	P	P

Subd 5	Temporary docks	C	P
Subd 6	Other governmental open space recreational uses, subject to management plan specifications	P	P
Subd 7	Other private open space recreational uses, subject to management plan specifications	C	C
Subd 8	Agricultural uses	P	P
Subd 9	Single family residential uses	P	P
Subd 10	Forestry uses	P	P
Subd 11	Essential services	P	P
Subd 12	Sewage disposal systems	P	P
Subd 13	Private roads and minor public streets	P	P
Subd 14	Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use	P	P
Subd 15	Signs not visible from the river that are not specified in Subd. 14	P	P
Subd 16	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads	P	P
Subd 17	Underground mining that does not involve surface excavation in the land use district	C	C
Subd 18	Sand and gravel extraction subject to the provisions of 6105.1610, Subp. 5	C	C
Subd 19	Utility transmission power lines and pipelines, subject to the provisions of Sec. 5	C	C
Subd 20	Public roads, subject to provisions in Sec. 5	C	C
Subd 21	Canoe rental establishments, subject to the provisions of 6105.1610, Subp. 6	C	C
Subd 22	Inner tube rental establishments	N	N

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

\*Existing development in the Village of Welch in E 1/2, W 1/2, NE 1/4, T113N, R16W, north of the river shall be allowed to continue.

P = Permitted    C= Conditional Use    N= Non Permitted

## SECTION 4. AREA, SETBACK AND OTHER REQUIREMENTS

Subd. 1. One single family dwelling per lot.

Subd. 2. The following chart sets forth the minimum area, setbacks, and other requirements of each district:

		LAND USE DISTRICTS	
		Scenic River	Recreational River
A.	Minimum lot size above ordinary high water level	4 acres	2 acres
B.	Density	Same as Adjacent District	
C.	Lot width at building line	250 feet	200 feet
D.	Each dwelling shall front and abut an existing public road which was built up, improved, graded and dedicated as of 4/3/74	250 feet	200 feet
E.	Lot width at ordinary high water level	250 feet	200 feet
F.	Structure setback from ordinary high water level	150 feet	100 feet
G.	Minimum structure setback from bluffline	30 feet	20 feet
H.	On-site sewage treatment system setback from ordinary high water level	100 feet	75 feet
I.	Maximum structure height*	35 feet	35 feet
J.	Controlled vegetative cutting area setback from ordinary high water level setback from bluffline	150 feet	100 feet
K.	Controlled vegetative cutting area setback from bluffline	30 feet	20 feet
K.	Front yard setback from any road or highway right-of-way	60 feet	60 feet
L.	Side yard setback (unless side yard abuts Cannon River Belle Creek, Chub Creek, or Pine Creek)	30 feet	30 feet
M.	Rear yard setback (unless side yard abuts Cannon River Belle Creek, Chub Creek, or Pine Creek)	50 feet	50 feet

\* Does not apply to non-residential agricultural buildings.

Subd. 3. On Belle Creek, Chub Creek, and Pine Creek, as designated in 6105.1680, the following setbacks also apply within the land use district(s):

- A. Structure setbacks from ordinary high water level - one hundred (100) feet.
- B. On-site sewage treatment system setback from ordinary high water level - seventy-five (75) feet.
- C. Controlled vegetative cutting area setback from ordinary high water level - one hundred (100) feet.

## SECTION 5. PERFORMANCE STANDARDS

- Subd. 1. Slopes. No structure shall be placed on any slope greater than twelve (12) percent (twelve (12) feet vertical rise in one hundred (100) feet horizontal distance) unless each structure is screened, sewage disposal system facilities are installed so as to comply with the sanitary provisions; no potential or actual erosion problems exist, and adequate measures are taken to prevent erosion; boring samples must be taken where bearing capacity is in doubt; and consideration is given to color and architectural design including road slope and orientation.
- Subd. 2. Structures. Structures proposed within a floodplain shall be consistent with the Goodhue County Zoning Ordinance.
- Subd. 3. Sewage Disposal and Water Supply. Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administrative procedures set forth in other applicable local ordinances, the minimum standards of the Minnesota Pollution Agency, Rules Part 7080, the Minnesota Department of Health and Sections 4 (Subd. 1) and (Subd. 2) of this Ordinance.
- No person, firm, corporation shall install, alter, repair, or extend any individual sewer disposal system or private well without first obtaining a permit for such action from the Zoning Authority for the specific installation, alteration, repair, or extension.
- Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality and the administrative procedures of other applicable local ordinances.
- Subd. 4. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.
- Subd. 5. Grading, Filling, Alterations of Beds of Public Waters. Any grading and filling work done shall require a permit and shall comply with the following:
- A. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted.
  - B. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the Zoning Authority.
  - C. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, tree clearing and the destruction of natural amenities.
  - D. Grading and filling of the natural topography shall also meet the following standards:
    1. The smallest amount of bare ground is exposed for as short a time as possible.
    2. Temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.

- 3. Methods to prevent erosion and to trap sediment are employed.
  - 4. Fill is established to accepted engineering standards.
  - E. Excavation of material from, or filling in a Scenic or Recreational River, or construction of any permanent structures or navigational obstructions there in is prohibited unless authorized by a permit from the Commissioner of DNR pursuant to Minnesota Statutes, Section 103G.245 (1990).
  - F. Drainage or filling in of wetlands is not allowed within the land use district(s) designated by this Ordinance.
- Subd. 6. Utility Transmission Lines. All utility transmission crossing of land within the Cannon River land use district shall require a conditional use permit. The construction of such transmission services shall be subject to Minnesota Rules, Parts 6105.0180.
- Subd. 7. Public Roads. In addition to such permits as may be required by Minnesota Statutes, Section 103G.245 (1990), a conditional use permit shall be required for any construction or reconstruction of new public roads within the Cannon River land use district. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Such construction shall be subject to the standards and criteria of Minnesota Rules, Parts 6105.0190 - 6105.0200.
- Subd. 8. General Regulations. Requirements for signs, parking, sewage disposal, etc. are set forth in Article 11 of this Ordinance.

## **SECTION 6. NON-CONFORMING SUBSTANDARD USES, STRUCTURES AND LOTS**

- Subd. 1. Non-Conforming Uses. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be non-conforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permitted uses issued prior to the adoption of this Ordinance.
- Subd. 2. Non-Conforming Sanitary Systems. All sanitary facilities inconsistent with the performance standards of other applicable local ordinances and the minimum standards of the Minnesota Pollution Control Agency and the Minnesota Department of Health shall be brought into conformity or discontinued within five (5) years of the date of the enactment of this or other applicable ordinances.
- Subd. 3. Substandard Uses. All uses in existence prior to the effective date of enactment or amendment of this Ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:
- A. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
  - B. Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the date of enactment of this Ordinance.

- C. Where a setback pattern from the ordinary high water mark has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. (This provision shall apply to lots which do not meet the minimum lot width requirements.)

## **SECTION 7. NOTIFICATION OF PROPOSED ZONING AMENDMENTS, VARIANCES, INCONSISTENT PLATS, AND CONDITIONAL USE PERMITS**

- Subd. 1. The Zoning Administrator shall submit to the Commissioner of Natural Resources a copy of any application for a zoning amendment including proposed changes to district lines, variances, and plats which are inconsistent with the local land use ordinances for certification. A copy of the notice of any public hearing, or where a public hearing is not required, a copy of the application for the zoning amendment, variances and inconsistent plats shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearing or meeting to consider such action. The notice of application shall include a copy of the proposed Ordinance or amendment or a copy of the proposed inconsistent plat or a description of the required variances.
- Subd. 2. The County shall notify the Commissioner of its final decision on the proposed action within ten (10) days of the decision.
- Subd. 3. The action becomes effective when and only when either:
  - A. The final decision taken by the County has previously received certification of approval from the Commissioner; or
  - B. The County received certification of approval after its final decision; or
  - C. Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the County has not received from the Commissioner either certification of approval or notice of non-approval; or
  - D. The Commissioner certifies his approval within thirty (30) days after conducting a public hearing.
- Subd. 4. In case the Commissioner gives notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or Zoning Administrator may within thirty (30) days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.
  - A. The hearing will be held within sixty (60) days of the demand and after at least two (2) weeks published notice.
  - B. The hearing will be conducted in accordance with Minnesota Statutes 103G.311, Subdivisions 2, 6 and 7 (1990) as amended.
  - C. The Commissioner shall either certify his approval or disapproval of the proposed action within thirty (30) days of the hearing.
- Subd. 5. The Zoning Administrator shall submit copies of all final plats and conditional use permits to the Commissioner within ten (10) days of final local approval. Also, all conditional use permit applications shall be forwarded to the Commissioner at least ten (10) days prior to the hearing to consider such an application.

# **ARTICLE 30 CR, COMMERCIAL RECREATIONAL DISTRICT**

---

## **SECTION 1. PURPOSE**

The intent of the CR Commercial Recreational District is to provide suitable locations for, and to encourage the development of, commercial recreation facilities in those areas of the county which benefit the recreational needs of both residents and tourists and restrict incompatible commercial and industrial uses. The Commercial Recreational District shall not be an overlay district, but shall be an exclusive district when used.

## **SECTION 2. PERMITTED USES**

Subd. 1. None.

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All condition and interim uses are subject to zoning and building permits.

- Subd. 1. Resort facilities to include lodges, guesthouses, cabins and retreat facilities.
- Subd. 2. On-site taverns where the main function is servicing a resort or recreational development.
- Subd. 3. On-site restaurants where the main function is servicing a resort or recreational development.
- Subd. 4. Golf courses and clubhouses.
- Subd. 5. Dinner theaters.
- Subd. 6. Ski areas, ski jumps, related lifts, lodges, and maintenance facilities.
- Subd. 7. Yacht slips, service and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same.
- Subd. 8. Campgrounds and Recreational Vehicle sites.
- Subd. 9. Nature trails, snowmobile trails, ski trails, and similar facilities.
- Subd. 10. Museums and commercialized historical attractions.
- Subd. 11. Accessory uses to be determined through the CUP process.
- Subd. 12. Outdoor recreational uses including, but not limited to: zip lines, rope or disc golf courses and mountain bike trails.
- Subd. 13. Outdoor concert facilities.

## **SECTION 4. GENERAL DISTRICT REGULATIONS**

- Subd. 1. Maximum height limitations for structures and related facilities shall be determined through the CUP process.
- Subd. 2. Each lot or parcel shall have an area of not less than two (2) acres.
- Subd. 3. Structures shall meet the following setbacks:
- A. Front yard
    - 1. A front yard of not less than forty five (45) feet shall be provided as measured from the right-of-way line of any public road or highway.
    - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such a lot shall have a front yard abutting each such road or highway.
  - B. Side and Rear Yard
    - 1. Side and Rear yards shall be a minimum of thirty (30) feet. However, livestock buildings shall be subject to a side and rear yard setback of one hundred (100) feet.
- Subd. 4. Lot Width. Each lot shall have a minimum width of one hundred (100) feet.

# ARTICLE 31 S, SHORELAND REGULATIONS

---

## SECTION 1. PURPOSE

These shoreland standards are adopted for the purpose of:

- Subd. 1. Regulating suitable uses of land surrounding protected waters.
- Subd. 2. Regulating the size of parcels, length of water frontage and alteration of shorelands of protected waters.
- Subd. 3. Regulating the location of sanitary facilities adjacent to protected waters.
- Subd. 4. Preservation of the natural vegetation, natural topography, and other natural resources to insure a high standard of environmental quality.
- Subd. 5. **PUBLIC WATERS.** All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 103G.005, Subd. 15 and 18, and 103G.201. An official list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.
- Subd. 6. **SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

## SECTION 2. STATUTORY AUTHORIZATION

This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

## SECTION 3. SHORELAND DISTRICTS

The shorelands within Goodhue County are hereby designated as shoreland districts and the requirements set forth in this Section shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration, and development of these areas according to said classification as per Minnesota Regulations Part 6120.3000.

## SECTION 4. DISTRICT APPLICATION

The Shoreland District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the Zoning Ordinance text and official Zoning Map. The regulations and requirements imposed by the S District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

## SECTION 5. BOUNDARIES

The boundaries of the Shoreland District are established within the following distances from the ordinary high water mark of the surface water depending on the size of the surface water as indicated on the Goodhue County Shoreland District Map.

SURFACE WATER	DISTANCE (FEET)*
Greater than ten (10) acres	1,000
Rivers and Streams (draining an area greater than two (2) square miles)	300**

\* The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.

\*\* The distance requirement shall be increased to the limit of the floodplain when the floodplain is greater than three hundred (300) feet.

## SECTION 6. SHORELAND CLASSIFICATION SYSTEM

The surface waters affected by this Section and which require controlled development of their shoreland (Shoreland District) are shown on the map designated as the official "Zoning Map of Goodhue County" which is properly approved and made a part of this Section and filed with the Zoning Administrator. Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota are defined in Article 10 of this Ordinance and listed below.

### Subd. 1. Lake Classification System

#### *GENERAL DEVELOPMENT LAKES:*

DNR Identification Number	Name
25-0001-00	Lake Pepin
25-0017-00	U.S. Lock and Dam No. 3 Pool
25-0017-02	Nelson Lake
25-0017-03	Twin Lake
25-0017-04	North Lake
25-0017-06	Sharp Muskrat Lake
79-0005-00	U.S. Lock and Dam No. 4 Pool

#### *RECREATIONAL DEVELOPMENT LAKES*

DNR Identification Number	Name
19-0006-00	Lake Byllesby

#### *NATURAL ENVIRONMENT LAKES:*

DNR Identification Number	Name
25-0003-00	Frontenac Lake
25-0004-00	Grotes Pond (aka Wacouta Pond)
25-0005-00	Goose Lake
25-0006-00	Brunner Lake
25-0009-00	Birch Lake
25-0011-00	Spring Creek Lake
25-0012-00	Cannon Lake
25-0016-00	Larson Lake
25-0018-00	Upper Clear Lake
25-0019-00	Clear Lake
25-0021-00	Lower Rattling Springs Lake

Subd. 2. River Classification System

*TRANSITION:*

River	From	To
Vermillion	Border of Goodhue & Dakota Counties	Confluence with Mississippi River in Sec 11, T113N, R15W

*AGRICULTURE:*

N. Fork Zumbro	Border of Goodhue & Rice Counties	Border of Goodhue & Wabasha Counties
Middle Fork Zumbro	Border of Goodhue & Olmsted Counties	Border of Goodhue & Olmsted Counties
North Branch Middle Fork Zumbro	Confluence with Unnamed tributary in Sec 31, T109N, R17W	Border of Dodge & Goodhue Counties
North Branch Middle Fork Zumbro	Border of Dodge & Goodhue Counties	Confluence with Middle Fork Zumbro River in Sec 32, T109N, R15W

*TRIBUTARY:*

All other non-classified water courses as shown on the Goodhue County Protected Waters Inventory Map.

**SECTION 7. ALLOWABLE LAND USES**

The land uses allowable for the Shoreland Overlay District shall follow the permitted, accessory, and conditional use designations as defined and outlined in the base zoning districts, found in Articles 21-28 of this Ordinance, as may be amended, referred to as the Goodhue County Zoning Ordinance and shall be properly delineated on the Official Zoning Map for the shorelands of Goodhue County. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Subd. 3.

**SECTION 8. SHORELAND DEVELOPMENT STANDARDS**

The following development standards shall apply for each lake and river designation for lots platted or created by metes and bounds.

Subd. 1. Lot Standards. Subject to other more restrictive limitations which may be imposed by this Ordinance, the following minimum requirements shall be observed in the following zoning districts which are overlaid by the Shoreland District.

A. Agriculture (A-1, A-2, A-3). The minimum lot size and width requirements allowable for the Shoreland District shall follow the base zoning districts.

B. Residential (R-1).

1. Unsewered Lakes.

a. Natural Environment.

	Riparian		Non-Riparian	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400

- |    |                           |         |     |         |     |  |
|----|---------------------------|---------|-----|---------|-----|--|
|    | Triplex                   | 160,000 | 400 | 240,000 | 600 |  |
|    | Quad                      | 200,000 | 500 | 320,000 | 800 |  |
| b. | Recreational Development. |         |     |         |     |  |
|    | Single                    | 40,000  | 150 | 40,000  | 150 |  |
|    | Duplex                    | 80,000  | 225 | 80,000  | 265 |  |
|    | Triplex                   | 120,000 | 300 | 120,000 | 375 |  |
|    | Quad                      | 160,000 | 375 | 160,000 | 490 |  |
| c. | General Development.      |         |     |         |     |  |
|    | Single                    | 20,000  | 100 | 40,000  | 150 |  |
|    | Duplex                    | 40,000  | 180 | 80,000  | 265 |  |
|    | Triplex                   | 60,000  | 260 | 120,000 | 375 |  |
|    | Quad                      | 80,000  | 340 | 160,000 | 490 |  |
2. Sewered Lakes.
- |    |                           |         |        |        |        |     |
|----|---------------------------|---------|--------|--------|--------|-----|
| a. | Natural Environment.      |         |        |        |        |     |
|    | Single                    | 40,000  | 125    | 20,000 | 125    |     |
|    | Duplex                    |         | 70,000 | 225    | 35,000 | 220 |
|    | Triplex                   | 100,000 | 325    | 52,000 | 315    |     |
|    | Quad                      | 130,000 | 425    | 65,000 | 410    |     |
| b. | Recreational Development. |         |        |        |        |     |
|    | Single                    | 20,000  | 100    | 20,000 | 100    |     |
|    | Duplex                    | 35,000  | 135    | 26,000 | 135    |     |
|    | Triplex                   | 50,000  | 195    | 38,000 | 190    |     |
|    | Quad                      | 65,000  | 255    | 49,000 | 245    |     |
| c. | General Development.      |         |        |        |        |     |
|    | Single                    | 20,000  | 100    | 20,000 | 100    |     |
|    | Duplex                    | 26,000  | 135    | 20,000 | 135    |     |
|    | Triplex                   | 38,000  | 195    | 25,000 | 190    |     |
|    | Quad                      | 49,000  | 255    | 32,500 | 245    |     |
3. River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex, and quad residential developments for the six river/stream classifications are:

	Remot e	Foreste d	Transition al	Agricultur al	Urban and Tributary No Sewer	Sewer
Single	300	200	250	150	100	75

Duple x	450	300	375	225	150	115
Triple x	600	400	500	300	200	150
Quad	750	500	625	375	250	190

4. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 8, Subd. 1.B.2 can only be used if publicly owned sewer system service is available to the property.

C. Commercial and Industrial (B and I). The minimum lot size and width requirements allowable for the Shoreland District shall follow the base zoning district.

Subd. 2. Setback Standards.

A. Structure and On-Site Sewage System Setbacks From the Ordinary High Water Mark.

	Structures		Sewage
	Unsewered	Sewered	Treatment System
<b>Lakes:</b>			
Natural Environment	200	200	200
Recreational Development	100	100	100
General Development	75	75	75
<b>Rivers:</b>			
Remote	200	200	150
Forested and Transition	150	150	100
Agriculture, Urban & Tributary	100	75	75

B. Side Yard Setbacks. (Setbacks subject to individual district requirements.)

C. Additional Structure Setbacks.

1. Unplatted cemetery - fifty (50) feet.
2. Federal, state, county local roads from centerline - one hundred (100) feet.

Subd. 3. All structures in residential districts, except churches and non-residential agricultural structures shall not exceed twenty-five (25) feet in height.

Subd. 4. The total area of all impervious surface on a lot shall not exceed twenty-five (25) percent of the total lot area.

## SECTION 9. DESIGN CRITERIA FOR STRUCTURES

Subd. 1. Placement and Design of Structures.

- A. When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Where principal structures exist on adjoining lots on both sides of proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- B. High Water Elevations. In addition to the setback requirements above, local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved, local flood plain management controls exist, structures must be placed at an elevation consistent with the controls. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
  - 1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
  - 2. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish the flood protection elevation. Under all three approaches, technical evaluations must be done 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.
- C. Local officials must evaluate possible erosion impacts and development visibility from protected waters before issuing permits for construction of sewage treatment systems, roads, structures or other improvements on steep slopes in shoreland areas.

Subd. 2. Uses Without Water-Oriented Needs.

- A. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Subd. 3. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

- A. Each building must be set back at least two hundred (200) feet from the ordinary high water level;
- B. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- D. No more than twenty-five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- E. Water oriented accessory structures allowed - 400 sq. ft. limit.

## **SECTION 10. SUBSTANDARD LOTS**

Subd. 1. Construction on Non-Conforming Lots of Record.

- A. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 8 of this Article, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 8 of this Article as much as possible.
- 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 was in existence at the time of the adoption of this Ordinance. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level of the structure.
  2. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
  3. The deck is constructed primarily of wood, and is not roofed or screened.

## **SECTION 11. SHORELAND ALTERATIONS**

Alterations of vegetation and topography shall 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.

Subd. 1. Vegetation Alterations. Vegetation alteration shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance. For purposes of this provision the controlled vegetation cutting area shall be equal to one-half (1/2) of the structural setback.

Subd. 2. Topographic Alterations/Grading and Filling.

- A. Grading and filling and excavations necessary for the construction of structures and driveways under validly issued construction permits for these facilities shall not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section shall be incorporated into the issuance of permits for construction of structures and driveways.
- B. Public roads and parking areas are regulated by Subd. 3 of this Section.
- C. Notwithstanding Items (a) and (b) above, a grading and filling permit shall be required for:
  1. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
  2. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- D. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits,

conditional use permits, variances and subdivision approvals:

1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in accordance with the Minnesota Wetland Conservation Act of 1991, Minnesota Laws, Chapter 354 or Article 33 of the Zoning Ordinance, whichever is more restrictive, and shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
  - a. Sediment and pollutant trapping and retention;
  - b. Storage of surface runoff to prevent or reduce flood damage;
  - c. Fish and wildlife habitat;
  - d. Recreational use;
  - e. Shoreline or bank stabilization; and
  - f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation shall require the applicant to provide appropriate documentation of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the local watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

2. Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
3. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible;
4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;
5. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
6. Fill or excavated material shall not be placed in a manner that creates an unstable slope;
7. Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of thirty (30) percent or greater;
8. Fill or excavated material shall not be placed in bluff impact zones, except for approved erosion control measures and provided for in Article 12, Section 4, Subd. 7.
9. Any alterations below the ordinary high water level of public waters shall first be authorized by the commissioner under Minnesota Statutes, Section 105.42;
10. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

E. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

Subd. 3. Placement and Design of Roads, Driveways and Parking Areas.

A. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

B. Roads, driveways, and parking areas shall meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.

C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this sub-part are met. For private facilities, the grading and filling provisions of Subd. 2 of this Section shall be met.

Subd. 4. Storm Water Management. All development within the Shoreland Overlay District shall be consistent with the following general and specific standards:

A. General Standards.

1. When possible, existing natural drainage-ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

2. Development shall 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 shall be stabilized and protected as soon as possible with facilities or methods used to retain sediment on the site.

3. When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific Standards.

1. When constructed facilities are used for storm water management, documentation shall be provided by a qualified registered engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
2. New constructed storm water outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subd. 5. Agriculture Use Standards in Shoreland Impact Zones and Buffer Areas.

A. Use of buffer area. Except as provided in subsections D, and E of this subdivision, a buffer as defined in this ordinance may not be put to any use, including but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.

B. Buffer Width. Buffer Widths are measured on a per-parcel, per-side of stream basis. Except as provided in subsections D and E of this Subdivision, a landowner owning property adjacent to a water body identified on the Buffer Protection Map must establish and maintain a buffer area as follows:

- (1) For land within the shore impact zone and waters shown on the Buffer Protection Map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3 as measured according to subsection C of this subdivision; and
- (2) For waters shown on the Buffer Protection Map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection C of this Subdivision.

Incorporation of approved alternative practices may reduce the overall Buffer Width; however the minimum width cannot be less than 30 feet or 16.5 feet as indicated in (1) and (2) in this section, respectively.

C. Buffer measurement.

- (1) The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width and a thirty (30) foot minimum Buffer Width shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in Minn. Stat. §103F.48, subd. 3(c).
- (2) The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot minimum Buffer Width shall be measured in the same manner as for measuring the vegetated grass strip under Minn. Stat. §103E.021, subd. 1 as provided in Minn. Stat. §103F.48, subd. 3(c).

D. Exemptions. The requirement of the Buffer Width does not apply to land that is exempted from the water resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.

- E. Alternative practices. As provided in Minn. Stat. §103F.48, subd. 3(b) a landowner that is using land for cultivation farming may demonstrate compliance with the Buffer Width by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required Buffer, as outlined in this Article. The adequacy of any alternative practice allowed under this section shall be based on:
- (1) The Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);
  - (2) Common alternative practices adopted and published by BWSR;
  - (3) Practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or
  - (4) Other practices adopted by BWSR.
- F. Nonconformity. Pre-existing nonconforming uses shall not be allowed with respect to the Buffer requirements outlined in this Subdivision or Minn. Stat. §103F.48,
- G. Use of fertilizer, pesticides, or animal wastes within shoreland must be done in such a way as to minimize impact on the shore impact zone or public water by proper application.
- H. For compliance determinations and enforcement, refer to the Goodhue County Administrative Procedures for Buffer Compliance document.

## **SECTION 12. SANITARY REGULATIONS**

In order to insure safe and healthful conditions, to prevent pollution and contamination of public and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, County ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use and maintenance; commercial; agricultural; industrial and municipal waste disposal and solid waste disposal sites for:

- Subd. 1. Low swampy areas or areas subject to recurrent flooding.
- Subd. 2. Areas where the highest known ground water table is within four (4) feet of the bottom of the soil absorption system.
- Subd. 3. Areas of exposed bedrock or shallow bedrock within four (4) feet of the bottom of the soil absorption system or where subsurface conditions significantly restrict percolation or the effluent.
- Subd. 4. Areas of ground slope where there is danger of seepage of the effluent into the surface of the ground. Where there is evidence of septic tank effluent percolating from the ground, flowing directly into a lake or stream, or where the disposal system is in the water table, the system must be corrected and conform with these standards within ninety (90) days of written notice.

- Subd. 5. Soils where percolation rate is slower than one (1) inch in sixty (60) minutes.
- Subd. 6. Water Supply.
- A. Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health Standards and the County Sanitation Standards for water quality.
  - B. Private wells must be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood-proofed in accordance with Article 32 of this Ordinance.
- Subd. 7. Sewage Treatment.
- A. Any premises used for human occupancy must be provided with an adequate method of sewage treatment.
  - B. Public or municipal collection and treatment facilities must be used where available and where feasible.
  - C. All private sewage and other sanitary waste disposal systems must conform to applicable standards, criteria, rules and regulations of the Minnesota Pollution Control Agency and any applicable local government standards.
  - D. Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.
  - E. Septic tank and soil absorption or similar systems shall not be acceptable for disposal of domestic sewage for developments on lots adjacent to public waters when any of the conditions of Subdivisions 1, 2, 3, 4, and 5 of this Section are present.
  - F. Sub-Surface Sewage Treatment Systems (SSTS) within the Shoreland District shall be inspected for compliance with Section 12 of this Article as part of all variance, conditional use, and building permit applications. A site map showing the location of the SSTS may be required to verify its location relative to the District. Final determination as to whether an SSTS is located within the Shoreland Area will be made by the Zoning Administrator. As specified in Minnesota Rules 7082.0700 (Inspection Program for Subsurface Sewage Treatment Systems): Certificates of compliance for new construction or a replacement system remain valid for five years from the date of issuance unless the County finds evidence of noncompliance. In addition, the certificate of compliance is valid for three years from the date of issuance, even if one of the supporting reports expires before the three-year period, unless an inspector finds evidence of noncompliance.
  - G. Goodhue County will implement an education program that is oriented toward convincing shoreland property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system, if non-conforming.

### **SECTION 13. PLANNED UNIT DEVELOPMENTS (PUD's)**

Planned unit developments shall be utilized for developments with densities greater than four (4) units per lot, provided the following requirements are satisfactorily met:

- Subd. 1. Processing of PUDs. Planned unit developments must be processed as a conditional use.
  
- Subd. 2. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
  - A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten foot intervals or less. When a PUD is a combined commercial and recreational development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
  - B. A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Subd. 5 of this Section.
  - C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs and 2) ensure the long term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subd. 5 of this Section.
  - D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
  - E. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.
  
- Subd. 3. Site "Suitable Area" Evaluations. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/ dwelling site density evaluation in Subd. 4.
  - A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

Shoreland Tier Dimensions	Unsewered <u>(feet)</u>	Sewered <u>(feet)</u>
General Development Lakes- First Tier	200	200
General Development Lakes- Second and Additional Tiers	267	267
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

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

Subd. 4. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and a density increase multipliers as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

A. Residential PUD "Base" Density Evaluation.

1. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Subd. 5.

B. Commercial PUD "Base" Density Evaluation.

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
2. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development

Floor Area Ratios\*

Public waters classes

*Average unit floor area (sq.ft.)	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes, transition and forested river segments	National environment lakes and remote river segments
	200	.040	.020
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023

900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
4. Divide the total floor area by tier computed in Item 3. above by the average inside living area size determined in Item 1. above. This yields a base number of units and sites for each tier.
5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Subd. 5.

C. Density Increase Multipliers.

1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 8 are met or exceeded and the design criteria in Subd. 5 are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback.
2. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

<i>Density</i>	<i>Maximum Density Increase</i>
<u><i>Evaluation Tiers</i></u>	<u><i>Within Each Tier ( % )</i></u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

Subd. 5. Maintenance and Design Criteria.

A. Maintenance and Administration Requirements.

1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.  
Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - (a) Commercial uses prohibited (for residential PUDs);
  - (b) Vegetation and topographic alterations other than routine maintenance prohibited;
  - (c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
  - (d) Uncontrolled beaching of watercraft prohibited.
2. Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
  - (a) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
  - (b) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - (c) Assessments must be adjustable to accommodate changing conditions; and
  - (d) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

B. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

1. At least fifty (50) percent of the total project area must be preserved as open space;
2. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
5. Open space may include subsurface sewage treatment

systems if the use of the space is restricted to avoid adverse impacts on the systems;

6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.

C. Erosion Control and Storm Water Management. Erosion control and storm water management plans must be developed and the PUD must:

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

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

1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 12 of this Article. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient law area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased

in accordance with Section 8 of this Article for developments with density increases;

3. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
4. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
5. Accessory structures and facilities must meet the required principal structure setback and must be centralized.

## **SECTION 14. CONDITIONAL USES**

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as found in Article 4 of this Ordinance. The following additional evaluation criteria and conditions shall apply within shoreland areas:

- Subd. 1. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site shall be made to ensure:
  - A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - B. The visibility of structures and other facilities as viewed from public waters is limited;
  - C. 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.
- Subd. 2. Stipulations Attached to Conditional Use Permits. The County Board, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such stipulations to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance and Section. Such stipulations may include, but are not limited to, the following:
  - A. Increased setbacks from the ordinary high water level;
  - B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

- C. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas.

## **SECTION 15. VARIANCES**

- Subd. 1. Provisions. Variances shall only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable in compliance and with Article 5 of this Ordinance.
  - A. A variance may not circumvent the general purposes and intent of this Ordinance.
  - B. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
  - C. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.
    - 1. In considering a variance request, the Board of Adjustment and Appeals shall also consider whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- Subd. 2. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 17 of this Article shall also include the Board of Adjustment and Appeals' summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

## **SECTION 16. SUBDIVISION/PLATTING PROVISIONS**

- Subd. 1. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 13, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Goodhue County shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply, 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.
- Subd. 2. Consistency with Other Controls. Subdivisions must conform to all provisions for subdivision, as found in the Goodhue 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.
- Subd. 3. Information Requirements. Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include the provisions as found in the Goodhue County Subdivision Regulations, and the following:
  - A. Topographic contours from survey maps showing limiting site characteristics;
  - B. The surface water features required in Minnesota Statutes,

Section 505.02, Subd. 1, to be shown on plats;

- C. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;
- D. Location of 100 year floodplain areas and floodway districts from existing adopted maps or data; and
- E. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

Subd. 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 storm water and significant wetlands.

## **SECTION 17. NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES**

Subd. 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses resulting from controls of Articles 2, 3, 5, and 5 must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.

Subd. 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this Shoreland Ordinance must be sent to the Commissioner or the Commissioner's designated representative and postmarked within -ten (10) days of final action.

# ARTICLE 32 FP, FLOODPLAIN DISTRICT

---

## SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- Subd 1. Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 104 and 394.21, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.
- Subd 2. Findings of Fact.
- A. The flood hazard areas of Goodhue County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
  - B. Methods Used to Analyze Flood Hazards. The regulations of this Article are 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.
- Subd. 3. Statement of Purpose. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Section 1, Subd. 2. A by provisions contained herein.

## SECTION 2. GENERAL PROVISIONS

- Subd 1. Lands to Which Article Applies. This Ordinance shall apply to all lands within the jurisdiction of Goodhue County shown on the Official Zoning Map as being located within the boundaries of the FP, Floodplain District.
- Subd 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, Goodhue County, Minnesota and Incorporated Areas* and the Flood Insurance Rate Map Index panel number 27049CINDoA therein, all dated September 25, 2009, as developed by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the office of Goodhue County Land Use Management and recorded with the Goodhue County Recorder's office.
- Subd 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 floodplain that result from designation of a floodway.

Subd 4. Warning and Disclaimer of Liability. This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Goodhue County or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Subd 5. 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 in the 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.

Subd 6. **ANNEXATIONS:** The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the Goodhue County at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the County after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the County.

Subd. 7 **DEFINITIONS:**

- A. **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.
- B. **FLOOD FREQUENCY.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- C. **FLOOD FRINGE.** That portion of the floodplain outside of the floodway.
- D. **FLOODPLAIN.** The areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- E. **FLOOD-PROOFING.** The combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- F. **FLOODWAY.** The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- G. **FLOOR AREA, GROUND.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages, or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
- H. **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.

- I. **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.”
- J. **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.
- K. **REPETITIVE LOSS** – flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- L. **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. (The language in Article 6, Section 1, Subd. 1 will suffice as long as the word “market” is placed in front of the word “value” in the second line).
- M. **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 which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
  - i. 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.
  - ii. 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.

### **SECTION 3. ESTABLISHMENT OF ZONING DISTRICT**

#### **Subd. 1. Floodplain Areas.**

- A. **Floodway District.** The Floodway District shall include those areas designated as Zone AE and are delineated within the floodway on the Flood Insurance Rate Map adopted in Section 2 Subd. 2 of this article.
- B. **Flood Fringe District.** The Flood Fringe area shall include those areas designated as Zone AE and are located outside of the delineated floodway on the Flood Insurance Rate Map as adopted in Section 2 Subd 2.

- C. General Flood Plain District. The General Floodplain area shall include those areas designated as Zone A or AE that do not have a floodway delineated on the Flood Insurance Rate Map adopted in Section 2, Subd. 2 of this Article.

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

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9 of this Article.
- B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by Article 6, and the General Provisions of this Ordinance.
- 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 Section 6, Subd. 2. B of this Article and the General Provisions of this Ordinance.

## **SECTION 4. FLOODWAY AREA (FW)**

Subd. 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.

Subd. 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.

Subd. 3. Conditional Uses.

- A. Structures accessory to the uses listed in Section 4, Subd. 1 above and the uses listed in B through H.
- 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.
- G. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9, Subd. 3 of this Article.
- 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 ten year frequency flood event.

Subd. 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 Article 4 of this Ordinance.
- C. The conditional use shall be permissible in the underlying zoning district is one exists.
- D. Fill.
  - 1. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain 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 side development plan is submitted which includes an erosion/ sedimentation prevention element to the plan.
  - 3. As an alternative, and consistent with Sub-section 2 above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which could 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.
- 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.
  - 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 classifications in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, 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, as appropriate:
  - 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 RFPE or properly flood-proofed.
  - 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.

G. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

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

## **SECTION 5. FLOOD FRINGE AREA (FF)**

- Subd 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 district exists, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "permitted uses" listed in Section 5, Subd. 2 and the standards for all Flood Fringe uses listed in Section 5, Subd. 5.
- Subd 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 RFPE. The finished fill elevation for structures shall be no lower than one (1) foot below the RFPE and the fill shall extend at such elevation at least fifteen (15) 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 five hundred (500) square feet for the outside dimension at ground level may be internally flood-proofed in accordance with Subd. 4. A of this Section.
  - C. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5 Subd 2 A of this Article.
  - D. The storage of any materials or equipment shall be elevated on fill to the RFPE.
  - E. The provisions of Section 5, Subd. 3 of this Article shall apply.
- Subd 3. Conditional Uses. Any structure that is not elevated on fill or flood-proofed in accordance with Section 5, Subd. 2. A; Section 5, Subd. 2. B; or any use of land that does not comply with the standards in Section 5, Subd. 2. C and Section 5, Subd. 2. D shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Section 5, Subd. 4. A and B and Article 4 of this Ordinance.
- Subd 4. Standards for Flood Fringe Conditional Use.
- A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the RFPE. 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. If the enclosed area is above grade on at least one side of the structure.
    - 2. Is designed to internally flood and is constructed with flood-resistant materials.
    - 3. Is used solely for parking of vehicles, building access or storage.

The above noted alternative elevation methods are subject to the following additional standards:

- a. 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 RFPE or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
  - b. 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:
    - i. A minimum area of “automatic” 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 shall be no higher than one (1) 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, vales or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention.
    - ii. 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 Article 10 of this Ordinance, shall be subject to the following:
1. Residential basement construction shall not be allowed below the RFPE.
  2. Non-residential basements may be allowed below the RFPE provided the basement is structurally dry flood-proofed in accordance with Section 5, Subd. 4. C of this Article.
- C. All areas of non-residential structures including basements to be placed below the RFPE 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 water tight 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.

- D. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/ sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100 year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- 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 Section 5, Subd. 5 of this Article shall also apply.

Subd 5. Standards for All Flood Fringe Uses.

- A. Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the RFPE. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood.
- B. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5, Subd. 5. B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
- C. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. 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.

- D. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified in the Official Zoning Map.
- E. Standards for travel trailers and travel vehicles are contained in Section 9, Subd 3.
- F. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

**SECTION 6. GENERAL FLOODPLAIN AREA**

Subd 1. Permissible Uses.

- A. The uses listed in Section 4, Subd. 1 of this Article shall be permitted uses.
- B. All other uses shall be subject to the floodway/ flood fringe evaluation criteria pursuant to Section 6, Subd. 2. Section 4 shall apply if the proposed use is in the Floodway area and Section 5 shall apply if the proposed use is in the Flood Fringe area.

Subd 2. Procedures for Floodway and Flood Fringe Determinations within the General Floodplain Area.

- A. Upon receipt of an application for a conditional use permit for a use within the General Floodplain 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 RFPE and whether the proposed use is within the Floodway or Flood Fringe area.
  - 1. A typical valley cross section 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 of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
  - 3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
- B. The applicant shall be responsible to submit one (1) 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 area and to determine the RFPE. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 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 DNR area hydrologist prior to commencing the analysis. The designated engineer or expert shall:

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 0.5 foot 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 area boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analysis to FEMA, the DNR, or the Planning Commission for review and comment. Once the Floodway and Flood Fringe 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 Section 4 and 5 of this Article.

## **SECTION 7. SUBDIVISIONS**

- Subd 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 floodplain districts shall contain a building site at or above the RFPE. 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 the individual building sites no lower than two feet below the RFPE. For all subdivisions in the Floodplain, the Floodway and Flood Fringe boundaries, the RFPE and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- Subd 2. Floodway/Flood Fringe Determinations in the General Floodplain Area. In the General Floodplain area, applicants shall provide the information required in Section 6, Subd. 2 of this Article to determine the 100 year flood elevation, the Floodway and Flood Fringe area boundaries, and the RFPE for the subdivision site.
- Subd 3. Removal of Special Flood Hazard Area Designation. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

## **SECTION 8. PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES**

- Subd 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the State Building Code or elevated to above the RFPE.
- Subd 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 4 and 5 of this Article. Elevation to the RFPE 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.
- Subd 3. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided:
- A. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - B. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of 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 state-wide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

## **SECTION 9. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES**

- Subd 1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7 of this Article.
- Subd 2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain areas will be treated as a new structure and may be placed only if elevated in compliance with Section 5 of this Article. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5, Subd. 5.A, then replacement manufactured homes will not be allowed until the property owner develops 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 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.

Subd 3. Recreational vehicles that do not meet the exemption criteria specified in Section 9, Subd. 3. A below shall be subject to the provisions of this Article and as specifically spelled out in Sections 9, Subd. 3. B and C below.

- A. Exemption. Recreational vehicles are exempt from the provisions of this Article if they placed in any of the areas listed in Section 9, Subd. 3.B, 1-3 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 on 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 Section 9, Subd. 3.A lose this exemption when development occurs on the parcel exceeding five hundred (500) dollars 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 all accessory structures will then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Sections 4 and 5 of this Article. 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 area provided said recreational vehicle and its contents are placed on fill above the RFPE and proper elevated road access to the site exists in accordance with Section 5, Subd. 5.A of this Article. No fill placed in the Floodway to meet the requirements of this Section shall increase flood stages of the 100 year flood.
  - 2. All new or replacement recreational vehicles not meeting the criteria of (1) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Article 4 of this 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 Section 9 Subd 3-A 1 & 2 of this Article will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8, Subd. 3 of this Article.

- E. **Conditional Uses.** The Planning 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 Commission for consideration.

## **SECTION 10 ADMINISTRATION**

- Subd 1. **ZONING ADMINISTRATOR:** A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12 of the Article.
- Subd 2. **PERMIT REQUIREMENTS.** 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.
- Subd 3. 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).
- Subd 4. **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.
- Subd 5. **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:

- A. 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.
- B. Variances shall only be issued by a community upon
  - 1. a showing of good and sufficient cause,
  - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

## **SECTION 11. NONCONFORMING USES**

Subd 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 Section 2 Subd 7 (b) of this Ordinance, shall be subject to the provisions of Sections 11 A – E of this Ordinance.

- A. No such use shall be expanded, changed, enlarged, or altered in a way which 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 Section 11 Subd 1-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 Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure

must meet the standards of Section 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 12 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 12 months.
- E. If any nonconforming use or structure is substantially damaged, as defined in Section 2 Subd 7 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Additionally, any nonconforming structure experiencing a repetitive loss, as defined, shall be considered substantially damaged. The applicable provisions for establishing new uses or new structures in Sections 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 Section 2 Subdivision 7 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 (as required by Section 11 Subd. B above) and the existing nonconforming building must meet the requirements of Section 4 or 5 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

## **SECTION 12. VIOLATIONS IN A FLOODPLAIN DISTRICT**

- Subd 1. In responding to a suspected Floodplain area 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.
- Subd 2. When a violation in a Floodplain area 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 reasonably possible, this information will be submitted to the appropriate DNR and FEMA regional office along with the County's plan of action to correct the violation to the degree possible.
- Subd 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 approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either: 1) issue an order identifying the corrective action 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 thirty (30) days.

- Subd 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.

### **SECTION 13. AMENDMENTS**

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood 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 this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

RESERVED FOR FUTURE USE

# ARTICLE 33 WETLAND REGULATIONS

---

## SECTION 1. INTENT

Wetlands provide a valuable service by improving water quality, providing for flood water retention, reducing runoff, reducing stream sedimentation, and preserving wildlife habitat. For these reasons, Goodhue County intends by this Ordinance to establish a program that will protect, enhance, and conserve the wetlands of Goodhue County by implementing a policy calling for the replacement of all wetlands destroyed or diminished due to unavoidable activities.

## SECTION 2. PURPOSE

This chapter implements the Wetland Conservation Act of 1991, Laws 1991, chapter 354, as amended by Laws 1993, chapter 175; Laws 1994, chapter 627; Laws 1996, chapter 462; Laws 2000, chapter 382; and Laws 2001, chapter 146. This chapter shall be interpreted to implement the purpose of the act, which is to:

- A. achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;
- B. increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;
- C. avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and
- D. replace wetland values where avoidance of activity is not feasible and prudent.

Subd. 1. **Wetlands.** Goodhue County hereby adopts and incorporates MR Chapter 8420 defining and regulating wetlands except as otherwise superceded by the terms of this ordinance. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this subpart, wetlands must:

1. have a predominance of hydric soils;
2. be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. under normal circumstances, support a prevalence of hydrophytic vegetation.
  - A. "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by nonwetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of "a wetland" or "the wetland."
  - B. Wetlands does not include public waters wetlands and public waters unless reclassified as wetlands by the commissioner under Minnesota Statutes, section 103G.201.
  - C. The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). The wetland type must be determined

according to United States Fish and Wildlife Service Circular No. 39. The local government unit may seek the advice of the technical evaluation panel as to the wetland size and type.

### **SECTION 3. WETLAND CLASSES**

The Ordinance addresses the eight wetland classes defined in the U.S. Fish and Wildlife Services *Circular No. 39* and defined in Subdivisions 1 to 8.

- Subd 1. Seasonally Flooded Basins or Flats (Type 1). Soil is covered with water or is waterlogged during variable seasonal periods but usually is well drained during much of the growing season. Vegetation varies greatly according to season and duration of flooding from bottom-land hardwoods to herbaceous growths.
- Subd 2. Inland Fresh Meadows (Type 2). Soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes, and various broadleaf plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.
- Subd 3. Inland Shallow Fresh Marshes (Type 3). Soil is usually waterlogged early during growing season; often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spike rushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on landward side. Also common as seep areas on irrigated lands.
- Subd 4. Inland Deep Fresh Marshes (Type 4). Soil is usually covered with six inches to three feet or more of water during growing season. Vegetation includes cattails, reeds, bulrushes, spike rushes, and wild rice. In open areas, pondweeds, naiads, coon tail, water milfoils, waterweeds, duckweeds, water lilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.
- Subd 5. Inland Open Fresh Water (Type 5). Shallow ponds and reservoirs are included in this type. Water is usually less than ten feet deep and fringed by a border of emergent vegetation similar to open areas associated with inland deep fresh marshes.
- Subd 6. Shrub Swamps (Type 6). Soil is usually waterlogged during growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp-privet. Occur mostly along sluggish streams and occasionally on floodplains.

- Subd 7. Wooded Swamps (Type 7). Soil is waterlogged at least to within a few inches of surface during growth season and is often covered with as much as one inch of water. Occur mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds, smartweeds.
- Subd 8. Bogs (Type 8). Soil is usually waterlogged and supports a spongy covering of mosses. Occur mostly in shallow basins, on flat uplands and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are health shrubs, sphagnum moss, and sedges. Scattered, often stunted, black spruce and tamarack may occur.

#### **SECTION 4. DETERMINATION OF WETLANDS**

- Subd 1. The 1987 United States Army Corps of Engineers *Wetland Manual for Identifying and Delineating Jurisdictional Wetlands* must be used when identifying and delineating wetlands.
- Subd 2. Resource maps maintained at the Soil and Water Conservation District and Land Use Management Offices will be used for preliminary, desk top determination. However, these maps are not considered to be law and site evaluations may be required.

#### **SECTION 5. PROHIBITIONS**

A landowner or agency may not destroy or diminish any state or federally regulated wetland unless a written permit from the appropriate county or state agency is obtained. Additionally, no home sewage treatment or other waste treatment system may be constructed in or deposited upon or within a wetland without approval from the appropriate agency.

#### **SECTION 6. EXEMPTIONS**

Persons proposing to conduct a regulated activity shall contact the Goodhue County Soil and Water Conservation District for advice on determining whether a proposed project is eligible for an exemption or no loss and to evaluate alternatives to avoid or minimize wetland impacts. The Goodhue County Soil and Water Conservation District shall refer applicants to appropriate agencies for necessary permits within wetland areas.

#### **SECTION 7. REPLACEMENT**

- Subd 1. Replacement of wetland impacts greater than one (1) acre in size shall be approved by the Goodhue County Board of Commissioners. All other replacement plan applications will be processed administratively by the Wetland Conservation Act Local Government Unit.
- Subd 2. Replacement must be in a ratio as required by Minnesota Regulations 8420.0522 Subpart 7A, as presently adopted or as modified thereafter.

## **SECTION 8. FEES**

There will be a fee charged to the landowner or agency obtaining a replacement permit for destroyed or diminished wetlands. A fee, as established by the Goodhue County Soil and Water Conservation District may also be charged for any services provided by the Soil and Water Conservation District Office. Said fee will be based on the need for the following: wetland delineation review, replacement plan review, no-loss determination, exemption determination, banking plan review, and annual monitoring reporting.

## **SECTION 9. ENFORCEMENT**

- Subd 1. If a violation of this Ordinance is discovered, a zoning official, a conservation officer or County Sheriff/Deputy may issue a cease and desist order to the responsible party requiring stoppage of the illegal activity. Upon receipt of a cease and desist order, the responsible party shall receive one of the following to the Goodhue County Soil and Water Conservation District: a no-loss determination, a certification of exemption, or an approved replacement plan before the work may proceed.
- Subd 2. A landowner or agency who feels a cease and desist order has been improperly issued must prove the land is not classified as wetland or the activity is exempt from the Wetland Conservation Act of 1991.
- Subd 3. A County Sheriff or Conservation Officer or County Official may issue a citation for a violation of this Ordinance.
- Subd 4. A violation of this Ordinance is a misdemeanor.

# **ARTICLE 34 PT, PARKS AND TRAILS DISTRICT**

---

## **SECTION 1. PURPOSE**

The purpose of this district is to preserve, conserve, and protect open space and recreation areas throughout the County. It is intended that this district will accommodate a wide variety of open space and recreational uses such as conservation of natural amenities, hiking, trails, wildlife habitat, educational programs, and park and recreation facilities among other similar uses. The District shall be applied only to Goodhue County owned property reserved for recreational parks or trails.

The district is intended to coordinate with Goodhue County parks and trails Master Plans and Comprehensive Plans by allowing uses consistent with those plans.

## **SECTION 2. PERMITTED USES**

All amenities and incidental Accessory Uses identified in an approved park or trail master plan or comprehensive plan shall be allowed within the District. Where a parcel is not part of an approved park or trail master plan, the following uses shall be allowed by permit:

- Subd. 1. Park or Recreational Area (operated by a governmental agency)
- Subd. 2. Any agriculture operation including tree farms
- Subd. 3. SES (Commercial or Residential scale)

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

The following uses shall require the approval of a Conditional or Interim Use Permit (including when identified in an approved park or trail master plan):

- Subd. 1. Campground and RV sites
- Subd. 2. SES (Utility-scale)
- Subd. 3. Radio Towers/TV Towers/Transmitters
- Subd. 4. Hunting club or shooting preserve
- Subd. 5. Accessory Uses or amenities, not identified in an approved park or trail master plan or comprehensive plan, with the potential for significant land use impacts to adjacent properties

RESERVED FOR FUTURE USE

# **ARTICLE 35 CS, CONSERVATION SUBDIVISION DISTRICT**

---

## **SECTION 1. PURPOSE**

The Conservation Subdivision (CS) District is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture, and natural resource areas, beyond planned future extension of urban services.

## **Section 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the CS Zoning District shall be as shown in Article 20, Section 7, “Table of Uses”.

## **Section 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the CS Zoning District shall be as shown in Article 20, Section 7, “Table of Uses.”

## **Section 4. ACCESSORY STRUCTURES AND USES**

Accessory buildings in the CS district may be permitted when located on the same parcel as the principal building and shall comply with the following standards:

- Subd. 1. No accessory buildings shall be permitted on a parcel prior to the establishment of the principal building.
- Subd. 2. Detached accessory buildings shall be limited in size to 7,200 square feet in area.
- Subd. 3. Greenhouses, conservatories, swimming pools, tennis courts or similar non-commercial recreational facilities for the private enjoyment and convenience of the residents of the principal use and their guests shall be allowed.
- Subd. 4. Livestock shall be permissible as an accessory use provided no parcel exceeds 9 Animal Units.
- Subd. 5. Any temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

## **Section 5. DIMENSIONAL REQUIREMENTS**

- Subd. 1. Minimum Subdivision Size. The minimum area required for a Conservation Subdivision shall be 40 contiguous acres.
- Subd 2. Density. The maximum density of Conservation Subdivisions without a shared SSTS shall be 4 dwellings. The maximum density of Conservation Subdivisions with a shared SSTS shall be 6 dwellings.

- Subd. 3 Lot Size. Any lot on which a single-family dwelling unit is to be erected shall contain a minimum of 3 acres of Buildable Area. Lots with a shared SSTS shall be a minimum of 2 acres of Buildable Area.
- Subd. 4 Yard Requirements. Every building shall meet the following Yard requirements:
- A. Front Yard.
    1. There shall be a minimum setback of 40 feet from the right-of-way line of any public road or highway.
    2. There shall be a minimum setback of 25 feet from the right-of-way line any private road.
  - B. Side and Rear Yards. Every building shall have a minimum setback of 40 feet.
  - C. Buffer zones. All dwellings and accessory structures shall have a minimum setback of 100 feet from surrounding agricultural uses.
- Subd. 5 Height Requirements. Every building shall have a maximum height of 35 feet.
- Subd. 6 Open Space Requirements. Conservation Subdivisions shall identify a conservation theme. Conservation themes may include, but are not limited to, forest, water quality, farmland, or view-shed preservation. The conservation theme shall guide the location and use of the designated Open Space.
- A. A minimum of 50% of the total acreage in the Conservation Subdivision shall be designated as Open Space.
  - B. Where practical, designated Open Space shall be contiguous with adjacent agriculture, wildlife corridors, forestry, natural habitats, preserves, or trails.

## **SECTION 6. GENERAL DISTRICT REGULATIONS**

- Subd. 1 A proposed Minnesota Statute 505 plat shall accompany all Conservation Subdivision change of zone requests and shall be considered part of the application. The plat must obtain the approval of the Township in which it is located in order to be recorded. No buildings or development may occur on the site until the plat is recorded.
- Subd. 2 Open Space Ownership and Management. All lands and improvements in designated Open Spaces shall be established, managed and maintained in accordance with the following:
- A. Conservation Easement. A permanent Conservation Easement that encompasses the entire Open Space area must be recorded prior to, or at the time of platting.
  - B. Conservation Easements shall be governed by Minnesota Statute 84C.01-84C.05, and include:
    1. The entity to maintain the designated Open Space;
    2. The purposes of the Conservation Easement;

3. The legal description of the land within the easement;
4. The restrictions on the use of the land;
5. A restriction from future dwelling development of the easement;
6. The standards under which the Open Space will be maintained; and
7. Who will have access to the Open Space.

C. All structures located within the designated Open Space must obtain appropriate permits. As part of the permit application, structures must demonstrate they are in harmony with the associated Open Space theme. Shared SSTS and shared wells within the Conservation Subdivision may be located within the Open Space designated parcels if allowed by the Conservation Easement restrictions.

Subd. 3. Public Road Frontage or Road Access Easements Standards:

- A. Each Parcel shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative, a single parcel that does not front on a public road may be permitted upon the recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.