CHAPTER 16: PERFORMANCE STANDARDS

SECTION 16.1: PURPOSE

The purpose of this section is to provide standards for specific uses, including those structures associated with uses listed as permitted, accessory, interim or conditional within the Primary Zoning District or any applicable Overlay Zoning District. The performance standards contained in this Chapter are the minimum requirements for the use or structure and are in addition to any other requirement of this Ordinance or the terms or conditions of any permit issued there under.

SECTION 16.2: GENERAL STANDARDS FOR ALL USES

In addition to the specific standards for uses listed in this chapter, all uses shall comply with the following general standards, when applicable.

16.2.1 All uses and any structures serving those uses, whether Permitted, Interim, or Conditional shall comply with all applicable Federal, State and County laws, rules and regulations, as well as the provisions of any permit issued there under.

16.2.2 All uses, including any structures serving the use, where required by law, shall obtain the appropriate licenses for their use or structure.

16.2.3 All land development and/or accessory uses associated with any use shall comply with the applicable General Development Standards of Chapter 17 of this Ordinance.

16.2.4 The sewage treatment system serving the proposed use or any structure associated with the use shall comply with the *Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor,* or Minnesota Rules Chapter 7080 through 7083, when applicable. The sewage treatment system shall be designed to adequately treat the predicted volume and type of sewage expected from the use or structure based upon the maximum permitted occupancy or expected usage. When sewage treatment is required, no land use permit shall be issued at sites where the sewage treatment cannot be addressed or until the Department's SSTS Coordinator accepts a completed application and authorizes Zoning to proceed with the permitting.

16.2.5 All on-site wells shall comply with Minnesota Department of Health requirements. Uses which require appropriation wells shall be required to obtain an Appropriation Permit from the Minnesota Department of Natural Resources.

16.2.6 Any structure associated with the proposed use, whether Permitted, Conditional, or Interim shall meet the performance standards for the use and the Primary or Overlay Zoning District in which it is located.

16.2.7 The parcel on which the use is proposed must be able to sustain itself for the intended purpose and meet the performance standard for the use. This may require an increase in the minimum lot size from those listed in the applicable Primary or Overlay Zoning District.

16.2.8 No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air- pollution, light, glare, heat, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition.

16.2.9 No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any standard contained in this Ordinance or any other applicable federal, state or local regulation.

16.2.10 Any use that is determined to be a "public nuisance" shall be prohibited.

SECTION 16.3: ACCESSORY BUILDINGS

16.3.1 SETBACKS

In addition to the general standards listed below, accessory buildings devoted to a use regulated under this Ordinance shall meet the specific setbacks for the use.

RESOURCE/USE	ACCESSORY BUILDING SETBACK DISTANCE
Dwelling	10'
Septic/Pump Tank	10'
Drainfield*	20'
Well	3'

Road right of way	50'
Property Line #	25'/10'
OHW	100'

*Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

The property line setback for accessory structures may be reduced to ten (10) feet if the landowner signs and records the Agricultural Covenant identified in Section 8.2 of this Ordinance and installs measures (rain gutters, diversions, etc.) to prevent or mitigate the impacts from roof drainage and increased impervious surface onto adjacent agricultural land.

16.3.2 PERFORMANCE STANDARDS

A. There is no limit to the number of agricultural accessory buildings per agricultural parcel, provided the maximum impervious surface coverage of the lot does not exceed twenty-five percent (25%) when located within the Shoreland Overlay District.

B. The maximum number of residential accessory buildings that may be constructed on a lot in the Shoreland Overlay Zoning District is two (2), provided the maximum impervious surface coverage of the lot does not exceed twenty-five (25%) percent.

C. No business/commercial use or commercial related storage is allowed in any accessory building, except as otherwise allowed within the appropriate zoning district and permitted with issuance of a Conditional Use Permit or Interim Use Permit.

D. No accessory building shall be used as dwelling for any period of time.

E. New accessory buildings located within the Floodplain Overlay District are prohibited.

F. In the Shoreland Overlay District, the exterior color, design and/or material of residential accessory buildings shall be similar to the principal residential building on the lot. Galvanized metal siding and galvanized metal roofs shall not be allowed.

G. Decks are not allowed on any accessory buildings.

H. New accessory buildings or additions/modification of existing accessory buildings used to shelter domestic farm animal regulated under Minnesota Rules Chapter 7020 shall meet the performance standards of Section 16.24 of this Chapter.

I. An accessory building which meets the definition of a *Kennel is* required to be properly permitted and must meet the

performance standards of this Chapter, based upon the type of proposed kennel.

SECTION 16.4: ACCESSORY STRUCTURES

An *Accessory Structure* is any structure that requires location on or in the ground or attachment to something having a location on the ground; and is subordinate to and serving the principal use and/or structure on the same lot and customarily incidental thereto. Accessory Solar Energy System, addressed under Section 16.45 of this Chapter, may be permitted on a parcel that is separate from and adjacent to the parcel on which the principal use(s) are located, provided:

A. The sole purpose of the accessory solar energy system is to serve the principal use(s) located on the separate and adjacent parcel.

B. The accessory solar energy system is subordinate to the principal use(s) of the property

16.4.1 PERMITS REQUIRED

Unless exempt under Section 18.12.2 of this Ordinance, *Accessory Structures* require a Zoning Permit and shall meet the setbacks for *Accessory Buildings* of Section 16.3.1.

SECTION 16.5 ADULT USES

Under Minnesota Statutes 617.242, Subdivision 3 "…If an adult entertainment establishment is located within 50 miles of the boundaries of a county, the county board is not required to provide by zoning or otherwise for a location within the county limits in which an adult entertainment establishment may be located."

Under this statute, Dodge County is not required to provide by zoning or otherwise for a location within the county In the event this Statute is repealed, overturned or otherwise cannot be enforced or there is no Adult Use located within fifty (50) miles, Dodge County will regulate Adult Uses in accordance with the provisions of this Section.

In any instance where the general performance standards listed in this section are less restrictive than the Minnesota Statutes and Rules that govern Adult Uses, the more restrictive provisions shall apply.

16.5.1 PERFORMANCE STANDARDS FOR ALL ADULT USES

A. PROPERTY LINE SETBACKS

RESOURCE/USE	PROPERTY LINE SETBACK DISTANCE
Areas zoned RR, X, UX or SH	1320'

Hotel, motel, bed & breakfast, retreat or other lodging	1320’
Public park	1320
Public Library	1320’
Hospitals and clinics as defined by MN Statutes 144.50	1320’
Nursing homes as defined by MN Statutes 144.50	1320’
Existing dwellings	1320’
Public or private schools as defined in MN Statutes 120A.22, or successor	2800’
Other public or private education center	2800’
Church, synagogue, mosque or other place of worship	2800’
Adult daycare or family adult day service facility	2800’
Drop in child care program	2800’
School age child care program	2800’
Family day care or group family daycare	2800’
Any residential or nonresidential program as defined in MN Statutes 245A.02, or successor	2800’

B. The setback for all new uses identified 16.5.1.A above shall be reciprocal.

C. Activities that are "obscene" as defined by Minnesota Statutes, 617.241, or successor statutes, are prohibited.

D. Acts which constitute "indecent exposure" as defined in Minnesota Statutes 617.23, or successor statutes, are prohibited.

E. Principal or Accessory Adult Uses which are determined to be a "public nuisance" as defined by Minnesota Statutes 617.81, or successor statutes, shall not be allowed to continue.

F. Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.

G. Adult uses, either principal or accessory, shall be prohibited from being located in any place that is also used to dispense or consume alcoholic beverages.

H. All adult uses shall be conducted wholly within the principal structure.

I. Adult Uses shall be prohibited at any public show, movie, caravan, circus, carnival, fair, theatrical or other performance or exhibition presented to the general public where minors are permitted.

J. Exterior Display. Adult Uses shall not be constructed or operated in any manner that permits the observation of any person or material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", from any public way or from any property not permitted an Adult Use. This provision shall apply to any display, decoration, sign, show window or other opening.

K. In addition to Section 16.5.1.J above, signs shall be subject to the following:

I. Signs shall be generic in nature and shall only identify the business name.

II. Signs shall not contain material classified as advertising.

III. Signs shall comply with the performance standards for signs in this Ordinance.

IV. All Adult Uses shall prominently display at all public entrances, located within two feet (2') of the door opening devise of the business establishment or section of the establishment devoted to Adult Uses a sign which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter": The sign shall be in clear legible letters each letter being at least two inches (2") in height.

L. Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty square feet (250 s.f.), including access drives, a width not less than eight and one-half feet (8 ½') and a depth of not less than twenty feet (20'). Each space shall be adequately served by access drives.

I Adult Uses (Principal) must provide one (1) parking space for each seventy-five square feet (75 s.f.) of floor area of permitted premises.

II Adult Uses (Accessory) must provide one (1) parking space for each one hundred square feet (100 s.f.) of floor area of the permitted premise.

M. Other Uses – Any Adult Use not specifically defined shall comply with the performance standards and intent of the Adult Uses Section of this Chapter.

16.5.2 ADDITIONAL PERFORMANCE STANDARDS- ADULT USES (PRINCIPAL)

In addition to the general standards for Adult Uses listed in Section 16.5.1, Adult Uses (Principal) shall meet the following performance standards without variances.

A. Each use listed under Adult Uses (Principal), as defined in this Ordinance, shall be classified as an individual use. No two Adult Uses (Principal) shall be located in the same building or upon the same property.

B. An Adult Use (Principal) shall not be located within one thousand five hundred feet (1500') of another Adult Use (Principal).

C. Adult Uses (Principal) shall only be open from the hours of 2:00 p.m. to 10:00 p.m, Tuesday through Saturday each week and shall not be open for business on a Sunday or legal holiday. Hours and days of operation may be further limited by the conditions of the Interim Use Permit.

16.5.3 ADDITIONAL PERFORMANCE STANDARDS- ADULT USES (ACCESSORY)

In addition to the general standards for all Adult Uses listed in Section 16.5.1, Adult Uses (Accessory) shall also comply with the following standards:

A. An adult use that does not qualify as an Adult Use (Accessory) shall be classified as an Adult Use (Principal).

B. Adult Uses (Accessory) shall comprise no more than ten percent (10%) of the floor area of the establishment in which it is located and no more than twenty percent (20%) of the gross receipts of the entire business operation on the premises, or involve or include any activity except the sale or rental of merchandise.

C. Adult Uses (Accessory) shall be restricted from, and prohibit access to, minors by the physical separation of such items from areas of general public access;

I. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible fro the operation. Doorways shall have doors removed.

II. Magazines. Publications classified or qualifying as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

D. Adult Use (Accessory) shall be prohibited from both internal and external advertising of adult materials and products.

SECTION 16.6 ADVERTISING SIGNS (BILLBOARDS & OTHER OFF-PREMISE ADVERTISING)

16.6.1 PERFORMANCE STANDARDS

Advertising Signs shall comply with Minnesota Rules Chapter 8810, or successor.

A. Advertising signs shall be allowed within the Commercial Zoning District with issuance of a Conditional Use Permit (CUP);

B. A Zoning Permit shall be required for each off-premise advertising device.

C. Advertising signs shall not exceed a total area of three hundred square feet (300 s.f.);

D. Advertising signs shall be separated by at least one thousand feet (1,000') when located on the same side of a road;

E. Advertising signs shall not exceed twenty-five feet (25') above the average ground level at the base of the sign;

F. Off-premise advertising devices shall meet the following setbacks.

RESOURCE/USE	SIGN SETBACK DISTANCE (ft)
From ROW	10'
Property Line	10'
Intersection of public road	500'
Church	100'
School	100'
Residential Zone	100'
Playground	100'
Railroad crossing	500'
Public parks	500
Historic sites	500

Public picnic and rest areas	500

G. A performance bond in a sum determined by the County Board to be adequate to decommission the off-premise advertising device and restore the site shall be required. The requirement for the bond shall be included as a condition of the CUP must be submitted to the Environmental Services Department to include with the CUP prior to the issuance of the Zoning Permit. The bond shall be re-issued on an annual basis until the off-premise advertising devices are removed. Upon removal of the off-premise advertising device at the owner's expense and to the satisfaction of the Environmental Services Department, the bond shall be returned. No interest shall be provided for the bond.

SECTION 16.7 AGRICULTURALLY ORIENTED BUISINESS

16.7.1 PERFORMANCE STANDARDS

A. The site shall be served by a minor collector or higher functional classification of roadway.

B. All structures not exempted under Chapter 18 require a Zoning Permit. All accessory structures, whether permanent or temporary shall meet the minimum setback requirements of the primary or overlay district in which it is located. No temporary structures shall be erected in any road right of way.

C. The grounds and all structures shall be maintained in a clean and safe manner.

D. Businesses which rely on the presence of domestic farm animals, such as stables and "farm" based petting zoos, shall be registered with the county as feedlots and shall comply with the requirements of Minnesota Rules Chapter 7020 and 7035, or successor, and the USDA, where applicable.

E. Businesses which host special events shall require such events to be addressed and approved as part of any required permit.

F. Where seasonal produce/harvest sales stands are an accessory use to an allowed Agriculturally Oriented business, the following shall apply:

I. No sales shall take place in the public right-of-way of any Federal, State, County or Township roadway.

II. Any temporary structure placed on the property for seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed 120 square feet.

III. All structures, including temporary structures, shall meet the minimum setback requirements for Accessory Buildings listed in Section 16.3 of this Chapter.

SECTION 16.8 AIRPORTS

16.8.1 PERFORMANCE STANDARDS- PRIVATE AIR STRIPS

A. The private airstrip shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. A private airstrip shall be subject to all applicable provisions of Minnesota Rules, Chapter 8800; or successor rules.

C. The location of private air strips shall be identified on zoning maps.

16.8.2 PERFORMANCE STANDARDS- PUBLIC AIRPORTS

A. A public airstrip shall be subject to all applicable provisions of Minnesota Rules, Chapter 8800; or successor rules.

B. Public airports and airport zoning areas shall be identified on the official zoning maps of the county. The appropriate local governmental unit shall be required to review and approve all permits issued within the identified Airport Zone.

SECTION 16.9 AQUACULTURE

16.9.1 PERMITS REQUIRED

Excavation for ponds which exceeds fifty (50) cubic yards of material shall require a CUP an all zoning district in which they are allowed.

16.9.2 PERFORMANCE STANDARDS

A. All aquaculture operations shall comply with the standards set forth in Minnesota Statutes, 17.46 to 17.4999; or successor

B. Aquaculture operations shall be properly licensed by the State and shall comply with Minnesota Rules Chapter 7053.0405; or successor

C. In order to protect surface and groundwater resources, aquaculture operations may be required to include wastewater treatment or to

be closed loop systems with no discharge.

SECTION 16.10 BIOFUEL PROCESSING, DISTILLATION OR REFINING

16.10.1 PERFORMANCE STANDARDS

A. The use shall comply with all applicable Federal, State and County rules and regulations.

B. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.

C. Adequate wastewater and drinking water facilities shall be provided.

D. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the primary structure.

E. A transportation management plan shall be submitted to address off-street parking, loading and unloading, internal circulation, traffic control and the impact of the facility on surrounding roadways. The transportation management plan shall include estimates of the number and type of vehicles using the parcel daily and monthly, the times of day when the highest and lowest number of vehicles will be present and other information deemed relevant to assess potential transportation impacts.

F. An environmental management plan, including a water and sewer management plan to address the use of water and treatment of waste on-site and a stormwater and drainage plan shall be submitted to address the impact of the facility on the environment.

G. Soils shall be adequate to accommodate the proposed used.

H. The use is not allowed within the Shoreland or Floodplain Overlay District.

I. A materials management plan shall be submitted to address storage, handling, use and potential hazards associated with hazardous materials.

J. An emergency management plan shall be submitted to the Emergency Management Director to address preparedness for, and planned response to, emergency situations likely to be posed by

the use.

K. Parking shall meet the general development standards for Parking of Chapter 17.

L. Lighting shall meet the general development standards for Lighting of Chapter 17.

M. Signage shall meet the general development standards for Signs of Chapter 17.

N. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

SECTION 16.11 CAMPGROUNDS (PRIMITIVE, GROUP, & RECREATIONAL VEHICLE)

16.11.1 APPLICATION REQUIREMENTS

An application for a Conditional Use Permit to establish a Campground shall be submitted on forms provided by the Environmental Services Department. The application is not considered complete unless the applicant provides a general development plan for the proposed Campground which includes the following:

A. The proposed project and existing land use

B. A map of surrounding land use within 1320 feet (¼ mile) of the property

C. The proposed size, location, use and arrangement of buildings and campsites

D. The location and arrangement of group kitchen, if applicable

E. The location and arrangement of picnic areas

F. The location and arrangement of parking areas

G. Entrance and exit drives

H. Proposed sanitary facilities (showers, toilets, dump stations). The plan should identify specific locations of individual facilities as well as the sewage treatment system for the campground, if not connected to city sewer.

I. Proposed location of water systems or the on-site well.

J. Proposed stormwater retention/infiltration areas

K. Recreation areas

L. A site size appropriate to meet all spacing requirements shall be provided for each recreational camping vehicle in camping areas.

M. Where applicable, the regulatory floodplain and shoreland areas shall be clearly identified on the map. All land within the floodplain district shall be designated as "open space."

16.11.2 PERFORMANCE STANDARDS FOR ALL CAMPGROUNDS

A. Temporary or permanent shelters, buildings, primitive campsites or RV campsites are not permitted in areas identified as floodplain. Any area of the campground that falls within the Floodplain Overlay District shall be used only as open space.

B. Unless exempt under Chapter 18, Section 18.12.2, all structures shall require a Zoning Permit.

C. Temporary or permanent shelters and all campsites must meet the structure setbacks of the Primary or Overlay Zoning District in which it is located.

D. A responsible attendant or caretaker shall be in charge of every recreational camping area during times of operation. The duties of the attendant shall be to maintain records of the park and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker shall be the owner or operator of the camping area or be the appointed representative.

E. Any structure which provides service or entertainment for campground guests shall be provided with:

I. Electricity

II. Indoor restroom facilities, including wash basins,

III. Hot and cold running water facilities,

IV. An adequate heating system based on floor area and occupancy criteria, and

V. Facilities for maintaining access routes, when operated on a year-round basis.

F. WATER SUPPLY

I. Campgrounds shall not be located in areas where drainage from the park or camp area will endanger any water supply.

II. Every Campground shall be provided with an adequate water supply system, the location, construction, and operation of which complies with the Minnesota Department of Health.

G. SEWAGE TREATMENT

I. The method of sewage treatment shall require approval of the Dodge County Environmental Services Department. Sewage treatment shall meet the requirements of Minnesota Rules Chapter 7080 through 7083, as amended.

II. Wastewater and/or sewage from Campgrounds shall not be deposited on the surface of the ground.

III. Wastewater and/or sewage treatment systems shall not be located in any areas identified as floodplain.

IV. Separate dump stations shall be provided for self-contained travel trailers, converted buses, or trucks.

V. When a central building with water under pressure is provided, the following fixtures shall be supplied:

a. One (1) wash basin for each ten (10) sites
b. One (1) lavatory for each ten (10) sites
c. One (1) shower for each fifteen (15) sites

VI. Every Campground shall be provided with adequate toilet facilities or privies. Water flush toilets shall be provided wherever a municipal sewage treatment system can be operated and where water under pressure is available for the operation of water flush toilets.

VII. For group campgrounds and RV campgrounds, there shall be a minimum of one (1) complete set of fixtures for each sex.

VIII. Separate facilities shall be provided for each sex.

IX. Toilets must be well ventilated and lighted. Artificial lighting shall be provided after daylight hours.

X. The location of all toilets shall be indicated by suitable signs.

XI. Vault toilets shall be located at least fifty (50) feet from the nearest camp site;

H. OTHER LIQUID WASTES –Liquid waste disposal facilities shall be constructed for each four (4) sites to receive dishwater and other liquid wastes.

I. GARBAGE AND REFUSE – Open refuse dumps are prohibited. One garbage and refuse containers shall be supplied for every four (4) campsites. In addition, garbage and refuse containers shall be:

I. Stored and disposed of in a manner that will not create a nuisance condition or provide a breeding place for flies.

II. Constructed of nonabsorbent materials with tight fitting lids.

III. Located within all buildings, recreation and picnic areas located on site

IV. Located less than two hundred (200') feet from the farthest campsite.

V. Emptied regularly for disposal in accordance with Dodge County Solid Waste and Recycling Ordinance.

J. STORM SHELTERS - Adequate severe weather shelters shall be provided.

16.11.3 ADDITIONAL STANDARDS FOR RECREATIONAL VEHICLE PARKS

A. Recreational vehicles are only allowed in sites specifically permitted for recreational vehicles. Only one (1) recreational vehicle is allowed per individual site.

B. The site shall be served by a minor collector or higher functional classification of roadway.

C. A transportation management plan shall be submitted to address off-street parking, traffic control and the impact of the facility on surrounding roadway. In addition, parking shall meet the requirements Chapter 7 of this Ordinance.

D. A water and sewage treatment management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment. The plan shall require prior approval by the Environmental Services Department and all facilities shall obtain proper permits and approvals from the appropriate local, state or federal permits and approvals.

E. Recreational vehicle site density shall be subject to approval of the Dodge County Board.

F. All recreational vehicle park sites shall have direct access to an internal circulation roadway.

G. All recreational vehicles shall be located at least one hundred (100') feet from the right of way of any public street, road or highway and at least eighty (80') feet from other property boundary lines.

H. The storage, use or occupancy of manufactured homes or park model homes in a recreational vehicle park is prohibited.

I. Recreational vehicle park sites are not permitted to be used as residences. Recreational vehicles shall not be permitted to remain at the park/campground for longer than three (3) months in any one (1) year period.

J. The addition of any structures to any of the park/camp sites that was not permitted with the original CUP shall require and amended CUP. The construction of decks, patios, fences or other such structure that would typically be associated with permanent residences are prohibited.

K. At least 25% of the Recreational Vehicle Park area shall be dedicated as permanent open space which may be used for passive or active recreation. Roads shall not be used to calculate the required open space.

L. All buildings, structures, recreational vehicles and parking areas shall meet the setback requirement of the applicable zoning district.

M. Recreational vehicle parks located within the Shoreland Overlay district shall also meet the provisions of Chapter 14 of this Ordinance.

N. Signs shall meet the requirements of Chapter 17 of this Ordinance.

SECTION 16.12 CEMETERIES

Cemeteries shall meet the requirements of Minnesota Statutes Chapter 306 or 307 as applicable, or successor statutes.

16.12.1 PERFORMANCE STANDARDS

A. Burial plots, grave markers, monuments and building shall meet the setback requirements of the primary or overlay district in which it is located.

B. Grave sites and structures used for burial or entombment shall be setback one hundred feet (100') from wells, surface water bodies, watercourses, and wetlands.

C. Grave sites and structures used for burial or entombment are prohibited within the Floodplain Overlay Zoning District.

D. Pet cemeteries may be permitted as an accessory use on existing cemetery property and shall follow any applicable rules regulating burial of the Minnesota Board of Animal Health and Minnesota Pollution Control Agency.

SECTION 16.13 CHURCHES

16.13.1 PERFORMANCE STANDARDS

A. The facility shall be served by a minor collector or higher function classification of roadway.

B. The parcel shall have a lot area no less than four times the area of the building footprint.

C. Stormwater from impervious surfaces should be adequately treated, contained and infiltrated on site when feasible. In instances where site is connected to a public sewer, the site shall provide for pretreatment of runoff prior to release into the stormwater conveyance or sewer system

D. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways

E. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

F. All accessory residential, school or day care uses shall be subject to the provisions of this Ordinance.

SECITON 16.14 CONCRETE (READY MIX) OR ASPHALT MIXING FACILITY

16.14.1 PERMIT REQUIRED

A concrete or asphalt mixing facility shall require an Interim Use Permit (IUP) on a temporary basis in all zoning districts in which they are listed as an Interim Use. Where the mining of on-site materials are proposed, the site must also meet the requirements of Section 16.38 which addresses Non-Metallic Mines.

16.14.2 PERFORMANCE STANDARDS

A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.

B. The parcel shall meet the minimum lot size of the district in which it was located.

C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

D. Buildings and processing structures shall at a minimum meet the following setbacks:

I. The processing, crushing, screening, mixing, etc. of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.

E. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the parcel. When the adjacent use is not industrial, storage areas shall be fenced and adequately screened from adjacent non-industrial land uses and public road was in accordance with the general development standards for Screening of Chapter 17.

F. A transportation management plan shall be submitted to address off-street parking, loading and unloading, internal circulation, traffic control and the impact of the facility on surrounding roadways. The transportation management plan shall include estimates of the number and type of vehicles using the parcel daily and monthly, the times of day when the highest and lowest number of vehicles will

be present and other information deemed relevant to assess potential transportation impacts.

G. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a stormwater and drainage plan shall be submitted to address the impact of the facility on the environment. The plan shall also address environmental protection measure for processing, use, transportation, storage, treatment (if applicable) and disposal of any chemicals, hazardous materials and/or bi-products on site.

H. All parking areas, turning areas, loading areas and access drives to parking and loading areas shall be durable and dustless.

I. Lighting shall meet the general development standards for Lighting of Chapter 17.

J. All noise, dust, vibration, glare and other nuisances shall comply with the General Health, Safety and Welfare Standards of Chapter 17.

K. All hours of operation shall be established in the permit as approved by the Board.

L. An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Signs required by this section shall be clearly visible from the public road and shall conform with the general development standards for Signs of Chapter 17.

M. A performance surety, payable to Dodge County, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any expenses, labor and or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or Ordinance. This option may be executed one hundred eighty (180) days after written notice of non-compliance to the applicant.

SECTION 16.15 DAYCARE

16.15.1 PERFORMANCE STANDARDS

Family Day Care and Group Family Day Care facilities shall comply with the following standards:

A. The use shall comply with all applicable Federal State and County rules and regulations.

B. The daycare shall be owner-operated.

C. The building and any exterior fenced areas shall meet the setback standards for a single family primary dwelling in the district in which it is located.

D. The exterior appearance of the structure shall not be altered from its single-family character.

E. The sewage treatment system shall be able to provide adequate sewage treatment based upon the facilities located on site, predicted design flow and the maximum occupancy as verified by the SSTS Coordinator. The permittee shall submit a maintenance plan that must be approved by the Department.

F. For child day care facilities, the play area location and fencing is subject to inspection and licensing requirements of Dodge County Human Services, when applicable.

G. The grounds and building shall be maintained in a clean and safe manner.

H. Parking shall meet the general development standards for Parking of Chapter 17.

I. Loading shall meet the general development standards for Loading of Chapter 17.

J. When the day care facility is located in church or school building originally constructed for use as a church or school, the use shall be treated as accessory use.

K. Group Family Day Care shall be licensed under Minnesota Rules Chapter 9502.0315 to 9502.0445, or successor, to serve fourteen (14) or fewer children pursuant to Minnesota Statutes 245A.14, or successor statutes.

L. Daycare facilities shall not be located within one thousand (1000) feet of registered feedlot of 30 AU or more.

M. No other commercial use shall occur on the property of

lodging establishments, including home occupations

N. One nameplate sign, not exceeding nine (9) square feet shall be permitted and must meet the general development standards for Signs of Chapter 17.

SECTION 16.16 DEMOLITION DEBRIS DISPOSAL FACILITY (CLEAN FILL)

16.16.1 PERFORMANCE STANDARDS

A. Any approval for a Demolition Debris Disposal Facility (Clean Fill), shall be conditioned upon the permittee obtaining a permit from the Minnesota Pollution Control Agency for the site.

B. The disposal of any demolition debris in Dodge County must conform to the requirements of the *Dodge County Solid Waste Ordinance No. 1*, or successor.

C. The identification of the site as a demolition debris disposal facility shall be listed on the deed and filed in the Dodge County Recorder's office.

SECTION 16.17 DEMOLITION DEBRIS LAND DISPOSAL FACILITIES AND DEMOLITION DEBRIS TRANSFER STATIONS

16.17.1 PERFORMANCE STANDARDS FOR DEMOLITION DEBRIS LAND DISPOSAL FACILITIES

A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible authority grants written permission for such use at the proposed location.

B. The site shall be located at least one thousand (1000) feet from:

I. Dwellings or commercial buildings
II. Private or public water supply wells
III. Buildings with basements

The setback for dwellings and buildings with basements from existing demolition waste disposal facilities shall be reciprocal.

C. The facility operator or owner shall submit with the CUP application (if required) information regarding the surroundings, any potential environmental hazard, sanitary facilities and waste disposal,

lighting, hours of operation, and other issues identified as relevant to the proposed use.

D. A transportation management plan shall be submitted with the CUP application to address off-street parking, loading, and unloading, traffic control and the impact of the facility on surrounding roadways.

E. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with Chapter 17 of this Ordinance.

F. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.

G. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.

H. A water and sewer management plan shall be submitted with the CUP application to address the use of water and the treatment of waste on-site and the impact on the environment.

I. An operations plan addressing air quality, dust management, sound attenuation and vibration dampening shall be submitted with the CUP application for approval.

J. Access to the site shall be controlled to prevent unauthorized dumping.

K. In the event that the facility ceases operation, the owner or operator shall close the facility in a manner that prevents the escape of pollutants to ground water or surface waters, to soils or to the atmosphere during post closure periods.

L. The owner or operator will be required to submit with the CUP application a financial guarantee to the County to ensure compliance with the permit and the closure requirements. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.

M. The placement and operation of Solid Waste Disposal Facilities shall be prohibited in the Floodplain and Shoreland Overlay Districts.

16.17.2 PERFORMANCE STANDARDS FOR DEMOLITION DEBRIS TRANSFER STATIONS

A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible road authority grants written permission for such use at the proposed location.

B. A transfer station shall have a lot area no less than four times the area of the building footprint.

C. The Transfer Station shall be located no closer than one thousand (1,000) feet from the nearest dwelling or commercial building.

D. The facility operator or owner shall submit information with the application to the Department regarding the surroundings, any potential environmental hazard, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.

E. A transportation management plan shall be submitted with the CUP application to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.

F. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of the underlying zoning district.

G. All loading and unloading facilities shall be located on the rear or side of the structure or be screened from view from all public roadways and adjacent residential uses in accordance with Chapter 17 of this Ordinance.

H. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with Chapter 17 of this Ordinance.

I. A drainage system and Stormwater Management Plan shall be submitted with the CUP application.

J. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.

K. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.

L. A water and sewer management plan shall be submitted with the CUP application to address the use of water and the treatment of waste and the impact on the environment.

M. An operations plan addressing air quality, dust management, sound attenuation and vibration dampening shall be submitted with the CUP application for approval.

N. Access to the site shall be controlled to prevent unauthorized dumping.

O. The owner or operator will be required to submit a financial guarantee to the County to ensure compliance with the permit and the closure requirements. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.

SECTION 16.18 DRIVE-IN FACILITIES (DRIVE UP BUSINESES)

16.18.1 PERFORMANCE STANDARDS

A. SETBACKS

RESOURCE/USE	DRIVE-UP BUSINESS SETBACK DISTANCE
CHURCH	500’
SCHOOL	500'
RESIDENTIALLY ZONED DISTRICT	300'
INTERSECTING ROW	50'

B. Drive up business shall not be located on any street other than a thoroughfare or business service road;

C. A minimum of thirty percent (30%) of the gross lot area shall be landscaped;

D. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street;

E. Adequate provisions shall be made for dust control if the lot serving the drive up business is unpaved.

F. Stormwater from impervious surfaces should be adequately treated, contained and infiltrated on site when feasible. In instances where site is connected to a public sewer, the site shall provide for pretreatment of runoff prior to release into the stormwater conveyance or sewer system.

G. Lighting shall have no direct source visible from the public right-of-way or adjacent land;

H. An approved screening plan shall be submitted as a part of this development type when abutting a residential zoning district. The screening material, whether fence or vegetation, shall be:

I. A minimum of fifty percent (50%) in opacity;

II. No more than six feet (6') nor less than four feet (4') in height;

III. Constructed along the property line abutting any residentially zoned property.

SECTION 16.19 DWELLING UNITS – SINGLE FAMILY PRIMARY

16.19.1 PERFORMANCE STANDARDS

In all zoning districts where Single Family Primary Dwelling Units are allowed, the following standards shall apply. For performance standards addressing Temporary Second Dwelling Units, see Section 16.20 of this Chapter.

A. There shall be no more than one (1) Single Family Primary Dwelling Unit on any one (1) parcel of land.

B. The proposed parcel for the Single Family Primary Dwelling Unit shall be reviewed and approved by the Environmental Services Department under the appropriate process identified this Ordinance. No proposed parcel will be approved where a later variance from one or more standards from the Zoning Ordinance would be needed to use the lot for the intended purpose.

C. The Single Family Primary Dwelling Unit shall meet all performance standards and requirements of this Ordinance and the *Dodge County Subsurface Sewage Treatment System Ordinance No. 4*, or successor without the need for variances.

D. The density of single family primary dwellings shall meet the general development standards of Chapter 17 of this Ordinance.

E. No basement or cellar, except when used as a portion of the living space of a single family home or as an earth sheltered home shall at any time be used as a residence or dwelling unit, temporarily or permanently.

F. No tent, house trailer, camper trailer, camper bus, or accessory building shall at any time be used as a residence or dwelling unit. Existing accessory buildings may be used as temporary quarters

during construction or reconstruction of a dwelling for no more than eight (8) months, provided:

I. The site has adequate sewage treatment for the anticipated use of the accessory building as determined by the Environmental Services Department, and

II. The dwelling which the accessory building serves is actively under construction at the time of the occupancy of the accessory building.

G. No dwelling shall be less than fourteen (14) feet in width at its narrowest side.

H. All dwelling units shall be affixed to a permanent foundation.

I. All manufactured homes utilized for dwelling units shall display a seal which certifies it meets the construction, plumbing, electrical, and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute (ANSI).

J. Dwelling units or other accessory structures shall not be permitted in areas classified as wetlands, peat and muck, and other areas of poor drainage as determined by USDA's web soil survey of Dodge County.

K. Dwelling Units shall not be permitted on land which has a slope of twelve percent (12%) or greater, unless:

I. The application for the zoning permit is accompanied by an engineer's report showing adequate footings can be constructed, and

II. Drainage plans address the prevention of erosion during and after construction, and

III. Grading plans have been prepared for the site.

L. Any land disturbing or development activities on land which has a slope of eighteen percent (18%) or greater is prohibited.

M. Proposals to construct, alter, or relocate dwellings shall conform to all other applicable regulations of Dodge County and state and/or federal law, rules and regulations.

N. New dwelling units shall not be located within any areas identified

as regulatory floodplain. Existing (pre-firm) dwelling units located within the Floodplain Overlay District, where the lowest floor is below the RFPE are considered nonconformities and regulated according to the provisions of Chapter 6 and Chapter 15 of this Ordinance.

O. Dwelling units shall be served by a sewage treatment system compliant with the *Dodge County Subsurface Sewage Treatment System Ordinance No. 4*, or successor.

SECTION 16.20 DWELLING UNITS – TEMPORARY SECOND

16.20.1 PERFORMANCE STANDARDS

A. All Temporary Second Dwelling Units (TSDU) permitted under an Interim Use Permit (IUP) shall be a mobile or modular home that meets or exceeds the current Federal and State Mobile/Manufactures Home Construction safety standards and certifications. No accessory building shall be permitted as a Temporary Second Dwelling Unit for any period of time.

B. The area between the bottom of a mobile home utilized as a TSDU and the ground shall be skirted with a fireproof material harmonious with the appearance of the mobile home and provide access for inspection and maintenance. Plywood, hardboard, cardboard, or baled hay or straw shall be prohibited.

C. The TSDU, if not placed on a permanent foundation, shall be anchored or tied down in accordance with the manufacturer's specifications.

D. The TSDU shall be permitted by an Interim Use Permit (IUP).

I. EXPIRATION. An IUP for a TSDU shall expire five (5) years from the date of County Board approval. In the event the IUP is expired, a new IUP shall be required.

II. TERMINATION. An IUP shall be terminated

a. If any of the terms of conditions defined in the Interim Use Permit are violation, or;

b. If any of the parties identified in the Interim Use permit (owner and/or applicant) no longer occupy the property.

In the event the IUP is considered terminated, a new IUP shall be required.

III. EXTENSION. An IUP for a TSDU may be extended for one (1) additional five (5) year term, provided;

a. The IUP is not null and void under the terms of Section 16.20.D.I or 16.20.D.II, above.

b. The IUP extension request is accompanied by a signed statement from other landowners in the quarter section who are eligible for a TSDU, which indicates they understand they are foregoing their right to a TSDU for an additional five (5) year time period, and

c. The extension request is received by the ES Department a minimum of ninety (90) days before expiration, and;

d. The County Board approved the extension request before the expiration date of the IUP, which is five (5) years from the date of original County Board approval.

E. At the time of expiration or termination for the IUP, the TSDU shall be removed from the premises within sixty (60) days.

F. The TSDU shall be a minimum of fourteen (14) feet in width at its narrowest side.

G. The water supply system serving the TSDU shall meet all applicable Minnesota Department of Health requirements for water wells (MN Rules, Chapter 4725, or successor.)

H. The sewage treatment system serving the TSDU shall meet the requirements of the *Dodge County Sewage and Wastewater Treatment Ordinance No. 4*, or successor.

I. A new access for a TSDU shall be prohibited. TSDUs shall use the existing road access driveway of the existing Single Family Primary Dwelling Unit.

J. The TSDU shall be located within the existing building site of the Primary Dwelling Unit and shall not take existing agricultural land out of production.

K. The TSDU shall meet all setbacks of the Primary and/or Overlay Zoning District in which it is located.

L. The lot, parcel or tract of the property proposed for the TSDU shall be no less than the minimum size of the Primary and/or Overlay District in which it is located. However, the lot must also be of

sufficient size to sustain a TSDU, the well, sewage treatment system and all other setbacks without the need for variances.

M. Splits of any lot, parcel, or tract which contains a Temporary Second Dwelling Unit permitted by an Interim Use Permit is prohibited. The property owner shall be required to sign and record a restrictive covenant which would prevent the TSDU from being split off and sold as a separate Single Family Primary Dwelling Unit Site.

N. TSDUs shall not be permitted in areas classified as wetlands, peat and muck, and other areas of poor drainage as determined by the official soils map of Dodge County.

O. TSDUs shall not be permitted on land which has a slope of twelve percent (12%) or greater, unless:

I. The application for the zoning permit is accompanied by an engineer's report showing adequate footings can be constructed, and

II. Drainage plans address the prevention of erosion during and after construction, and

III. Grading plans have been prepared for the site.

P. Any land disturbing or development activities on land which has a slope of eighteen percent (18%) or greater is prohibited.

SECTION 16.21 ESSENTIAL SERVICES

16.21.1 JURISDICTION

This section shall apply to all essential services proposed for installation in Dodge County.

For all projects that may be subject to local review under Minnesota Statutes 216E.05, Subd. 2, as amended, Dodge County shall request the Minnesota Public Utilities Commission to assume jurisdiction of the environmental review and permitting of the project.

Where federal or state government does not have jurisdiction over a project, or where it exempts from or elects not to accept jurisdiction for project, the County may permit the project as a *Major Essential Service* under this section.

Wherever the provisions of this chapter are inconsistent or different than State or Federal law, the more restrictive controls shall prevail.

16.21.2 ENVIRONMENTAL REVIEW

The Dodge County Planning Commission or Board of Commissioners may require, during the consideration of activities under this section, the completion of an EAW and EIS pursuant to MN Statutes, Section 116D.04, Subd. 2a, item (a), and the rules promulgated there under. The County requires that the developers provide all the data for completion of the EAW or EIS as requested by the County and the developer shall reimburse the County for the total cost of the EAW or EIS consistent with the provisions of MN Statute Section 116D.05 and Minnesota Rules, parts 4410.6000 to 4410.6500.

16.21.3 EXEMPTIONS FROM REGULATIONS

The following activities are exempt from the permitting requirements of this ordinance:

A. Required maintenance or rebuilding of any *Major* or *Minor Essential Service*, when such maintenance or rebuilding does not expand the capacity, change the capability or change the location of the existing facility.

B. The installation or maintenance of Single Service Lines from the *Minor Essential Services (Distribution)* to the customers of a utility company or government agency, when such work is not located within a public right of way.

16.21.4 MAJOR ESSENTIAL SERVICES PROCEDURES

Zoning Permits, Conditional Use Permits and Variances shall be submitted on an application provided by the County and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes, Chapter 394. In certain instances, a waiver of depth requirements for pipelines may be allowed under the procedures identified in Section 16.21.4.E of this Chapter. Construction of a new *Essential Service* that would detrimentally impact the public health, safety and general welfare in a manner that cannot be mitigated shall be prohibited.

A. PERMITTING PROCEDURE

I. PERMITS REQUIRED – *Major Essential Services* shall require a Conditional Use Permit in all Primary and Overlay zoning districts. An *Essential Service Structure* shall require

a Zoning Permit and meet all performance standards for the use and the district in which it is located.

II. APPLICATION REQUIREMENTS - An application to the County for any permit issued under this chapter shall be submitted on forms provided by the County

III. REQUIRED SUBMITTALS - An application for a *Major Essential Service* shall be submitted to the Dodge County Zoning Administrator, the Dodge County Highway Engineer and the Clerk of the affected Township(s). If work is proposed that would impact the Dodge County judicial ditch/tile system, a copy of the application shall also be made to the Dodge County Ditch Inspector.

B. PRE-CONSTRUCTION REQUIREMENTS

Construction authorized for any *Major Essential Service* shall be in accordance with the approved plan, all standards of this Chapter and the Conditional Use Permit on file in the office of Dodge County Environmental Services Department.

PRIOR TO CONSTRUCTION:

I. The essential service owner or authorized agent shall notify the County Highway Engineer, the Dodge County Zoning Administrator, and the Clerk of the affected Township(s) no less than forty-eight (48) hours prior to construction.

II. The essential service owner or authorized agent shall provide proof of insurance for all contractors performing work on the essential service project in accordance with Section 16.21.6 of this Chapter.

III. The essential service owner or authorized agent shall submit copies of all final permits, agency approvals and documentation that verify compliance with all relevant state, local and federal regulations to the Dodge County Environmental Services Department.

C. POST-CONSTRUCTION REQUIREMENTS

I. AS-BUILTS - Within sixty (60) days of project completion, the essential service owner shall submit to the Dodge County Highway Engineer, the Dodge County Zoning Administrator and the Clerk of the affected Township(s), an as-built drawing of the *Major Essential Service* after construction. For *Major Essential Services* not located within a public road right of

way, the as-built shall include a surveyor's description of the course of the essential service as it traverses Dodge County.

II. OTHER CERTIFICATIONS/INSPECTIONS – When required by the County Board, prior to operation of the essential service, the essential service owner shall provide verification that the essential service is incompliance with all applicable construction and safety codes for the service. The inspection(s) must be performed and documented by appropriately licensed inspector(s)/engineer(s). Any costs associated with the contracted inspection shall be paid by the owner of the essential service.

III. POST CONTRUCTION ROAD AUTHORITY SIGN-OFF - The affected Road Authority(ies) shall sign off that all work has been completed to their satisfaction.

IV. RECORDING OF SURVEY MARKERS. The permanent location of monuments or markers found or placed in a survey of the essential service route shall be placed on record in the office of the County Recorder by the owner of the essential service. No fee shall be charged for recording this information.

D. INSPECTIONS

I. INSPECTOR - The County Board may require that a qualified inspector be on the site of installation of a *Major Essential Service*. The Board will establish a fee schedule for inspections consistent with applicable State laws and County policies.

II. PIPELINE REQUIREMENTS - *With respect to pipelines, the following shall apply*. The County Board shall hire a qualified inspector to inspect the pipeline construction. Before beginning construction the applicant shall pay an inspection fee to the County Finance Director. The fee shall be in the amount up to $500 for each mile or fraction of a mile of pipeline that will be constructed in the County. The County may also assess additional fees for the public hearing process.

III. INSPECTIONS - If the inspector determines the *Major Essential Service* project is not in compliance with this chapter or any permit issued for the project, the inspector shall immediately notify the County Board. Enforcement

actions shall follow the procedures identified in Chapter 19 of the Dodge County Zoning Ordinance.

The inspector shall maintain a written log which shall be filed with the Conditional Use Permit located in the Environmental Services Department. The log shall include:

a. A record of comments and complaints concerning the essential service construction.

b. Any issues regarding failure to settle damage claims filed by any owner or lessee.

c. Any failure to comply with the terms of an easement agreement.

d. Status of compliance with the ordinance and all applicable permits.

e. Status of compliance with all required permits issued by other federal, state or local agencies.

E. VARIANCE REQUESTS

I. FOR PIPELINES, WAIVER OF DEPTH REQUIREMENT - In any easement granting right of way for a pipeline over agricultural land the grantor of the easement may waive the minimum depth of cover established in Section 16.21.4.F.IV with respect to all or part of the pipeline to be buried under that land. A waiver of the minimum depth of cover shall be effective <u>only if the waiver</u>:

a. Is separately and explicitly stated in the easement agreement and includes a statement by the grantor acknowledging that he has read and understood the waiver.

b. Is printed in capital letters and in language understandable to an average person not learned in law.

c. Is separately signed or initiated by the grantor. All signatures on the waiver shall be witnessed and signed by a Notary Public and the waiver shall be recorded in the Dodge County Recorder's Office.

II. VARIANCES -Variance requests from standards established in this Chapter shall be processed under the administrative procedures of Chapter 18. In addition to the criteria for the granting a variance defined in Chapter 18, applicants will need to show that:

a. A depth or height less than that required in Section 16.21.4.F.IV is reasonably necessary to allow transition from Dodge County to a bordering County.

b. A variance is reasonably necessary to allow for a transition in depth from agricultural land for which a waiver has been granted according to Section 16.21.4.E of this Chapter and adjoining parcels of land.

c. A variance is reasonably necessary for the installation of required essential service structures or apparatus and the variance is for the immediate vicinity of the essential service structure.

III. VARIANCE PROHIBITION - No variance shall be granted so as to allow any essential service line to be placed at a depth less than the depth established in Section 16.21.4.F.IV beneath the authorized depth of drainage facilities or the right of ways of roads under the jurisdiction of the County.

F. PERFORMANCE STANDARDS FOR MAJOR ESSENTIAL SERVICES

I. SAFETY DESIGN STANDARDS

a. EQUIPMENT – Equipment shall conform to applicable industry standards.

b. CLIMBING APPARATUS – All climbing apparatus shall be located at least fifteen (15) feet above the ground. *Essential Service Structure*s shall have controlled access and be secured at all times.

c. WARNINGS - Appropriate warning signs shall be posted on *Essential Service Structures*. Signs with emergency contact information shall also be posted at a suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the *Essential Service*

Structure.

II. HEIGHT STANDARDS

a. All *Essential Service Lines* permitted under a CUP are exempt from the height performance standards of the underlying zoning district.

III. CONFIGURATION STANDARDS

a. COLOR AND FINISH - All *Essential Service Structures* shall be white, light blue gray, beige or another non-obtrusive color. Finishes shall be matte or non-reflective.

b. 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.

IV. DEPTH AND CLEARANCE FOR ESSENTIAL SERVICE LINES

TYPE OF TRANSMISSION	**UNDER AG LAND**	**UNDER ROW**	**UNDER ROAD SURFACE**	**TILE CLEARANCE**	**UNDER DITCH***	**OVER LANDS**	**TOPSOIL SEGREGATION**
Pipeline – Natural Gas	4.5’	4.5’	4.5’	12”	4.5’	NA	2’
Pipleline – Petroleum Hydrocarbon	4.5’	4.5’	4.5’	12”	4.5’	NA	2’
Pipeline - Water	6’	6’	6’	12”	4’	NA	2’
Pipeline - Other	4.5’	4.5’	4.5’	12”	4.5’	NA	2’
Powerlines - Underground	3’	3’	3’	12”	4’	NA	NA
Powerlines - Overhead	NA	NA	NA	NA	NA	20’	NA
Communications - Underground	3’	3’	3’	12”	4’	NA	NA
Communications - Overhead	NA	NA	NA	NA	NA	20’	NA

* Minimum depth under authorized depth of drainage ditch.

V. SETBACKS FOR ESSENTIAL SERVICE STRUCTURES *Essential Service Structures* shall meet all applicable performance standards for the use and the zoning district in which it is located.

VI. SETBACKS FOR MAJOR ESSENTIAL SERVICE LINES

For the following *Major Essential Services* that are not located within a public road right-of-way, the following setbacks apply. All distances are measured from the closest edge of the easement to the closest part of the structure.

ESSENTIAL SERVICE LINE	**OCCUPIED STRUCTURES**	**UNOCCUPIED STRUCTURES**	**FACILITIES REQUIRING ASSISTED EVACUATION***
Pipelines - Natural Gas	150'	25’	500’
Pipelines - Hazardous Liquids	50’	25’	100’
Powerlines - Overhead	100'	50'	100'
Powerlines - Underground	50'	25'	50'

VII. FACILITIES REQUIRING ASSISTED EVACUATION - “Facilities requiring assisted evacuation” include, but are not limited to, congregate living, convalescent services, detention facilities, day care services, hospitals, clinics, public and private schools, retirement housing, nursing homes, group homes or other similar uses.

a. A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within five hundred (500) feet of a hazardous pipeline.

b. This prohibition does not apply to a structure that is located between two hundred (200) and five hundred (500) feet of a hazardous pipeline if by resolution the Board determines, after receiving a recommendation from the Emergency Management Director and Fire Chief of the applicable district, that the structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of pipeline leak or fire associated with the pipeline after considering:

1. The requirements of the Uniform Fire Code
2. The site and structure design
3. The structures building materials
4. The structures distance from the pipeline
5. The use of radiant energy barriers
6. Access to the site and the structure by emergency responders;
7. Available on-site resources for emergency responders

8. Topography and other natural features
9. The use of the structure; and
10. The evacuation capability of the occupants

G. DEVELOPMENT STANDARDS

In addition to the performance standards of Section 16.21.4.F, the following shall apply to all permits or approvals required for Essential Services:

I. ROADS, DRIVES & ACCESSES

a. Essential services shall be located so as not to impair existing and future transportation routes.

b. Private roads, driveways or lanes damaged by actions associated with the construction, operation or maintenance of essential services shall be immediately repaired to the pre-existing condition, unless otherwise negotiated with the affected landowner.

c. All public and private roads, driveways or other access shall be bored unless the Board of County Commissioners approves an alternate procedure. Those unpaved roads that are infrequently used and not regularly maintained may be cut, backfilled and compacted with material to the County Highway Engineer's specifications if approved by the affected Road Authority.

d. Each installation under a public road shall meet the approval of the Dodge County Highway Engineer. The County Highway Engineer will also require additional permits and bonding requirements for all County State Aid Highways and County Roads. If a Township road is involved, the Town Board’s approval of the method of installation shall be required prior to construction.

e. Any disturbed soils shall be fine graded and seeded with a MnDOT approved seed immediately following construction.

f. The County shall provide written notice to the owner of affected essential service(s) of any changes or improvements proposed to the County ROW or within one hundred (100) feet of the ROW. Within forty-five (45) days of receipt of the notice, the owner shall alter, change, vacate or remove the essential facility to conform with the proposed changes or improvements. All costs of relocation or removal of the essential service shall be paid by the owner of the essential service.

g. During construction of underground essential service facilities, the essential service owner shall provide suitable crossovers installed over the essential service as needed by the property owner.

II. DRAINAGE SYSTEMS

a. Essential services shall be located so as not to impair existing and future drainage systems.

b. During construction, operation, and maintenance of a Major *Essential Service*, damages to public and private drainage systems shall be avoided.

c. If avoidance of public and private drainage systems is not possible, the owner of the essential service shall minimize and mitigate impacts to the maximum extent feasible.

d. The owner of the essential service shall hire a local agricultural drainage company to immediately repair any damage to public and private drainage systems stemming from construction, operation, or maintenance of the *Major Essential Service*. Before repair work is completed, any tile openings shall be protected to prevent dirt, silt or animals from entering the system. Any repair work performed on public ditches shall be approved by the Dodge County Ditch Inspector. All costs associated with the repair work shall be paid by the owner of the essential service.

e. If settling of a tile line repair or installation trench occurs after construction, the owner of the essential service shall ensure tile is properly functioning prior to repair to preconstruction. All costs associated with

repair work or any losses caused by the settling shall be paid by the owner of the essential service.

f. Public ditch banks shall be seeded and mulched a minimum of one rod (16.5 feet) in width from the top of the bank as soon as possible, but not later than fourteen (14) days following installation. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).

g. The construction, maintenance or operation of an essential service line that crosses any public or private watercourse, including drainage ditches shall not impede the normal flow of water.

h. Any relocation or improvement of an essential service facility that is required as a result of establishment, improvement or repair or any County or judicial ditch shall be at the expense of the essential service owner.

i. A pipe shall be installed to accommodate future installations of drain tile at location and depths as shown on plans given to the essential service facility by the property owner, if a private tile, or by the ditch authority if a County or judicial tile. If a County or judicial or private drainage system shall later be established, improved or repaired or additional lines installed to effect proper drainage, the essential service facility shall reimburse the ditch authority or property owner for any necessary additional installation expenses incurred which are directly attributed to the presence of the pipeline.

j. Appropriate erosion control methods shall be applied to prevent the deposition of sediment into watercourse or wetlands. Stream banks and other disturbed areas adjacent to watercourses and wetlands shall be immediately stabilized and re-seeded or sodded within seven (7) days of disturbance, weather permitting. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).

III. PROPERTY – The essential service owner shall protect and restore property impacted by essential services and mitigate the adverse impacts of construction on the use of that land.

a. APPLICATION OF HERBICIDES AND/OR PESTICIDES Use of herbicides and/or pesticides is restricted to those approved by the Minnesota Department of Agriculture. Methods and rates of application of herbicides and/or pesticides shall be in accordance with recommendation of the Minnesota Department of Agriculture. The essential service owner shall contact the landowner prior to application.

b. FENCES – The essential service owner shall promptly repair or replace all fences and/or gates removed or damaged during the project life and provide continuity of electric fence circuits.

c. TREE REMOVAL – The essential service owner shall minimize the removal of trees and shall not remove trees or shelter belts without approval of the affected landowner.

d. WINDBREAK REPLACEMENT/SHELTERBELT – Shelterbelts and windbreaks shall be replaced to pre-construction density, unless:

1. Replacement will interfere with normal operation and maintenance activities of the major essential service.

2. Otherwise negotiated with the affected landowner.

e. TOPSOIL AND COMPACTION – The essential service owner shall protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. Soil compaction of all lands shall be minimized during all phases and confined to as small of an area as possible.

f. ACCESS - Major essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.

g. EROSION - Critical areas (slopes greater than 12% or other areas subject to erosion) shall be seeded and

mulched as soon as possible after construction. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).

h. LAWNS - Existing lawns impacted during construction shall be re-sodded, unless otherwise negotiated with the affected property owner.

i. DEBRIS - Rocks, slash and other construction debris shall be completely removed from each individual section of land where construction takes place within thirty (30) days of the commencement of Major Essential Service construction on that individual section of land.

j. LITTER - Clean up of personal litter, bottles, and paper shall be done on a daily basis.

k. EXCAVATED AREAS - Regrading and backfilling of any excavated areas shall be completed to County Highway Engineer requirements.

H. INDEMNIFICATION

I. The owner of the essential service shall indemnify, keep and hold Dodge County, each Township crossed by the essential service, and every public ditch system free and harmless from all claims resulting from injury or damage to persons or property caused by the construction, maintenance, repair, or operation of the essential service, except where the acts or omissions, of the County, Township, or ditch system have caused the injury or damage.

II. The owner of the essential service shall indemnify and hold harmless the property owner, family, tenants, and employees from and against all claims resulting from the presence of the essential service, including those caused by negligence while engaged in normal farming operations, excluding drainage, improvements, drilling or blasting activities.

III. Where the property owner notifies the essential service owner through the Statewide notification center of Gopher State One Call (GSOC) of intent to excavate or dig,

excluding farming activity on the easement right of way or adjacent thereto, the essential service owner will indemnify and hold harmless the landowner, his family, tenants and employees from all claims for damages resulting from the preservation of the essential service and caused by the specified activity for which notice was given.

IV. In the event the property owner notifies the owner of the essential service of the need for emergency repairs to drainage ditches or tile, indemnification shall be provided by the essential service owner upon forty-eight (48) hours notification through GSOC. Emergency repairs shall include repairs necessary to avoid delays in preparation of the soil and planting and harvesting of crops where the need for emergency repairs are specified in the notification.

I. DISCONTINUANCE

If at any time the use of an *Essential Service Line* or *Essential Service Structure* is discontinued for one hundred eighty (180) days, the County Board may declare the facility abandoned. Discontinuance excludes any dormancy period between construction and the initial use of the facility. The owner of the facility shall be notified in writing and instructed to either reactivate the use within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the County will remove or will contract to have removed the facility and assess the owner/operator the costs.

J. FEES

I. The Fees for a zoning permit, variance, amendment, or conditional use permit, shall be established by the County Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Permit only after the fee has been paid and a determination has been made that the application complies with the terms of the Conditional Use Permit, the performance standards of this section, and other relevant portions of the Dodge County Zoning Ordinance.

II. Fees for the inspection of pipelines are governed by Minnesota Statutes 216G.07, Subd. 6, or successor. The fee shall be in the amount of five hundred dollars ($500) per mile or fraction of a mile of pipeline that will be constructed in Dodge County.

16.21.5 MINOR ESSENTIAL SERVICE PROCEDURE

It is the intention of this section that *Minor Essential Services*, excluding *Essential Service Structures*, shall be located entirely within a public road right-of-way (ROW).

Based upon their location, *Minor Essential Services* will be permitted under the procedures of 16.21.5.A, 16.21.5.B, or 16.21.5.C, below. *Essential Service Structures* associated with *Minor Essential Services* shall require a Zoning Permit and meet any performance standards for the use and all applicable setbacks. Zoning Permits and Variances associated with *Minor Essential Services* shall be submitted on an application provided by the Dodge County Environmental Services Department and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes, Chapter 394.

A. FOR WORK WITHIN COUNTY ROAD RIGHT OF WAY (ROW)

Applications for locating any *Minor Essential Service Line* in any County easement or ROW shall be governed by the following procedures:

I. The applicant shall file with the Dodge County Highway Engineer, Dodge County Zoning Administrator and affected Township(s), on form supplied by the Dodge County Highway Department, an application for a permit accompanied by maps and drawings, if available, indicating the locations, alignment, type of service proposed and any associated *Essential Service Structures*.

II. Any *Essential Service Structure* associated with *Minor Essential Service* projects shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located.

III. For applications without *Essential Service Structures*, the application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit.

IV. The County Engineer may require in conjunction with issuance of the permit that:

a. The applicant submit as-built drawings of the essential service after construction.

b. The applicant construct the *Minor Essential Service* to take into consideration contemplated widening, regrading or relocation of a County Highway or County State Aid Highway.

c. Other requirements as determined by the engineer after discussion with the essential service provider.

B. FOR WORK WITHIN TOWNSHIP ROAD RIGHT OF WAY

Applications for locating any *Minor Essential Service* in any Township ROW shall be governed by the following procedures:

I. The applicant shall contact the Clerk of the affected Township(s) to provide information on the alignment and type of service proposed.

II. Any *Essential Service Structures* associated with a *Minor Essential Service* shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located.

III. Prior to construction, the applicant shall provide the Dodge County Highway Engineer and Zoning Administrator copies of written permits or approval(s) from each Township which the *Minor Essential Service* traverses.

C. FOR WORK OUTSIDE OF ANY ROAD RIGHT OF WAY

It is the intention of this Chapter that *Minor Essential Service Lines* be located entirely within a public road ROW. Unless prior approval from the Road Authority is granted, *Essential Services Lines* not located within a public road right of way shall meet the structure setback of the zoning district in which it is located.

I. *Minor Essential Service Lines* located outside of the road ROW, but less than the structure setback shall require approval from the Road Authority. The Road Authority may require modifications to the proposed *Minor Essential Service Line* to accommodate future expansion or road improvement projects.

II. Any *Essential Service Structure* associated with a *Minor Essential Service* shall require a Zoning Permit from the Environmental Services Department and shall meet all

performance standards for the use and district in which it is located

III. *Minor Essential Service Lines* that are located outside of the road ROW, located beyond the required building setback and are equal to or greater than the minimum depth or clearance standards do not require a permit.

16.21.6 CERTIFICATES OF INSURANCE

Prior to construction, Certificates of Insurance, or self insurance for all contractors performing work on the essential service shall be submitted to the Zoning Administrator and Highway Engineer.

All certificates of insurance shall contain a provision that the policies will not be canceled or materially changed until at least ten (10) days prior to written notice has been given to the Dodge County Highway Engineer and Dodge County Zoning Administrator. This insurance or self insurance shall terminate upon completion of the construction of the essential service. This insurance shall be written for no less than the following limits:

WORKERS COMPENSATION	Minn. Statutory
CONTRACTORS (GENERAL)	
Bodily Injury	
Each Person	$ 500,000.00
Each Accident	$1,500,000.00
Property Damage	
Each Accident	$ 500,000.00
Aggregate	$ 1,500,000.00
AUTOMOBILE LIABILITY	
Bodily Injury	
Per Claimant	$ 500,000.00
Per Occurrence	$1,500,000.00
Property Damage	
Per Claimant	$ 500,000.00
Per Occurrences	$1,500,000.00

SECTION 16.22 EXCAVATION OR IMPOUNDMENT TO CREATE OPEN WATER

16.22.1 PERMIT REQUIRED

Unless exempt under 16.22.2, below, excavation of material requires a CUP in all zoning districts in which it is allowed.

16.22.2 EXEMPTIONS

A. Excavations less than five hundred (500) square feet of surface area and two (2) feet in depth, provided excavation does not occur in any wetland.

B. Excavations less than fifty (50) cubic yards

C. Excavations and impoundments of water for agricultural purposes/programs regardless of size, provided the provisions of 16.22.3.B are met.

16.22.3 PERFORMANCE STANDARDS

A. Excavations for waterfowl and wildlife (ponds) shall meet the design standards of the Minnesota Department of Natural Resources publication “Excavated Ponds for Wildlife”, or other suitable design as approved by applicable MNDNR staff.

B. Excavations and/or impoundments of water for agricultural purposes shall be designed and/or reviewed and approved by the USDA NRCS or Dodge County SWCD staff.

C. All excavations conducted in or near wetland must comply with Minnesota Wetland Conservation Act, Minnesota Rules Chapter 8420.

SECTION 16.23 FAIRGROUNDS

County fairgrounds are subject to the provisions of Minnesota Statues Chapter 38.

16.23.1 PERFORMANCE STANDARDS

Fairgrounds must comply with the following standards:

A. All buildings, structures, sanitary facilities, and grounds shall be properly maintained at all times.

B. Signs, not to exceed twenty-four square feet (24 s.f.), which identify fair sponsors may be permitted on an annual basis. Permitted signs shall only identify the names of sponsoring individuals or businesses. No phone numbers, addresses, business solicitations or anything which may be construed as outdoor advertising are allowed. Illuminated signs are prohibited.

C. Any building used for fair purposes may be used for the seasonal storage of boats, autos, and other recreational vehicles if the following conditions are met.

I. All seasonal boats, autos and recreational vehicles shall be brought to the Fairgrounds in the month of October and removed during the month of April;

II. No advertising signage is allowed as part of seasonal storage activities;

III. Buildings used for seasonal storage must be primarily for Fair purposes and cannot be erected for the purpose of storage;

IV. Outside storage may be allowed if a site plan is reviewed and approved by the Dodge County Board of Commissioners;

V. Inside storage may be allowed if a site plan is reviewed and approved by the Dodge County Board of Commissioners.

D. The Fairgrounds may be used for the purpose of other Special Events, subject to Fair Board Approval, provided:

I. All applicants and participants carry proper insurance;

II. Adequate sanitary facilities shall be provided;

III. Proper licensing and/or permits are obtained for all activities taking place on site;

SECTION 16.24 FEEDLOTS & PASTURES

16.24.1 CERTIFICATE OF COMPLIANCE

A Certificate of Compliance must be applied for from the MPCA at any time:

A. A new feedlot is proposed where a feedlot did not previously exist;

B. A change in operation of an existing animal feedlot is proposed;

C. A change in ownership, which includes the transfer of a feedlot operation from one member of a family to another member of the family. Any change in ownership shall not require the securing of or a review of any zoning or conditional use permit;

D. An existing feedlot is to be restocked after being abandoned, or unused for five (5) or more years;

E. An inspection by MPCA or county staff reveals that the feedlot is creating a potential pollution hazard.

16.24.2 STANDARDS FOR CONDITIONAL USE PERMITS

The County may impose, in addition to the standards and requirements set forth in this Ordinance, additional conditions which the Planning Commission or County Board considers necessary to protect the public health, safety, and welfare. This may include, but is not limited to, any of the following:

A. Conditional use permits shall be in effect only as long as sufficient land specified for spreading manure is available and is being used for such purposes as regulated otherwise by this Ordinance;

B. All feedlots shall be operated in a manner consistent with the MPCA certificate of compliance and this Ordinance. Agricultural odors are not air pollution (Minnesota Rules, Chapter 7005.0950);

C. All manure storage lagoons and earthen storage basins shall conform with MPCA design standards. All plans for manure storage lagoons and earthen manure storage basins shall be designed, and the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Natural Resources Conservation Service (NRCS);

D. An agricultural or civil engineer registered in the State of Minnesota or the United States Department of Agriculture NRCS shall provide the County with a signed construction report and certification that the manure storage lagoon, or earthen manure storage basin was constructed to the standards of the approved plans.

16.24.3 APPLICATION

A. An application for a CUP shall be submitted on forms provided by the County.

16.24.4 SETBACKS FOR FEEDLOTS

A. New feedlots are prohibited from locating in the 100 year floodplain;

B. New feedlots shall not be located closer than 100 feet from any public or private well, including wells that have not been sealed in

accordance with Minnesota Department of Health regulations;

C. New feedlots shall be setback a minimum of 30 feet from the top of a steep slope or as determined by the Zoning Administrator. The expansion of an existing feedlot that is already located at less than 30 feet from a steep slope may occur, but the addition will be encouraged to not further encroach upon the slope setback;

D. New feedlots shall be setback a minimum of 300 feet from the normal high water mark of a stream, river, or lake. The expansion of an existing feedlot that is already located at less than the 300 feet may expand, but the addition shall not further encroach upon the shoreline setback;

E. New feedlots must be setback at least 100 feet from a public or private drainage ditch. The expansion of existing feedlots located less than 100 feet from a drainage ditch are encouraged to locate away from the drainage ditch;

F. New animal feedlots of thirty (30) animal units or more shall be setback one thousand feet (1000') from:

I. Residential Dwellings (except the feedlot owner's or operator's dwelling).

II. The boundary of any subdivision within the Urban Expansion Residential District and Rural Residential District.

III. Golf courses, churches, cemeteries, camp grounds, public buildings, public, assembly areas, and

IV. Licensed daycare facility and any facility with a public water supply well.

G. The Feedlot Advisory Board (FAB) will conduct a site review of:

I. Any proposed new feedlot that will contain 500 animal units or more, or

II. An existing feedlot on which an expansion will occur and the number of animal units will exceed 500, or

III. An existing animal feedlot that is proposing an expansion when the feedlot does not meet the setback standards defined in Section 16.24.4.f.

The FAB will provide to the Planning Commission findings of fact and may make recommendations regarding setbacks, locational concerns, the need for vegetative screening, or any other technical information deemed necessary.

H. Should an expansion be proposed to an existing feedlot that does not meet the setback standards defined in this Section (Section 16.24.4. f), the FAB shall review and recommend an odor reduction plan that meets an odor annoyance free number of 91% based on OFFSET. The OFFSET calculation shall be used to predict the odor expected from new buildings and manure storage areas that are included in the proposed expansion. With consideration given to terrain, vegetation barriers and history of complaints, OFFSET calculations may include existing feedlot buildings and manure storage. If the odor reduction plan does not meet the odor annoyance free number then the feedlot expansion proposal may not be permitted. The county may grant a variance from this requirement under the process defined in Chapter 18.

I. A single feedlot site containing more than 3,000 animal units are prohibited.

16.24.5 Manure application will comply with MPCA Rule 7020.2225 or successor rules: See Exhibit I for setbacks or refer to the MPCA 7020 Rules.

16.24.6 General standards:

A. This Section incorporates by reference all definitions in MN Rules 7020.0300 and successor rules. As found in Exhibit K.

B. New animal feedlots less than 30 animal units, including buildings and open lots, shall meet all yard setback standards for single family principal dwellings

C. New concrete manure storage pits shall provide a six (6) month storage capacity. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one (1) year;

D. Manure application rates shall comply with Minnesota Rules, Chapter 7020

E. Standards for the transportation of manure:

I. All vehicles used to transport animal manure on township, county, state highways, or through municipalities shall be

leak proof

II. 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

III. This section shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

SECTION 16.25 FOOD AND BEVERAGE SERVICE ESTABLISHMENTS

All Food and Beverage Service Establishments shall comply with Minnesota Statutes Chapter 157 and 4626, or successor, and the applicable administrative rules.

16.25.1 PERFORMANCE STANDARDS

A. The parcel shall have a lot area no less than four times the area of the building footprint.

B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

C. Parking shall meet the general development standards for Parking of Chapter 17.

D. All parking areas and access drives to the parking areas shall be hard surfaced or be constructed of "permeable pavement"

E. Stormwater from impervious surfaces should be adequately treated, contained and infiltrated on site when feasible. A stormwater management plan shall be developed in accordance with the requirements of Chapter 17 of this Ordinance

F. The building and parking area shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods in accordance with the general development standards for Screening of Chapter 17.

G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

H. Signs shall meet the general development standards for Signs of Chapter 17.

SECTION 16.26 GOLF COURSES

16.26.1 PERFORMANCE STANDARDS

A. Storage of pesticides and fertilizers shall follow the standards of the Minnesota Department of Agriculture. A plan shall be submitted as part of the CUP application for storage and use of pesticides and fertilizers at the facility and shall be included as part of the CUP.

B. Accessory uses shall be limited to a driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities.

C. Golf courses shall be designed and operated with environmental resources in mind. Performance standards to this effect include:

I. Water recycling and conservation through on-site storage and use facilities;

II. Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies;

III. Use of landscaping and careful layout of golf course to preserve and enhance wildlife habitat though preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.

D. Golf courses located within the Shoreland District of any Public Waters shall comply with the standards of Chapter 14 and Minnesota Rules Chapter 6120, as amended.

E. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities in accordance with the general development standards for Screening of Chapter 17 of this Ordinance.

F. A transportation management plan shall be submitted with the CUP application to address off-street parking, traffic circulation and the impact of the facility surrounding roadways.

G. Club houses that serve food and beverages shall be licensed by the appropriate state agencies and shall meet the

performance standards for Food and Beverage Service Establishments of Section 16.25 of this Chapter.

H. A copy of the golf courses water appropriation permit shall be provided to the Environmental Services Department to include with the CUP.

SECTION 16.27 GOVERNMENT ADMINSTRATION AND SERVICE BUILDINGS

16.27.1 PERFORMANCE STANDARDS

A. The parcel shall have a lot area no less than four times the area of the building footprint, but not less than the minimum lot size for the Primary or Overlay District in which it is located.

B. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.

C. A transportation management plan shall be submitted to the Highway Engineer prior to issuance of any zoning permit to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

D. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and the exterior materials shall be compatible with those used in the immediate neighborhood.

SECTION 16.28 GREENHOUSES, HORTICULTURE AND NURSERIES

16.28.1 PERFORMANCE STANDARDS

A. The retail sale of products or materials shall be accessory to the principal greenhouse, horticultural or nursery use.

B. Where seasonal produce/harvest/stock sales stands are an accessory use to a greenhouse, horticulture or nursery, the following shall apply:

I. No sales shall take place in the public right-of-way of any Federal, State, County or Township roadway.

II. Any temporary structure placed on the property for

seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed one hundred twenty (120) square feet. Temporary structures shall be located no closer than twenty-five (25) feet from any Road Right of Way.

III. All permanent structures shall meet the minimum setback requirements for accessory structures.

IV. Parking shall be prohibited on any public road. There shall be adequate area available for parking located on site to accommodate expected traffic.

C. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses in accordance with Chapter 17 of this Ordinance. When fencing is required, screening shall be a least six feet (6') in height, eighty percent (80%) opaque year around and of neutral colored material.

D. Signs shall comply with the general development standards for Signs of Chapter 17.

SECTION 16.29 GUN CLUBS AND SHOOTING RANGES

16.29.1 PERFORMANCE STANDARDS

A. The minimum size lot for each type of shooting range is listed below, including direct fire zone and/or shotfall zone, safety zone and ricochet zone, subject to the installation of additional baffles.

I. High power Rifle.
1. Minimum range length: 5,500 yards
2. Minimum range width: 3,500 yards
3. Minimum acreage: 3,800 acres

II. Shotgun
1. Minimum range length: 300 yards
2. Minimum range width: 400 yards
3. Minimum acreage: 40 acres

III. Other range types are subject to the National Rifle Association Range Sourcebook, 1997; or successor sourcebook.

B. No part of any shooting range may be located within five hundred feet (500') of any residential dwelling, commercial or industrial

building or other structure used for human occupancy.

C. All shooting ranges shall comply with the minimum standards for range design, location, management, operation, noise abatement and safety listed in Minnesota Statutes Chapter 87A and/or the revised National Rifle Association Range Sourcebook, 1999; or successor standard.

SECTION 16.30 HOME OCCUPATIONS

16.30.1 PERFORMANCE STANDARDS

A. The Home Occupation shall be clearly incidental and subordinate to the residential use of the property.

B. There shall be no exterior evidence that a building is being used for any purpose other than a dwelling.

C. The Home Occupation shall be conducted only by persons residing full-time on the premises. No person other than the full-time residents of the premises shall be employed or engaged in such Home Occupation.

D. Operation of the Home Occupation shall be limited to the residential dwelling and any attached garage.

E. The use of any accessory or agricultural buildings for storage or business activity is prohibited.

F. The outdoor display or storage of goods, equipment or other materials used for the Home Occupation is prohibited.

G. There will be no storage on the premises of explosives or highly flammable or hazardous materials as defined by the U.S. Environmental Protection Agency.

H. The Home Occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.

I. The Home Occupation shall not be of the nature to generate customers or client traffic that would require additional on-site parking requirements other than that which would serve the residential dwelling.

J. There shall be no indication of noise, vibration, smoke, dust, odors, heat or glare or electromagnetic interference at or beyond the

property line.

K. The Home Occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

L. The Home Occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household sewage unless a plan for off-site disposal of the waste is approved.

M. Signs permitted with Home Occupations shall not exceed nine (9) square feet and shall be mounted on the residential structure in which the occupation is taking place.

N. More than one Home Occupation may be conducted on the premises; provided the combined business-related activities remain incidental and subordinate to the residential use of the property. No more than twenty-five percent (25%) of the gross floor space can be devoted to Home Occupations.

O. Home Occupation Agreement. A Home Occupation Agreement shall be signed and recorded in the Dodge County Recorder's Office. The Home Occupation Agreement is an enforceable condition of the IUP and violations of the agreement may be subject to termination of the IUP.

SECTION 16.31 JUNK AND SALVAGE OPERATIONS

Junk and/or salvage operations are allowed in the Industrial District with issuance of an Interim Use Permit. Junk and/or salvage operations shall not be allowed and/or permitted as a Home Occupation or Limited Rural Business.

Under the Dodge County Zoning Ordinance, pre-existing junk yards were required to obtain a Conditional Use Permit (CUP) by May 16th, 1997 to continue to operate legally. Junk and/or salvage operations that did not obtain the permit or are otherwise operating in violation of the Dodge County Zoning Ordinance are subject to the enforcement actions of Chapter 19.

16.31.1 APPLICATION

An application for a junk and/or salvage operation shall be submitted on forms provided by the Environmental Services Department.

16.31.2 PERFORMANCE STANDARDS

The *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, or successor,* is hereby adopted by reference.

Junk and/or salvage operations shall be subject to the following performance standards:

A. All junk and salvage operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998*; or successor manual.

B. Junk and salvage operations are not permitted in areas identified as wetland, hydric soils or in any area where soil borings indicate the seasonal high water table is less than three (3) feet below the natural surface of the ground.

C. Junk and/or salvage operations shall be setback a minimum of five hundred feet (500') from a residential district, any lake, stream, creek, public or private ditch.

D. The facility shall be served by a minor collector or higher functional classification of roadway.

E. The use shall comply with all applicable Federal, State and County rules and regulations.

F. Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.

G. Parking shall meet the general development standards for Parking of Chapter 17.

H. A transportation management plan shall be submitted with the CUP application to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

I. No vehicles or vehicle parts may be placed within the public right-of-way or on public property. The storage of autos is not permitted in the front yard.

J. Fences are not permitted in the front yard.

K. All autos and/or salvaged materials, including piles, must be setback at least ten (10) feet from the rear and side property lines. The storage of autos and/or salvaged materials in the front yard is prohibited.

L. The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with the general development standards for Screening of Chapter 17. Screening shall be at least eight feet (8') in height and eighty percent (80%) opaque year around.

M. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of twelve feet (12') above grade provided that screening in accordance with Chapter 17 is also provided to a height of twelve feet (12').

N. The County Environmental Services Department and Emergency Management Director shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.

O. An environmental management plan, including a stormwater and drainage plan shall be submitted with the CUP application to address the impact of the facility on the environment.

P. Any outdoor lighting system shall comply with the requirements of Chapter 17 of this Ordinance.

Q. The grounds and all structures shall be maintained in a clean and safe manner.

R. The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.

S. All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.

T. All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.

U. The sale of junk/salvage vehicles on-site is not allowed unless specifically permitted under the Interim Use Permit.

V. Onsite disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by, fire, burning, explosives or chemical decomposition is prohibited.

W. Signs shall meet the requirements for Signs of Chapter 17 of this Ordinance.

X. A holding or staging area shall be designated to temporarily store vehicles before processing. The maximum number of vehicles held in the holding or staging area at one time shall not exceed five (5) vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight (8) inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six (6) inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight (8) inches lower in elevation that the lowest edge of the holding or staging area.

SECTION 16.32 KENNELS

16.32.1 COMMERCIAL KENNELS

A Conditional Use Permit is required for any structure or premises meeting the definition of a Kennel that breeds, sells, boards, trains or provides other similar services for domestic animals for a profit. Commercial kennels would also include non-profit organization kennels, including, but not limited to humane societies and breed rescue centers/operations.

A. The use shall comply with all applicable Federal, State and County rules and regulations;

B. Kennels for dogs, cats and other small mammals shall comply with the Minnesota Department of Agriculture's "Best Management Standards for Care of Dogs and Cats by Dealers, Commercial Breeders and Brokers" and Minnesota Statutes 346.39, or successor;

C. Kennels, including outdoor exercise areas shall be setback five hundred feet (500') from any residential dwelling, other than the applicants.

D. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup. All pet waste, wash water, and other contaminated fluids shall be properly contained and collected in an on-site holding tank.

E. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.

F. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.

G. All commercial kennel facilities shall provide an outdoor exercise yard.

H. Kennel facilities shall be adequately drained and maintained in a healthful manner.

I. One on-premise sign is permitted and shall not exceed a total of nine square feet (9 s.f.) and must meet applicable setbacks.

J. Every animal located on site shall be current on all vaccinations.

K. Commercial kennels exceeding twenty (20) animals over three (3) months of age are prohibited. No kennel shall exceed thirty (30) total animals of any age.

L. Where conditions cannot adequately address the expected impacts from the proposed kennel on other surrounding land uses allowed within the zoning district, the request shall be denied by the County Board.

M. Nuisance complaints shall result in review of the permit by the Planning Commission and County Board. In instances where the commercial kennel is determined to be a "public nuisance" by the County Board, the Interim Use Permit may be terminated.

16.32.2 PRIVATE KENNELS

An Interim Use Permit is required for private (or non-commercial) purposes, including but not limited to, animals kept for sporting, companionship, or similar non-profit, personal uses. Private kennels must be listed as an Interim Use in the zoning district in which it is located, or the use is prohibited.

A. Structures used for animal confinement shall meet the setback requirements of the applicable zoning district.

B. Kennels, including outdoor exercise areas shall be setback five hundred feet (500') from any residential dwelling, other than the applicants.

C. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting and best management practices for the breed, where applicable.

D. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.

E. Kennel facilities shall be adequately drained and maintained in a healthful manner.

F. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup, if applicable.

G. Every animal on site shall be current on all vaccinations.

H. Animals determined to be dangerous or a threat to the general health, safety and welfare of the citizens of Dodge County shall be prohibited.

I. Nuisance complaints shall result in review of the permit by the Planning Commission and County Board. In instances where the private kennel is determined to be a "public nuisance" by the County Board, the Interim Use Permit may be terminated.

J. Private kennels exceeding ten (10) animal over three (3) months of age are prohibited. No private kennel shall exceed twenty (20) total animals of any age.

K. Where conditions cannot adequately address the expected impacts from the proposed kennel on other surrounding land uses allowed within the zoning district, the request shall be denied by the County Board.

SECTION 16.33 LAND TREATMENT SITES

16.33.1 PERFORMANCE STANDARDS

A. The establishment or designation of land treatment sites for the application of contaminated soils requires a Conditional Use Permit.

B. Any land spreading treatment site must be constructed and operated according to applicable municipal, state, and federal regulations.

C. The applicant must provide written notification to the Environmental Services Department and appropriate Township Clerk at least ten (10) days prior to each land spreading batch.

D. The County Agricultural Inspector or other designated staff may be on site when spreading occurs. The land spreading hours must be between 8:00 AM and 4:30 PM weather permitting.

E. Land spreading sites are prohibited within:

I. The Floodplain Overlay District (100-yr or 1% chance floodplain) as identified in Chapter 7 of this Ordinance;

II. The Shoreland Overlay District as identified in Chapter 7 of this Ordinance;

III. Three hundred feet (300') of an intermittent stream, drainage ditch, tile drain inlet, and the ordinary high water level of a stream, river, lake, pond, wetland, or flowage;

IV. Three hundred feet (300') of a sinkhole, exposed bedrock, and any known underground cave;

V. Three hundred feet (300') of any private water supply well and within one thousand feet (1,000') of any public water supply well;

VI. Five hundred feet (500') of a residential dwelling, unless written permission to spread soil closer is obtained from the owner of the residence, or within one thousand feet (1,000') of a residential district or recreational area, as defined by Minnesota Rules, Chapter 7037, or successor;

VII. Lands identified by Dodge County as being very high or highly sensitive to ground water contamination.

F. Copies of all notifications, monitoring results and reports required by Minnesota Rules Chapter 7037 shall be sent to the Dodge County Zoning Administrator at the time they are submitted to the MPCA Commissioner's office.

SECTION 16.34 LIMITED RURAL BUSINESS

A Limited Rural Business is a Home Occupation operated out of an on-site accessory structure, rather than the principal dwelling. Limited Rural Businesses require an Interim Use Permit in all zones in which they are allowed.

16.34.1 PERFORMANCE STANDARDS

A. The Limited Rural Business (LRB) shall be clearly incidental and subordinate to the residential use of the property. No more than ten (10) percent of the property can be devoted to the LRB.

B. There shall be no exterior evidence that the accessory building is being used for any purpose other than storage.

C. The LRB shall be operated by a person or persons residing full-time upon the premises. The number of employees including the operator, whether full-time, part-time, temporary or seasonal shall be limited to four (4). For purposes of this provision, this includes employees, business partners, independent contractors or other persons affiliated with the limited rural business working at the site as part of the LRB.

D. Operation of the LRB shall be limited to the accessory buildings located upon the same parcel and within the same building site as the residential dwelling.

E. When authorized under the Interim Use Permit, areas used for the outdoor storage of goods, equipment, vehicles, or other materials used for the LRB shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.

F. The LRB shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.

G. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

H. The LRB shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

I. There will be no storage on the premises of explosives or highly flammable or hazardous materials as defined by the U.S. Environmental Protection Agency.

J. The LRB on a site with an on-site sewage treatment system shall only generate normal domestic household waste. All other wastes shall be subject to local, state and federal laws, rules, regulations and ordinances.

K. Off-street parking shall be provided for any non-resident employees in a manner that does not significantly change the agricultural or residential character of the property.

L. Signs permitted with a limited rural business shall not exceed nine (9) square feet.

M. Junk and Salvage yards, auto sales yards and other similar commercial or industrial uses are not allowed as a LRB.

N. A Limited Rural Business Plan shall be signed and recorded in the Dodge County Recorder's Office with the IUP. The plan shall be included as an enforceable part of the IUP and shall be filed with the IUP in the Environmental Services Department.

SECTION 16.35 LODGING ESTABLISHMENTS

Lodging establishments shall meet the requirements of Minnesota Statutes Chapter 157, Minnesota Statutes Chapter 327 and Minnesota Rules Chapter 4625, as amended. Where swimming pools are present, the facility shall also meet the requirements of Minnesota Rules 4717, or successor.

16.35.1 PERFORMANCE STANDARDS- BED AND BREAKFAST INNS, RETREATS

Where permitted, Bed and Breakfast Inns, Retreats, and other Rural Lodging establishments shall comply with the following standards:

A. The facility shall be part of an owner-occupied or operator-occupied single-family residential structure.

B. The facility shall be allowed only in existing single family residential structures. Construction of new structures for this Use is prohibited.

C. The facility shall employ no more than two (2) employees in addition to the owner or operator of the occupied residential structure.

D. The exterior appearance of the structure shall not be altered from its single family character.

E. With adequate accommodations and facilities, a maximum occupancy of twelve (12) guests may be allowed. However, the maximum occupancy shall not exceed the capacity of the on-site sewage treatment system. Special accommodations shall be required for events that exceed the maximum permitted occupancy.

F. The total number of guestrooms shall be limited to five (5).

G. The entrance to all guestrooms shall be from within the dwelling.

H. A guest register shall be maintained and available for County inspection.

I. Guests are limited to a length of stay defined by the type of establishment and conditions of the Conditional Use Permit.

J. No food preparation or cooking shall be conducted within any of the guestrooms.

K. Food service shall be limited to breakfast. If food service is offered, the facility is required to be licensed as a restaurant and must follow applicable State rules. Dining facilities shall not be open to the public but limited to residents, employees and registered guests.

L. No alcohol shall be sold or served on site as part of the business operation.

M. No other commercial use shall occur on the property. Special activities including, but not limited to, luncheons, banquets, parties, weddings, meetings, fund raising events and other gatherings for direct or indirect compensation may be permitted if:

I. The activity was specifically authorized by the Conditional Use Permit (CUP), and

II. Any process of approval described by the CUP is followed, and

III. All provisions for safety and sanitation are met.

IV. Parking and safety issues are adequately addressed.

N. One nameplate sign, not exceeding nine square feet (9 s.f.) shall be mounted on the exterior of the dwelling. Lighted signs shall not be permitted.

16.35.2 PERFORMANCE STANDARDS – HOTELS AND MOTELS

A. CUP REQUIRED

Hotels and Motels are permitted in the Commercial Zoning district with issuance of a CUP.

B. The site shall be served by a minor collector or higher functional classification of roadway

C. The parcel shall have a lot area no less than four times the area of the building footprint.

D. A transportation management plan shall be submitted with the CUP application to address off-street parking, traffic

circulation and the impact of the facility on surrounding roadways.

E. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.

F. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least six feet (6') in height, eighty percent (80%) opaque year around and of neutral colored material and/or vegetation.

G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

SECTION 16.36 MANUFACTURING, FABRICATION AND OTHER INDUSTRIAL

16.36.1 PERFORMANCE STANDARDS

A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.

B. The parcel shall have a lot area no less than four times the area of the building footprint.

C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

D. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

E. Storage, handling and disposal of hazardous waste shall comply with all applicable local, state and federal laws and regulations.

F. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from all public roadways and adjacent residential uses in accordance with Chapter 17 of this Ordinance.

G. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.

H. Parking shall meet the requirements for Parking of Chapter 17 of this Ordinance.

I. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a stormwater and drainage plan shall be submitted with the permit application to address the impact of the facility on the environment.

J. The hours of operation shall not have an adverse impact on adjacent property owners. When located adjacent to a residentially zoned district, the hours of operation shall be no earlier than 7:00 a.m., nor later than 5:00 p.m., for any activities that produce noise which may be detectable at the property line.

K. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least eight feet (8') in height, eighty percent (80%) opaque year around, and be of neutral colored material and/or vegetation.

L. Signs shall meet the requirements of Chapter 17 of this Ordinance.

SECTION 16.37 MIGRANT AND/OR SEASONAL WORKER CAMPS

16.37.1 PERFORMANCE STANDARDS

A. All migrant camps shall conform to all applicable State and Federal regulations;

B. The maximum occupancy of a migrant camp shall not exceed that approved as part of the CUP. The occupancy per unit is limited to standards established by the State of Minnesota and the local Fire Department official.

C. All camps shall be protected in such a manner as to prevent vandalism or other trespass while buildings are not in use.

D. Parking shall be provided on site. The parking of vehicles on any public road is prohibited. Parking shall meet the requirements of Chapter 17.

E. A play/recreation area shall be provided on site.

F. The CUP and any conditions required may be reviewed periodically.

G. Migrant camps shall not be located in the Floodplain or Shoreland Overlay Districts.

H. Migrant camps shall be located upon the property that employs the migrant and/or seasonal worker.

I. The occupancy is limited to seven (7) months of the year.

J. All dwelling units meet all requirements of this ordinance and applicable State of MN housing codes, and applicable local building codes in affect at the time construction.

K. All building used for migrant and/or seasonal temporary dwelling units shall have permanent, continuous perimeter foundation.

L. Sewage treatment facilities shall be subject to review by the Department and shall comply with all local, state and federal laws, rules, regulations and ordinances.

M. Any well(s) shall meet the requirements of the Minnesota Department of Health.

N. Adequate severe weather shelters shall be provided.

O. Migrant/seasonal worker camps shall not be considered in the calculation of any residential density performance standard as set forth in this Ordinance.

SECTION 16.38 MINING- NONMETALLIC

16.38.1 OPERATIONS REGULATED

Operations regulated by this Section shall be the mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals, and the removal thereof from the site. Unless exempt under 16.38.2, an IUP shall be required for mining operations.

16.38.2 EXCAVATION EXEMPTIONS

Operations not regulated by this Section shall include the following:

A. The removal of materials associated with the construction of a structure or on-site sewage treatment system permitted by the Department;

B. The removal of materials in accordance with the development of approved plats, and the site preparation for utilities or highway construction;

C. The construction, modification or expansion of Animal Feedlots and Manure Storage Areas, Structures or Facilities authorized by the Minnesota Pollution Control Agency or the Department;

D. Sod harvesting or removal

E. Wildlife ponds constructed in accordance with *Minnesota Rules, chapter 8420; or successor rules.*

F. Excavations for agricultural purposes with prior notification of Department

G. Excavations for the installation of public utilities regulated under the processes defined for Essential Services

H. Excavations which do not exceed five hundred (500) square feet of surface area or two (2) feet in depth and/or are less than at total of fifty (50) cubic yards

16.38.3 MINING OPERATION

A. INTERIM PERMIT REQUIRED

An Interim Use Permit (IUP) shall be required for all mining operations not exempt under the provisions of Section 16.38.2.

The applicant will also be required to obtain coverage under MPCA's Nonmetallic Mining and Associated Activities general permit or Industrial Stormwater Permit, when applicable.

An application to establish or amend a mining operation shall be submitted on forms provided by the Environmental Services Department.

B. PERFORMANCE STANDARDS

The following performance standards shall apply to all new Mining operations:

I. EQUIPMENT

All equipment used for Mining operations shall be constructed, maintained and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.

II. WATER RESOURCES

The Mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the Mining Operation.

Water appropriation for washing and/or dewatering activities shall obtain appropriate federal, state and local permits and/or approvals.

The appropriate stormwater permit must be issued by the Minnesota Pollution Control Agency (MPCA) if applicable. Copy of permit coverage shall be on file in the Environmental Services Department.

III. SAFETY FENCING

Safety fencing with a gated entry may be required around all or portions of the Mining operation at the discretion of the Planning Commission. Any Mining operation(s) adjacent to a residential zone, or within three hundred (300) feet of four (4) or more residential structures, shall be barred by a fence or similarly effective barrier of at least six (6) feet in height.

IV. ACCESS ROADS

a. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the County Highway Engineer.

b. Access roads connecting to public roads shall be sufficiently wide to accommodate two-way hauling traffic. A truck staging area shall be provided on the applicant's property.

c. All access roads from Mining Operations to public highways, roads or streets or to adjoining property

shall be paved or otherwise maintained to control dust. Ingress and egress access points from or onto any road or highway shall be clearly signed and those signed access points shall be utilized. Precautions must be taken to minimize the deposit of materials from trucks onto public road.

d. Trucks shall not queue on public roads while waiting to load or unload.

e. Ingress and egress points from or onto any public road or highway shall be clearly signed "TRUCKS HAULING" advising traffic in both directions of this activity.

f. Intersections of public roads with access roads shall be maintained by the mine operator, and shall be kept clean and free from excessive mud, debris or asphalt tracked out from the mining site. Intersections of public roads with access roads shall be repaired by the mine operator if the public road surfaces or shoulders in the mining area have broken down due to repeated traffic by mining trucks or equipment.

g. Turn lanes shall be constructed on public roads at the entrance to the mining site if determined necessary by the appropriate road authority. The need for road improvements, maintenance or repair will be determined by the Minnesota Department of Transportation in the case of state highways; by the Dodge County Highway Engineer in the case of County roads; and by the appropriate Township Board of Supervisors in the case of Township roads.

V. SCREENING BARRIER

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 or public roads. If a screening barrier is required by the Planning Commission, the barrier shall be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a type of fast growing trees agreed upon between the applicant and the Department. In all cases, existing trees and ground cover along a public road and property line shall be preserved and maintained for the depth of the setback, except where traffic safety requires cutting

and trimming or except where alteration or destruction of the trees and/or ground cover is necessary for an approved reclamation plan.

VI. SETBACKS

The following setback requirements shall apply to Mining Operations:

a. The processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.

b. Unless approved in writing between the affected property owner and the mining operator, mining of any materials shall not be conducted closer than five hundred (500) feet of any residential dwelling unit.

c. Mining of materials shall not be conducted any closer to the property line than is necessary to implement the approved reclamation plan.

d. Unless approved in writing by the applicable road authority, mining of any materials shall not be conducted closer than thirty (30) feet to any public road right of way, provided the approved reclamation plan is able to be implemented.

e. Mining operations shall not be conducted closer than two hundred (200) feet from the ordinary high water level of any public water as classified in Chapter 7 of this Ordinance, or any wetland regulated by Minnesota Rules Chapter 8420, as amended.

VII. HOURS OF OPERATION

All hours of operation shall be set in the Interim Use Permit as approved by the Planning Commission.

VIII. VERTICAL FACES

Vertical faces shall be kept to a minimum except during actual mining.

IX. WEED CONTROL

Weeds and any other unsightly or noxious vegetation shall be cut

or trimmed as necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

X. COMPLAINTS

Complaints regarding Mining operations shall be forwarded to the Environmental Services Department for processing. The Department shall make timely investigation of complaints and shall endeavor to resolve complaints utilizing such dispute resolution process as may be developed by the County.

XI. SIGNS

An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Signs required by this Section shall be clearly visible from the public road and shall conform with the general development standards for Signs in Chapter 17 of this Ordinance.

16.38.4 LAND RECLAMATION

All mining sites shall be reclaimed immediately after Mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

A. Within a period of three (3) months after final termination of a Mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an Interim Use Permit for a Mining operation, all buildings, materials, waste, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.

B. The peaks and depressions of the mined area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent grade.

C. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded or planted.

D. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after Mining operations cease and will be consistent with the site specific reclamation plan submitted as part of the Interim Use Permit process.

E. A performance surety, payable to the County of Dodge, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor and/or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or Ordinance. This option may be executed one hundred eighty (180) days after written notice of noncompliance to the applicant.

16.38.5 EXISTING MINING OPERATIONS

Existing Mining operations are those Mining operations that are both currently and legally being used or those that have records showing continuous use within the past five (5) years on a Lot of Record. Continuous use shall be defined as the removal of at least fifty (50) cubic yards of material every year.

A. Owners of Existing Mining operations shall register with the Department within two (2) years of adoption of this Section on forms provided by the Department. The registration shall be accompanied by:

I. A reclamation plan completed in accordance with Section 16.38.4 of this Chapter shall be submitted with the registration.

II. Proof of coverage under MPCA's Nonmetallic Mining and Associated Activities general permit (or successor), when applicable.

III. Proof of coverage under MPCA Industrial Stormwater Permit, when applicable

Operators of existing Mining Operations may continue operation during the registration and review process. The registration shall remain in effect and allow the operation to continue as long as the operation remains in compliance with the minimum standards of this Ordinance. Owners of existing pre-ordinance Mining

Operations who do not register with the Department within two (2) years shall be required to apply for an Interim Use Permit.

B. If it is determined by the Department that an Existing Mining operation poses a potential or real environmental hazard or otherwise has a potential or real negative impact on the health, safety or welfare of the residents of the County, the Mining Operation shall immediately be subject to the administrative provisions of Chapter 18 of this Ordinance and the owner shall apply for an IUP.

SECTION 16.39 MOTOR VEHICLE REPAIR/SERVICE

16.39.1 PERFORMANCE STANDARDS

A Buildings and vehicle storage areas shall meet the setback requirements of this ordinance

B. There shall be no hazardous waste runoff. Storage and disposal of hazardous waste shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

C. The outdoor storage of hazardous materials is prohibited.

D. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site.

E. The storage of salvage and/or junk vehicles is prohibited.

F. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least six (6) feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.

G. Any outdoor lighting system shall comply with the requirements of Chapter 17.

H. The business shall be required to register with Emergency Management Director.

I. An environmental management plan, including a water and waste management plan to address the use of water and treatment of waste onsite

J. Stormwater management and drainage plan shall be submitted to address the impact of the facility on the environment. Stormwater management shall meet the general development standards of Chapter 17, when applicable.

K. The owner or operator may be required to submit a financial guarantee to the county to ensure compliance wit the conditional use permit and closure requirements.

L. The outdoor storage of motor vehicle parts or junk/salvaged vehicles is prohibited.

SECTION 16.40 OUTDOOR SALES AND DISPLAY – (CONSIGNMENT LOTS)

16.40.1 PERFORMANCE STANDARDS

An outdoor sales and display use shall comply with the following standards:

A. The outdoor sales and display shall be accessory to a legally permitted commercial use and located within a Commercial Zoning District.

B. Outdoor sales and display areas shall meet all setback requirements of this Ordinance.

C. All goods or materials shall be displayed in a designated area.

D. The grounds and any structures shall be maintained in a clean, orderly and safe manner.

E. The outdoor sales and display area shall not reduce the amount of parking provided on site below the level required for the principal use.

F. Hazardous materials cannot be stored in an outdoor sales and display area.

SECTION 16.41 PLANNED UNIT DEVELOPENTS (PUD)

16.41.1 PURPOSE

The following standards are established to encourage and promote environmental and aesthetic design in the specified villages where this development type may be employed. The standards employed in Planned Unit Developments are intended to allow smaller lot sizes and permit greater design freedom and flexibility in the use of land while ensuring basic compliance with the intent of this Ordinance and the County's Comprehensive Land Use Plan.

16.41.2 AUTHORIZATIONS

PUD authorization is only allowed within the unincorporated Villages of Wasioja and Old Concord. Uses within the PUD may include only those uses generally associated with the underlying land use category shown for the area on the official Comprehensive Land Use Plan, unless it is determined that there is a public benefit to include other uses. The burden of proof shall rest upon the applicant to demonstrate the public benefit of such uses. Generally, PUD's allow:

A. VARIETY

Within a comprehensive site design concept, PUDs allow a mixture of land uses, housing types, lot sizes and densities. Planned Unit Developments may be single or multipurpose in character depending upon the size of the tract under consideration. The term is intended to include single family residential developments, multifamily residential developments, and commercial developments either alone or in combination with one another. In the Shoreland Overlay Zoning District, only residential developments are permitted to be developed under these controls.

B. SENSITIVITY

By departing from the strict application of required setbacks, yard areas, lot sizes, minimum requirements and other performance standards associated with traditional zoning, PUDs can maximize the development potential of land while remaining sensitive to its unique and valuable natural and cultural characteristics.

C. EFFICIENCY

The consolidation of areas for recreation, open space and/or agricultural use and reductions in street lengths and other utility related expenses.

D. DENSITY CLUSTERING/OPEN SPACE

The project density may be clustered on areas that have low agricultural potential and/or natural housing appeal while retaining the remainder of the site as open space. Density is based on the number of units per acre instead of specific lot dimensions.

E. DISTRICT INTEGRATION

The combination of uses that are allowed in separate zoning districts such as:

I. Mixed residential allows both densities and unit types to be varied within the project.

II. Mixed use allows commercial, industrial, residential, or institutional land use with the integration of compatible land uses within the project.

Specific allowed use and performance standards for each PUD shall be delineated in the CUP, the PUD agreement, and in approved Preliminary and Final Plats and their supporting documents.

16.41.3 CUP REQUIRED

A PUD shall require a Conditional Use Permit (CUP) in all areas identified where PUDs are allowed. For PUD developments within the Shoreland Overlay Zoning District, the standards of Chapter 14 of this Ordinance also apply.

16.41.4 PROCESS

A. APPLICATION AND PLAN

Applications for a CUP for a Planned Unit Development (PUD) shall be submitted on forms provided by the Environmental Services Department. As part of the application for a PUD, a General Development Concept Plan (GDCP) shall also be included.

B. PUBLIC HEARING

A public hearing in accordance with Chapter 18 of this Ordinance shall be held on the CUP. If the GDCP is approved and the CUP is issued, the applicant is authorized to commence development of the PUD.

C. COORDINATION WITH SUBDIVISION REGULATIONS

I. All PUD's shall be platted in accordance with the process defined for Major Subdivisions identified in Chapter 20 of this Ordinance.

II. Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The items required under Section 16.41 shall be submitted in a form which will satisfy the information requirements of Minnesota Statutes Chapter 505 and Chapter 20 of this Ordinance.

D. PUD REVIEW

The Zoning Administrator and the Planning Commission shall review all PUDs within the County at least once each year and shall make a report to the County Board on the status of the development. If the Planning Commission finds that the development has not occurred within a

reasonable time after the original approval of the CUP, the Planning Commission may recommend that the County revoke the CUP as set forth in Chapter 18 of this Ordinance.

E. REVISIONS AND/OR CHANGES

I. MINOR CHANGES

Minor changes in the location, placement and height of structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the Final Plat was approved and filed with the Zoning Administrator.

II. MAJOR CHANGES

Changes in uses, significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved Final Plat and its supporting documents may be made only after a public hearing conducted by the County Board. Any changes shall be recorded as amendments to the recorded copy of the Final Plat and its supporting documents.

16.41.4 PERFORMANCE STANDARDS

A. GENERAL CRITERIA

The following general principals are inherent in the development of PUD proposals:

I. Greater density allowances are based upon the use of shared community wells and sewage treatment systems;

II. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to potential surrounding uses;

III. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing and operation of dwelling units and common space are balanced and coordinated;

IV. The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to serve the district;

V. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries;

VI. The PUD makes adequate provision for the improvement and continuing preservation and maintenance of attractive open space.

B. SPECIFIC STANDARDS

I. MINIMUM ACREAGE

A PUD proposal must contain a minimum of four (4) acres of area. The PUD shall include the proposed development and all the land from which the density for the development is derived.

II. DENSITY

A density of one (1) dwelling per one (1) acre is established, however, if the development includes shoreland area, the density of structures allowed in the shoreland is calculated in the following manner:

a. The suitable area in the shoreland is calculated by excluding all wetlands, bluffs, or land below the ordinary high water level

b. The suitable area is then divided by one (1) acre to yield the number of dwelling units allowed to be built within the shoreland portion of the development project area.

III. OTHER CONSIDERATIONS

No specified lot size requirement is established for each dwelling and no lot width, floor area ratio or yard setbacks are established, however, such requirements will be made a part of an approved development plan which shall become an integral part of the CUP and has been agreed upon by the owner and the County which shall be part of and enforced as a part of this Ordinance.

IV. OPEN SPACE

Common open space within a PUD shall be for the use and benefit of the home or property owners, general public or kept in a

permanent natural state. This land will be a permanent part of the development

a. MANAGEMENT

Open space within the PUD shall be owned and managed in common by a home and property owners association, appropriate public entity or conservation organization. Membership in the association is required for each dwelling, commercial or other unit or site purchaser and any successive purchasers. The association shall be responsible for insurance, taxes, and the maintenance of all commonly owned property and facilities. A recorded PUD agreement which addresses Open Space shall provide for the following:

1. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites; and

2. Assessments must be adjustable to accommodate changing conditions

b. ASSURANCES

Deed restrictions, covenants, or permanent easements shall be employed by the owners association to ensure the long-term preservation and maintenance of open space. The following are prohibited in areas identified as open space:

1. Commercial uses

2. Vegetation and topographic alteration other than routine maintenance

3. Construction of buildings, structures or storage of vehicles and other materials

4. The uncontrolled beaching or watercraft, when applicable.

c. STANDARDS FOR OPEN SPACE

1. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, and water-oriented accessory

structures or facilities, are developed areas and shall not be included in the computation of minimum open space

2. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries

3. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites

4. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems

5. Open space may not contain accessory structures or facilities

6. 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

7. OPEN SPACE IN SHORELAND

   i. The Shore Impact Zone, based on normal structure setbacks, must be included as open space. At least seventy percent (70%) of the shore impact zone area must be preserved in its natural or existing state.

   ii. At least 50% of the total shoreland project area must be preserved as open space

C. Erosion and Sediment Control practices meet the general development standards of Chapter 17 of this Ordinance.

D. Stormwater Management shall meet the general development standards of Chapter 17 of this Ordinance.

E. Impervious surface coverage within the project area must not exceed 75%.

F. Sewage treatment shall meet the requirements of Minnesota Rules Chapters 7080 through 7083 and the Dodge County Subsurface Sewage Treatment Ordinance, No. 4; or successor

G. ADDITIONAL STANDARDS WITHIN THE SHORELAND OVERLAY DISTRICT

I. 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

II. 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:

a. Consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors.

b. The number of spaces provided for continuous beaching, mooring, or docking or watercraft must not exceed one for each allowable dwelling unit or site in the shoreland area.

c. 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 the remaining portion of the development area

III. 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

IV. Accessory structures and facilities, except water-oriented

accessory structures, must meet the required principal structure setback and must be centralized; and

V. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Chapter 14 and are centralized

16.41.5 ASSURANCES

A home/property owners' association agreement with mandatory membership is required for each dwelling, commercial or other unit or site purchaser and any successive purchasers. The association shall be responsible for insurance, taxes, and the maintenance of all commonly owned property and facilities. The agreement must provide for the following:

A. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites; and

B. Assessments must be adjustable to accommodate changing conditions

16.41.6 PHASING AND GUARANTEE OF PERFORMANCE

A. The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

B. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the County Board may extend the limits of the development schedule.

C. The construction and provision of all of the common open space and public and recreational facilities which are shown on the Final Plat and its supporting documents must proceed at the same rate as the construction of dwelling units, if any. The Planning Commission shall review all of the land use permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, they shall forward this information to the County Board for action. If the developer or landowners fails to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the County may finish the open space areas and assess the cost back to the developer or landowner.

D. A two-year maintenance bond shall be required to guarantee performance by the developer. In addition, the developer shall provide either an escrow deposit or letter of credit. The developer may choose between the letter of credit or escrow deposit. The amount of the bond, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the PUD Agreement

16.41.7 CONTROL OF PLANNED UNIT DEVELOPMENTS FOLLOWING COMPLETION

A. After the land use permit has been approved for any construction, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development shall be governed by the Final Plat and supporting documents.

B. After the land use permit has been issued for any construction, no changes shall be made in the approved Final Plat and supporting documents except upon application as provided below:

I. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the Final Plat and supporting documents. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent (10%).

II. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Plat and supporting documents unless an amendment to the Final Plat or supporting documents is approved under Section 16.41.4.E.

III. Changes in the use of the common open space may be authorized by an amendment to the Final Plat and supporting documents under Section 16.41.4.E.

IV. Any other changes in the Final Plat and supporting documents must be authorized by an amendment of the Final Plat or supporting documents under Section 16.41.4.E.

SECTION 16.42 PUBLIC RECREATIONAL LANDS AND TRAILS

16.42.1 PERFORMANCE STANDARDS

The following shall apply to public trails and lands:

A. DISORDERLY CONDUCT - Disorderly Conduct as defined in Minnesota Statutes 609.72, or successor, is prohibited.

B. VANDALISM - The destruction, alteration, injury or removal of any real or personal property, vegetation or geological formation or molestation of wildlife is prohibited.

C. SANITATION - Garbage and recyclables shall be separated and disposed of by placing in the containers provided, or in an appropriate manner.

D. FIRES – Fires are permitted only in fireplaces or other designated sites.

E. PICNICING – Picnic grounds cannot be used to the exclusion of others.

F. PUBLIC ADDRESS SYSTEMS - The use of loud speakers and public address systems are prohibited without permission.

G. CAMPING - Camping is prohibited.

H. MOTORIZED VEHICLES - Licensed and Unlicensed Motorized Vehicles of all types (except County authorized vehicles and emergency vehicles) are not permitted on County trails which includes, but is not limited to, mopeds, snowmobiles, three and four wheeler all terrain vehicles, trucks and automobiles.

I. SNOWMOBILES - Snowmobiles are strictly prohibited from using the County owned or maintained trails or their right of way. Snowmobiles must be operated in accordance with state statutes and on trails designated for such use only.

J. HORSES - Horseback riding is prohibited on paved trails and trail right of ways.

K. DOMESTIC PETS - Domestic Pets are permitted only when confined on a leash not exceeding 6 feet long. Pets are not permitted in any trail buildings or natural areas whether on a leash or not. Dogs running at large will be removed.

L. FIREARMS AND WEAPONS - Firearms, explosives, slingshots, bows and arrows and other weapons are prohibited on trails at all times.

M. OUTDOOR SPORTING ACTIVITIES - Hunting, trapping, fishing and seining are prohibited at all times.

N. ADVERTISEMENTS - Private notices or advertisements shall not be posted, distributed or displayed on trail property without the written consent of Dodge County.

O. PRIVATE OPERATIONS - No person, association or corporation shall engage in or solicit business within the trail boundaries without the express written consent of Dodge County.

P. ALCOHOLIC BEVERAGES - Use or possession of intoxicating beverages are prohibited.

SECTION 16.43 SCHOOLS- PUBLIC AND PRIVATE

16.43.1 PERFORMANCE STANDARDS

A. The site shall be served by a minor arterial or higher functional class of roadway.

B. The parcel shall have a lot area no less than four times the area of the building footprint.

C. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control and the impact of the facility on surrounding roadways.

D. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan, waste management and recycling plan shall be submitted to address the impact of the facility on the environment.

E. All parking areas, bus loading and unloading areas, delivery areas and access roads to any of these areas shall be hard surfaced.

F. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

G. All accessory residential or day care uses are subject to the provisions of this Ordinance.

SECTION 16.44 SERVICE STATION AND/OR CONVENIENCE STORE (INCLUDING FUEL DISPENSING STATIONS)

16.44.1 PERFORMANCE STANDARDS

In addition to the standards of the applicable district, the following requirements shall apply to automobile service stations and truck stops that dispense fuel, as well as, repair shops or the sale of tires or batteries:

A. The parcel shall have a lot area no less than four times the area of the building footprint.

B. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.

C. A minimum landscape buffer of twenty-five (25) feet in width shall be planted and maintained along all abutting public rights-of-way, except at the access drives. A minimum fifteen (15) foot landscaped yard shall be planted and maintained adjacent to all property lines.

D. There shall be no hazardous material runoff.

E. Wherever fuel pumps are installed, pump islands shall be installed.

F. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

G. Access shall be approved and permitted by the appropriate road authority.

H. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.

I. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site. Open dead storage of motor vehicles awaiting service shall not be permitted for a period of more than forty-eight (48) hours.

J. If a floor drain is installed in the area of the building in which service or maintenance is performed on motorized vehicles, that drain shall

be connected to a holding tank and properly permitted by the EPA and MPCA.

K. No sale or rental of motor vehicles or accessory vehicles, campers, trailers, etc. is allowed.

L. The storage of salvage vehicles is prohibited.

M. Any outdoor lighting system shall be designed so as to prevent any undue light from being directly visible from a public right-of-way or an adjacent residential use.

N. Screening shall be at least six (6) feet in height, 80% opaque year around and of neutral colored material and/or vegetation. Screening shall be constructed and maintained along the rear and side property lines abutting the residentially zoned property. No screening shall be permitted within fifteen (15) feet of any street right-of-way.

O. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance.

P. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.

Q. Motor fuel stations and truck stops shall have no more than one (1) pedestal type business identification signs not to exceed thirty (30) feet in height provided the sign:

I. Is located a minimum of ten (10) feet from the Right of Way

II. Meets the side and rear yard setbacks for accessory structures

III. Has no more than two (2) faces

IV. Does not exceed more than one hundred fifty (150) square feet of area per face

V. Is not less than sixteen (16) feet, vertically, from the grade of the nearest driveway or parking area.

The pedestal shall not be less than five (5) feet from the driveway providing access to the station at its nearest point

R. SETBACKS

FEATURE	Lot Width	Front	Side	Rear
FUEL STATION	200’	70’	30’	30
TRUCK STOP	200’	80’	60’	60’
PUMP		30’	30’	30’
SIGN		10’	10’	10’
FRONT EDGE OF CANOPY		10’	20’	20’

SECTION 16.45 SOLAR ENERGY SYSTEMS, ACCESSORY

16.45.1 PERMITTED USE

Solar energy systems less than 40 kW are a permitted accessory use in all Primary Zoning Districts. The principal use of energy generated by the Accessory Solar Energy System must be to serve the structures and facilities associated with an individual permitted or conditional use in the zoning district in which it is located. Ground mounted solar energy systems are considered an accessory structure and are prohibited from locating within the Floodplain Overlay Zoning District.

16.45.2 CONDITIONAL USE

Ground mounted accessory solar energy systems which exceed 40 kW, or cover greater than one-half (1/2) acre of land require a Conditional Use Permit and are subject to the administrative process of Chapter 18.

Unless exempt under the provisions of Section 18.12.2, ground-mounted solar energy systems require a Zoning Permit.

16.45.3 PERFORMANCE STANDARDS

A. ACCESSORY BUILDING LIMIT

Solar energy systems, either roof or ground-mounted do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the lot coverage limits, as set forth in Section 16.3 of this Chapter.

B. HEIGHT

Active solar energy systems are subject to the following height requirements:

I. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.

For purposes of height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.

II. Ground or pole mounted solar systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.

C. SETBACKS

Solar energy systems are considered an accessory structure and must meet the accessory building setback for the zoning district in which it is located.

I. ROOF-MOUNTED SYSTEMS

In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems that are parallel to the roof surfaces shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by the least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of building on side yard exposure.

II. GROUND-MOUNTED SOLAR SYSTEMS

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

III. LARGE GROUND-MOUNTED SOLAR SYSTEMS

Ground-mounted solar energy systems that result in the creation of one (1) or more acres of impervious surface, must comply with MPCA's Construction Stormwater Permit requirements.

D. MAXIMUM COVERAGE

Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than eighty percent (80%) of the south-facing or flat roof upon which the panels are mounted. The total collector surface area or pole or ground-mount systems in non-agricultural district shall not exceed one percent of the lot area.

E. APPROVED SOLAR COMPONENTS

Electric solar energy system components must have an Underwriter Laboratory (UL) listing.

F. COMPLIANCE WITH STATE ELECTRIC CODE

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

G. UTILITY NOTIFICATION

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

H. NUISANCE ABATEMENT

No owner, occupier or person in control of property shall allow vegetation or structures to be placed or grow so as to cause a shadow on a solar energy system which is greater than the shadow caused by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 a.m. to 2:30 p.m. Central Standard time on December 21st, provided however, this standards shall not apply to vegetation or structures which cause a shadow upon the solar energy system at the time of installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system.

A violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because such violation, so that performance of the system is impaired, may have in tort for damages sustained thereby and may have such nuisance abated.

As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the affected area with the County prior to installation of said system.

SECTION 16.46 SOLAR ENERGY FARMS

Solar Energy Farms are distinguished from Accessory Solar Energy Systems, as they are the primary land use for the parcel on which the array is located.

16.46.1 CUP REQUIRED

Solar Energy Farms require a Conditional Use Permit issued under the procedures of Chapter 18.

16.46.2 PERFORMANCE STANDARDS

A. LOT SIZE

The lot parcel or tract upon which a Solar Energy Farm is located shall be four times the area of the impervious surface created by the panels and/or arrays.

B. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

Stormwater management and erosion and sediment control shall meet the requirements of the appropriate permit issued by the Minnesota Pollution Control Agency.

C. FOUNDATIONS

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

D. OTHER STANDARDS AND CODES

All solar energy farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota's Uniform Building Code, as amended; and the National Electric Code, as amended.

E. POWER AND COMMUNICATION LINES

Power and communication lines running between banks of solar energy panels and to electric substations or interconnection with building shall be buried under ground.

Power and communication lines for the purpose of transporting energy from the solar farm are considered Essential Service Lines and are regulated under Section 16.21 of this Chapter.

F. Solar Energy Farms shall not be permitted in areas where glare or reflection poses a risk to passing traffic.

16.46.3 DISCONTINUATION, DECOMISSIONING & RESTORATION

A. DISCONTINUATION – A solar energy farm shall be considered a discontinued use after one (1) year without production of energy, unless a plan is developed and submitted to the Dodge County Zoning Administrator outlining the steps and schedule for returning the tower to service.

B. DECOMMISSIONING PERIOD - All panels, arrays and accessory facilities shall be removed within six (6) months of the discontinuation of use.

C. DECOMMISSIONING AND RESTORATION REQUIREMENTS – Decommissioning and site restoration include:

I. Dismantling and removal of all arrays

II. Removal of underground cables

III. Removal of accessory structures, fencing and other ancillary facilities

IV. Removal of foundations to a depth of four (4) feet below grade.

V. Restoration and reclamation to the same general topography that existed just prior to the beginning of construction of the tower. Areas disturbed by the construction of the tower and decommissioning activities must be graded, top-soiled and re-seeded according to USDA Natural Resources Conservation Service (NRCS) or Soil and Water Conservation District (SWCD) technical recommendations.

D. DECOMMISSIONING & RESTORATION PLAN – All solar energy farms shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:

I. The manner in which the project will be decommissioned and the site restored.

II. The anticipated life of the project.

III. The estimated Net Cost of decommissioning in current dollars. The Net Cost is the estimate of the sum of all labor and other costs associated with performing the requirements of Section 16.46.3.C, less the Salvage Value of the materials.

IV. The method and schedule for updating the cost of decommissioning and restoration. The cost of decommissioning shall be updated and provided upon request by Dodge County.

V. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration

VI. DECOMMISSIONING FINANCIAL ASSURANCE.

a. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as approved in the Decommissioning and Restoration Plan. The performance bond shall be set up as “continuous until cancelled” and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.

b. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.

E. FAILURE TO DECOMMISSION – If the financially responsible party of a solar energy farm does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County may take such action as may be necessary to decommission the solar farm and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the solar farm and restoring the property.

SECTION 16.47 STORES (RETAIL, GROCERY, DRY GOODS)

16.47.1 PERFORMANCE STANDARDS

A store shall be subject to the following performance standards:

A. The site shall be served by a minor collector or higher functional classification of roadway

B. The parcel shall have a lot area no less than four times the area of the building footprint.

C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

D. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.

E. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least six feet (6') in height, eighty percent (80%) opaque year around and of neutral colored material and/or vegetation.

F. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

SECTION 16.48 TEMPORARY STORAGE OR OPERATION OF EQUIPMENT

The temporary storage of equipment and/or operations, limited to a bituminous plant, ready mix concrete plant or contractor's yard associated with highway construction or a similar public purpose, shall require an Interim Use Permit and is subject to the administrative provisions of Chapter 18 of this Ordinance.

16.48.1 PERFORMANCE STANDARDS

A. The use shall comply with all applicable federal, state and County rules, regulations, laws and ordinances.

B. All equipment and temporary buildings shall meet the setbacks of the underlying zoning district.

C. The property owner shall submit a financial guarantee as specified by the Planning Commission that the temporary equipment/use will be removed upon termination of the Interim Use Permit (IUP). Upon termination of the IUP, the temporary equipment/use shall be removed from the premises within thirty (30) days.

SECTION 16.49 TOWERS, SATELLITE ARRAYS & ANTENNAS

The construction, alteration, modification, transformation or addition of transmission towers, antennas, commercial satellite arrays and wireless communication facilities are regulated under this section. Towers associated with Wind Energy Conversion Systems (WECS) are subject to Section 16.51 of this Chapter.

16.49.1 PERMITTED USES

The following tower facilities and activities are permitted accessory uses and structures, subject to the performance standards of this Chapter, when located on the same parcel of land and within the same building site as the principal use of the property.

A. Personal antennas under seventy (70) feet in total height, either utilized by a federally licensed amateur radio operator or receive-only antennas or personal satellite facilities incidental and accessory to a single residential use.

B. Routine maintenance of existing tower facilities or modification of lighting to conform with federal, state or local requirements, subject to the performance standards of this section.

C. The addition of antennas to, or co-location of, new facilities on an existing tower facility that meets the standards of this ordinance and does not increase the total height of the tower facility.

16.49.2 CUP REQUIRED

A CUP is required for:

A. All commercial tower facilities that require the placement of a new tower.

B. Expansion of an existing commercial tower by addition to its overall height or the addition of antennas and other facilities which would result in an increase of the total height of the existing tower.

C. The addition of a commercial antenna(s) on existing structures, including, but not limited to buildings, flagpoles, church steeples, cupolas, ball fields lights and power line support devices that result in an overall height of the structure to exceed thirty–five (35) feet.

D. Commercial satellite arrays and/or hubs

16.49.3 CUP APPLICATION

An application for a tower or array shall be on forms provided by the Department. The Dodge County Environmental Services Department may contract with an independent technical expert to review technical material submitted by the applicant, and/or to determine if additional information is necessary. The applicant shall pay the cost of the review and/or independent analysis An application for a CUP shall not be considered complete unless it provides a discussion for co-location which meets the requirements of 16.49.4, below.

16.49.4 CO-LOCATION REQUIREMENTS

The applicant shall review all existing towers within a two (2) mile radius for the possibility of co-location. Co-location on existing towers shall be required, unless the applicant provides documentation on corporate letterhead including supporting information that equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a two (2) mile search radius of the proposed tower due to one or more of the following reasons:

A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent registered professional structural engineer or a structural engineer with equivalent credentials, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost.

B. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a competent electrical engineer specializing in radio frequency and the interference cannot be prevented at a reasonable cost.

C. Existing or approved towers or buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a competent electrical engineer specializing in radio frequency communications and/or structural engineer.

D. The applicants shall submit proof of best efforts to negotiate reasonable industry terms regarding the lease or purchase of space on an existing tower.

E. Coverage objectives of the carrier cannot be met by using existing towers and or other structures within a two-mile radius

F. Other reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

16.49.5 CRITERIA FOR GRANTING A CUP

In addition to the general criteria for granting a CUP listed in Section 18.13 of this Ordinance, the following factors shall also be considered.

A. Height of the proposed tower facility

B. Proximity of the tower facilities to residential structures and residential district boundaries

C. Nature of uses on adjacent properties

D. Availability of suitable existing towers and other structures for co-location

E. Impact to the existing aesthetics

16.49.6 TOWER SITE PERFORMANCE STANDARDS

A. SITING LIMITATIONS

Towers and associated facilities are prohibited from being located within the following:

I. Mapped and/or field identified wetlands

II. Areas identified with native prairie remnants

III. The Shoreland or Floodplain Overlay Districts as identified in Chapter 7 of this Ordinance

IV. Areas identified as *Special Interest* or scenic

V. Areas mapped as *Conservation Corridor*, regardless of the underlying Zoning District

VI. Slopes exceeding twelve (12) percent

VII. Areas mapped as microwave corridors for federal, state or local emergency services

VIII. Dodge Center Airport Zone, unless approved by the City of Dodge Center

B. SETBACKS

I. TOWER

The tower facility shall have a minimum setback distance to the property line and/or recorded easement boundary equal to the height of the tower, or the structure setback of the zoning district in which it is located, whichever is greater. This setback may be reduced to one-half (1/2) the height of the tower, provided that the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the proposed tower to the property line.

II. ACCESSORY FACILITIES AND FEATURES

Accessory buildings/structures and other facilities shall require a zoning permit and meet the setbacks for accessory structures of this Chapter.

C. FENCING

Visible and secure fencing no less than eight (8) feet in height shall be placed around the tower and all accessory facilities.

D. SIGNS

No advertisement of any kind is permitted anywhere at the facility, with the exception of one (1) identification sign not to exceed four (4) square feet. “No Trespassing” signs shall be posed around the facility with a telephone number of who to contact in the event of an emergency.

E. TOWER AND FACILITY REQUIREMENTS AND STANDARDS

I. SAFETY DESIGN STANDARDS- Unless otherwise specified, the following standards apply to towers.

a. ENGINEERING/INSPECTOR CERTIFICATION – The manufacturer’s engineer or other qualified engineer(s)/inspector(s) shall certify that the tower foundation and design is within accepted professional standards, given local soil and climate conditions. This includes, but is not limited to, proof of compliance with National Electrical Code, the State of Minnesota’s Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed tower. Any costs associated with the contracted services shall be at

the expense of the permittee.

b. EQUIPMENT – Equipment shall conform to applicable industry standards including the Telecommunications Industry Association standards for tower design and related standards adopted by the American Standards Institute (ANSI). All towers shall be commercially available, not prototype towers.

c. CLIMBING APPARATUS – All climbing apparatus located outside of the tower shall be located at least fifteen (15) feet above the ground. All towers shall have controlled access and secured at all times.

d. WARNINGS

1. For all towers, signs with emergency contact information shall be posted on the turbine or at another suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the supporting and accessory structures, when present.

II. TOWER HEIGHT STANDARDS

The height of the tower may be restricted in Airport the airport zoning district and is subject to review an approval by the appropriate governing unit.

III. TOWER CONFIGURATION STANDARDS

a. COLOR AND FINISH – Towers and antenna, including support structures and fencing shall be designed to blend into the surrounding environment to the maximum extent possible. Towers not requiring Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) painting or markings shall have either a galvanized finish or be white, light blue gray or another non-obtrusive color.

b. At the tower site, the design of the support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities into the natural setting and built environment.

c. If an antenna is installed on a structure other than an independently standing tower, the antenna and

supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall be constructed of a monopole or other freestanding design without the use of guy-wires or supporting cables.

e. Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by the FAA and/or FCC permits and regulations.

16.49.7 DISCONTINUATION, DECOMISSIONING & RESTORATION

A. DISCONTINUATION – A commercial tower shall be considered a discontinued use after one (1) year without service, unless a plan is developed and submitted to the Dodge County Zoning Administrator outlining the steps and schedule for returning the tower to service.

B. DECOMMISSIONING PERIOD - All towers and accessory facilities shall be removed within six (6) months of the discontinuation of use.

C. DECOMMISSIONING AND RESTORATION REQUIREMENTS – Decommissioning and site restoration include:

I. Dismantling and removal of all towers

II. Removal of underground cables

III. Removal of accessory structures, fencing and other ancillary facilities

IV. Removal of foundations to a depth of four (4) feet below grade.

V. Restoration and reclamation to the same general topography that existed just prior to the beginning of construction of the tower. Areas disturbed by the construction of the tower and decommissioning activities must be graded, top-soiled and re-seeded according to USDA Natural Resources Conservation Service (NRCS) or Soil and Water Conservation District (SWCD) technical recommendations.

D. DECOMMISSIONING & RESTORATION PLAN – All commercial towers shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:

I. The manner in which the project will be decommissioned and the site restored.

II. The anticipated life of the project.

III. The estimated Net Cost of decommissioning in current dollars. The Net Cost is the estimate of the sum of all labor and other costs associated with performing the requirements of Section 16.49.7.C, less the Salvage Value of the materials.

IV. The method and schedule for updating the cost of decommissioning and restoration. The cost of decommissioning shall be updated and provided upon request by Dodge County.

V. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration

VI. DECOMMISSIONING FINANCIAL ASSURANCE.

a. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as approved in the Decommissioning and Restoration Plan. The performance bond shall be set up as “continuous until cancelled” and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.

b. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.

E. FAILURE TO DECOMMISSION – If the financially responsible party of a commercial towers does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County may take such action as may be necessary to decommission a commercial tower and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the commercial tower and restoring the property.

SECTION 16.50 WAREHOUSING, STORAGE, DISTRIBUTION AND WHOLESALE FACILTIES

16.50.1 PERFORMANCE STANDARDS

A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.

B. The parcel shall have a lot area no less than four times the area of the building footprint.

C. All loading and unloading facilities shall be located on the rear or side of the structure or be screened from view from residential uses.

D. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least eight feet (8') in height, eighty percent (80%) opaque year around and of neutral colored material and/or vegetation.

E. A retail sales area may be allowed as an accessory use provided that sales are limited to the sale of goods produced on-site and the retail sales area does not occupy more than twenty percent (20%) of the principal structure.

F. A transportation management plan shall be submitted with any

permit application to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.

G. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a stormwater and drainage plan shall be submitted with any permit application to address the impact of the facility on the environment.

H. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.

I. Any exterior lighting shall comply with Chapter 17 of this Ordinance.

J. The hours of operation shall not have an adverse impact on adjacent property owners.

SECTION 16.51 WIND ENERGY CONVERSION SYSTEMS (WECS)

16.51.1 PURPOSE

Dodge County promotes the use of Wind Energy Conversion Systems (WECS) to balance the need for clean and renewable energy with the need to protect public health, safety, and general welfare. This section is established to set forth regulations and performance standards for Wind Energy Conversion Systems (WECS) with a rated capacity of less than 5,000 kW or 5 megawatts (MW), and to regulate the installation, operation and decommissioning of WECS within Dodge County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, Wind Energy Conversion Systems, as amended. In no case shall provisions of this section guarantee wind rights or establish access to the wind.

16.51.2 LAND USE APPROVALS

Zoning Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes Chapter 394. An application for WECS and met towers shall be submitted on forms provided by the Department.

16.51.3 AGGREGATED PROJECTS

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 may 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 MN Statute 216F.01 through 216F.081 shall be regulated by the State of Minnesota.

16.51.4 PERFORMANCE STANDARDS

A. SETBACKS

All WECS and met towers shall adhere to the setbacks and performance standards established in the following table.

RESOURCE	**Micro WECS** **< 1 kW**	**Non-Commercial WECS** **1kW< and <40kW**	**Commercial WECS** **40 kW< and <5,000 kW**	**Meteorological Tower** NA
Wind Access Buffer (setback from Project Boundary defined as public and private lands/parcels and /or wind rights not under permittee's control)	1.1 times the total height of the structure, but no less than the structure setback of the underlying zoning district.	5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, <u>whichever is greater</u>. Any guy wires must meet the structure setbacks of the District.
Participating Dwellings	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA Applies to all dwellings/occupied structures other than that which the Micro-WECS serves. The WECS must not be any closer to the on-site occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA or 1.1 times the total height of the wind turbine from the property line or R.O.W. line, <u>whichever is greater</u>. Applies to all dwellings/occupied structures other than that which the WECS serves. The WECS must not be any closer to the on-site dwelling/occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA during overnight hours, or Minimum of 750 feet, <u>whichever is greater.</u> Applies to all dwellings/occupied structures.	250 feet or 1.1 times the total height, <u>whichever is greater.</u> Any guy wires must meet the structure setbacks of the District.
Non-participating Dwellings Occupied Structures (includes, but not limited to schools, churches and places of business)	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA Applies to all dwellings/occupied structures other than that which the Micro-WECS serves. The WECS must not be any closer to the on-site occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA or 1.1 times the total height of the wind turbine from the property line or R.O.W. line, <u>whichever is greater</u>. Applies to all dwellings/occupied structures other than that which the WECS serves. The WECS must not be any closer to the on-site dwelling/occupied	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA during overnight hours, or Minimum of 1000 feet, <u>whichever is greater.</u> Applies to all dwellings/occupied structures.	250 feet or 1.2 times the total height, <u>whichever is greater.</u> Any guy wires must meet the structure setbacks of the District.

		structure than the fall zone of the structure.		
Public Roads ROWs Other ROWs (trails, railroads, and utility or drainage easements, etc.) The setback shall be measured from future ROW if a planned changed or expanded ROW is known,	1.1 times the total height, from the property line, ROW or easement, whichever is greater. Setback must not be less than the structure setback of the underlying zoning district.	1.1 times the total height from the property line, ROW or easement, whichever is greater. The most restrictive setback applies.	250 feet, or 1.1 times the total height from the property line, ROW, or easement, whichever is greater. The most restrictive setback applies.	250 feet, or 1.1 times the total height, whichever is greater. Any guy wires must meet the structure setbacks of the District.
Public Conservation Lands	An amount equal to the total height of the structure, but no less than the structure setback of the underlying zoning district.	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, whichever is greater. Any guy wires must meet the structure setbacks of the District.
Wetlands	No turbines, towers or associated facilities shall be located within any type of wetland.	No turbines, towers or associated facilities shall be located within any type of wetland.	No turbines, towers or associated facilities shall be located within any type of wetland.	No towers shall be located in any type of wetland.
Planned City Expansion Boundaries (per Comprehensive Plan and City Plans)	An amount equal to 1.1 the height of the structure, but no less than the structure setback of the underlying zoning district	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, whichever is greater. Any guy wires must meet the setbacks of the District.
Other Existing WECS and Internal Turbine Spacing	N/A	Minimum of 3 RD apart for crosswind spacing. Minimum of 5 RD apart for downwind spacing.	Minimum of 3 RD apart for crosswind spacing. Minimum of 5 RD apart for downwind spacing.	N/A
Urban Expansion District Rural Residential District	N/A	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	N/A
Aviation (public and private airports)	N/A	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.
MnDOT Microwave Beam Path Corridor	No turbines shall be located within MnDOT corridor.	No turbines shall be located within MnDOT corridor.	No turbines shall be located within the MnDOT corridor.	Not allowed within the MnDOT corridor.

B. ADDITIONAL REQUIREMENTS

I. TOTAL NAME PLATE GENERATING CAPACITY - Based on their total name plate generating capacity, C-BED Projects are considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Ordinance, and will follow the setbacks established for the category for which they fall under, as listed in Section 16.51.4.A of this Ordinance.

II. NOISE – Project must meet Minnesota Noise Standards, Minnesota Rules Chapter 7030, as amended, at all residential receivers (dwellings). Specifically, Residential Noise Standard NAC1, L50 50dBA. Setback distance is calculated based upon site layout and turbine for each residential receiver. Setback distances from residential receivers may be increased if the County determines that the MPCA's minimum noise standard NAC1 for residential receivers listed above is not sufficient for the preservation of public health and welfare.

III. ALL MAPPED AND/OR FIELD IDENTIFIED WETLANDS - Turbines and associated facilities shall not be placed in areas identified as wetlands. However, electric collector and feeder lines may cross or be placed in wetlands subject to proper federal, state, and local permits/approvals.

IV. DNR PUBLIC WATERS AND PUBLIC WATERS WETLANDS- No turbines, towers or associated facilities shall be located in public waters or public waters wetlands. However, electric collector and feeder lines may cross or be placed in public waters or public waters wetland subject to Department of Natural Resources (DNR), Fish and Wildlife Service (FWS) and United States Army Corp of Engineers (USACOE) permits/approvals.

V. NATIVE PRAIRIE – Turbines and associated facilities shall not be placed in native prairie unless approved in the native prairie protection plan. A Native Prairie Protection Plan shall be submitted if native prairie is present. The permittee shall, with guidance from the DNR and other selected by the permittee, prepare a prairie protection and management plan and submit it to the County and DNR Commissioner sixty (60) days prior to the start of construction.

VI. SAND AND GRAVEL OPERATIONS – No turbines, towers or associated facilities in active sand and gravel operations.

VII. SETBACKS OF ACECESSORY FEATURES –

Substations and accessory facilities not located within a public right-of-way or any utility easement shall meet all the setbacks of the underlying zoning district or a minimum of one hundred (100) feet, whichever is greater. Substations and accessory facilities shall, at a minimum meet the requirements of Section 16.21 of this Chapter and any conditions required by the County Board. Visible and secure fencing no less than eight (8) feet in height shall be placed around the substation, transformer, and all accessory facilities.

VIII. FEEDER LINES - All feeder lines that are equal to or less than 34.5 kV in capacity shall be buried and located on the back side of the right-of-way. Feeder lines installed as part of a WECS project shall not be considered an essential service.

IX. NEW DWELLINGS - The setback for new dwellings shall be reciprocal to the setback for new turbines to existing dwellings in that no dwelling shall be constructed within the same setback as a new turbine(s) would need to meet to an existing dwelling.

X. SPECIAL INTEREST AREAS – Project modification may be required to avoid areas identified as Special Interest. Where avoidance is not possible, a mitigation plan shall be required that adequately addresses protection of the resource of interest to the maximum extent possible.

XI. OTHER SIGNAGE - All signage on site shall comply with the general development standards for Signs in Chapter 17 of this Ordinance. The manufacturers' or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.

XII. 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. The permittee shall be responsible for compliance will all local, state and federal regulations applicable to the generation, storage, transportation, clean up and disposal of solid and hazardous wastes generated during any phase of the project's life. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

XIII. ORDERLY DEVELOPMENT - Upon issuance of a conditional use permit, all WECS shall notify the Minnesota Public Utilities Commission (PUC) Energy Facilities Permitting Program Staff of the project location and details on the survey form specified by the PUC.

XIX. STEEP SLOPES – Development on slopes exceeding 12% is prohibited.

C. TOWER AND FACILITY REQUIREMENTS AND STANDARDS

I. SAFETY DESIGN STANDARDS- Unless otherwise specified, the following standards only apply to Non-Commercial and Commercial WECS.

a. ENGINEERING/INSPECTOR CERTIFICATION – The manufacturer's engineer or other qualified engineer(s)/inspector(s) shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. This includes, but is not limited to, proof of compliance with National Electrical Code, the State of Minnesota's Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed turbine. Any costs associated with the contracted services shall be at the expense of the permittee.

b. EQUIPMENT – Equipment shall conform to applicable industry standards including the American Wind Energy Association standards for wind turbine design and related standards adopted by the American Standards Institute (ANSI). All wind turbines, which are part of a commercial, non-commercial or C-BED WECS, shall be commercially available, "utility scale", not prototype turbines.

c. OVERSPEED CONTROLS – All wind turbines, including Micro-WECS, shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within unit design limits. A professional engineer must certify that the wind turbine is equipped with rotor and overspeed controls. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

d. CLEARANCE - Rotor blades or airfoils must maintain at least thirty (30) feet of clearance

between their lowest point and the ground.

e. CLIMBING APPARATUS – All climbing apparatus located outside of the tower shall be located at least fifteen (15) feet above the ground. All towers shall have controlled access and secured at all times.

f. WARNINGS

1. For all WECS, including Micro-WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the substation and/or transformer.

2. For all guyed met towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible chain-link fencing no less than six (6) feet in height shall be installed around anchor points of guy wires. Consideration shall be given to painted aviation warning on meteorological towers of less than two hundred (200) feet.

II. TOWER HEIGHT STANDARDS

a. TOTAL HEIGHT

1. Micro-WECS shall have total height of less than forty (40) feet.

2. Non-Commercial WECS shall have a total height of less than two hundred (200) feet.

b. In those districts where meteorological towers are a permitted or conditional use, these permitted met towers shall be exempt from the height requirements listed in the performance standards of the underlying zoning district.

c. All WECS permitted under a CUP are exempt from the height performance standards of the underlying

zoning district. Micro-WECS and Non-Commercial WECS shall comply with the height requirements of 16.51.4.C.II.a, above.

III. TOWER CONFIGURATION STANDARDS

a. TYPE OF TOWER - All wind turbines, which are part of a Commercial, Non-Commercial or C-BED WECS, shall be commercially available, “utility scale”, not prototype turbines. Turbines shall be installed on tubular, monopole design towers.

b. GUYED TOWERS - Meteorological towers may be guyed. Any guy wires on the structures shall be marked with safety shields. Visible fencing no less than six (6) feet in height shall be installed around anchor points of guy wires.

c. COLOR AND FINISH - All wind turbines and towers that are part of a WECS shall be white, light blue gray 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 meteorological towers, where concerns exist relative to aerial spray applicators.

d. 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 meteorological towers, where concerns exist relative to aerial spray applicators.

16.51.5 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.

16.51.6 AVOIDANCE AND MITIGATION OF DAMAGES

A. ROADS

I. Identify 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 and all supporting infrastructure. Obtain all applicable weight and size permits from the appropriate road authority(ies) prior to any construction. Alternate routing may be determined by the road authority(ies).

II. 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. Under no circumstance shall road signage be altered without prior written permission from the road authority(ies).

III. Contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes prior to and after construction and decommissioning. The inspection may include photo and video logs, cross section measurements and profiles to include in the written agreement to document condition of the public facility.

IV. Contact the Dodge County Dispatch prior to any road closures or traffic delays for the purpose of re-routing emergency vehicles during the closure(s).

V. Provide a Performance Bond to be held by Dodge County until the Township and County road authority(ies) have provided the County Finance Director with a written release that all haul routes within their jurisdiction in Dodge County have been returned to pre-construction condition.

VI. Private roads, driveways or lanes damaged by actions associated with the construction, operation or decommissioning of a WECS shall be immediately repaired to the pre-existing condition, unless otherwise negotiated with the affected landowner.

VII. A separate and comprehensive road agreement may be required by the County road authority and if established shall supersede this section.

B. DRAINAGE SYSTEMS

I. During construction, operation, maintenance and decommissioning of a WECS, the applicant shall first avoid damages to public and private drainage systems.

II. If avoidance of these systems is not possible, the permittee shall minimize and mitigate impacts to the maximum extent feasible. The permittee shall hire a local farm/agricultural drainage company to immediately repair any damage to public and private drainage systems stemming from construction, operation, maintenance, or decommissioning of WECS. Any repair work performed on public ditches shall be approved by the Dodge County Ditch Inspector. All costs associated with the repair work shall be paid by the permittee.

C. AGRICULTURAL LANDS

The permittee shall protect and restore cultivated agricultural land impacted by WECS and mitigate the adverse impacts of construction and decommissioning on the productive use of that land.

I. APPLICATION OF HERBICIDES AND/OR PESTICIDES – Use or herbicides and/or pesticides is restricted to those approved by the Minnesota Department of Agriculture. Methods and rates of application of herbicides and/or pesticides shall be in accordance with recommendation of the Minnesota Department of Agriculture. The permittee shall contact the landowner prior to application.

II. FENCES – The permittee shall promptly repair or replace all fences and/or gates removed or damaged during the project life and provide continuity of electric fence circuits.

III. TREE REMOVAL – The permittee shall minimize the removal of trees and shall not remove trees or shelter belts without approval of the affected landowner.

IV. TOPSOIL AND COMPACTION – The permittee shall protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. The permittee shall minimize soil compaction of all lands during all phases and confine soil compaction to as small of an area as possible.

16.51.7 DISCONTINUATION, DECOMISSIONING & RESTORATION

A. DISCONTINUATION

A Commercial WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted

to the Dodge County Zoning Administrator outlining the steps and schedule for returning the WECS to service.

B. DECOMMISSIONING PERIOD

All WECS and accessory facilities shall be removed within six (6) months of the discontinuation of use.

C. DECOMMISSIONING AND RESTORATION REQUIREMENTS

Decommissioning and site restoration include:

I. Dismantling and removal of all towers

II. Removal of turbine generators

III. Removal of collection transformers

IV. Removal of overhead collection/transmission cables and structures

V. Removal of underground cables

VI. Removal of foundations, buildings, substations and other ancillary equipment to a depth of four (4) feet below grade.

VII. Removal of surface road material and restoration of the roads to substantially the same physical condition that existed immediately before construction of the WECS or wind turbine.

VIII. Restoration and reclamation to the same general topography that existed just prior to the beginning of construction of the WECS or wind turbine. Areas disturbed by the construction of the WECS and decommissioning activities must be graded, top-soiled and re-seeded according to USDA Natural Resources Conservation Service (NRCS) or Soil and Water Conservation District (SWCD) technical recommendations.

D. DECOMMISSIONING & RESTORATION PLAN

All commercial WECS shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:

I. The manner in which the project will be decommissioned and the site restored.

II. The anticipated life of the project.

III. The estimated Net Cost of decommissioning in current dollars. The Net Cost is the estimate of the sum of all labor and other costs associated with performing the requirements of Section 16.51.7.C, less the Salvage Value of the materials.

IV. The method and schedule for updating the cost of decommissioning and restoration. The cost of decommissioning shall be updated and provided upon request by Dodge County.

V. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration

VI. DECOMMISSIONING FINANCIAL ASSURANCE.

a. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as approved in the Decommissioning and Restoration Plan. The performance bond shall be set up as “continuous until cancelled” and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.

b. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.

E. FAILURE TO DECOMMISSION

If the financially responsible party of a Commercial WECS does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or

assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County may take such action as may be necessary to decommission a Commercial WECS and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the commercial WECS and restoring the property.

16.51.8 PRE-CONSTRUCTION REQUIREMENTS

A. Non-Commercial and Commercial WECS permittees shall conduct a Pre-Construction meeting in the Dodge County Courthouse prior to construction commencement with a written notice sent to the following a minimum of one week prior to the meeting:

I. Township Chairman

II. Dodge County Highway Engineer

III. Dodge County Sheriff

IV. Dodge County Zoning Administrator

V. USDA NRCS

VI. Dodge County Soil & Water Conservation District

VII. County Commissioner of affected Township

B. Non-Commercial and Commercial WECS permittees shall provide proof of liability insurance for all contractor's performing work on the WECS project.

C. When applicable, the permittee shall submit copies of all final permits, agency approvals and documentation that verifies compliance with all state, local and federal regulations. Additional conditions may be added to the CUP to address concerns of these agencies obtained during the review period.

D. Commercial WECS shall provide a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as determined by the approved Decommissioning and Restoration Plan. In the event a bond cannot be issued, the County Board will determine the amount to be escrowed to adequately address decommissioning and restoration concerns and protect the county and its' residents from future liability. The escrow fund is required

to be established prior to any earth moving or construction activities.

E. The permittee for Non-Commercial and Commercial WECS shall contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes prior to construction as required in Section 16.51.6.A. The approval of the road authority(ies) is required prior to commencement of any earth moving or construction activities.

16.51.9 POST-CONSTRUCTION REQUIREMENTS

Non-Commercial and Commercial WECS Permittees shall provide:

A. AS-BUILT & CERTIFICATIONS

Within sixty (60) days of project completion, the permittee shall submit to the county a copy of the as-built plans and specifications, including certification from the manufacturer's engineer or other qualified engineer that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. All costs associated with the contracted engineer's service shall be born by the permittee.

B. OTHER CERTIFICATIONS/INSPECTIONS

Prior to operation of the WECS, the permittee shall provide proof of compliance with the National Electrical Code, the State of Minnesota's Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed turbine, in addition to other assurances stating that the WECS and accessory facilities are in compliance. The inspection(s) must be performed and documented by an appropriately licensed inspector(s)/engineer(s). Any costs associated with the contracted inspector/engineer(s) service shall be paid by the permittee.

C. POST CONTRUCTION ROAD SURVEY

Contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes after construction. The road authority(ies) shall sign off that all work has been completed to their satisfaction before the performance bond can be released.

D. NOISE MONITORING

Noise monitoring shall be conducted for one (1) year following start-up of turbines to verify commercial projects will comply with Minnesota Rules Chapter 7030 governing noise, as amended. The WECS must meet Minnesota Noise Standards, Minnesota Rules Chapter 7030, as

amended. Specifically, residential noise standard NAC1, L50 50dBA during overnight hours. Results of noise monitoring shall be submitted to the Environmental Services Department on a quarterly basis.

16.51.10 VIOLATIONS AND PENALTIES

A. Except in the instances of Failure to Decommission, violations of any part of this Section or any provision of any permit issued under this section is subject to enforcement procedures/processes under Chapter 19 of the Dodge County Zoning Ordinance.

B. Failure to Decommission shall be subject to Section 16.51.7.E.

16.51.11 FEES

The Fees for a zoning permit, variance, amendment, or conditional use permit, shall be established by the County Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Permit only after the fee has been paid and a determination has been made that the application complies with the terms of the Conditional Use Permit, the performance standards of this section, and other relevant portions of the Dodge County Zoning Ordinance.