

CHAPTER 18: ADMINISTRATION

SECTION 18.1 AUTHORITY FOR ADMINISTRATION

This Ordinance shall be administered pursuant to Minnesota Statutes, Chapter 394; or successor statutes.

SECTION 18.2 ZONING ADMINISTRATOR

The Zoning Administrator shall administer the provisions of the Dodge County Zoning Ordinance.

18.2.1 POWERS AND DUTIES

The Zoning Administrator shall have the following powers and duties and may delegate them to Department staff as necessary:

- A. To receive and review applications for permits and issue permits if such permit applications are in full compliance with the provisions of this Ordinance.
- B. To receive and review applications for action by Board of Adjustment, Planning Commission and County Board and to provide additional information, recommendations, data, and testimony as may be necessary for action to be taken.
- C. To conduct compliance and other inspections. If violations of this Ordinance are discovered, the Zoning Administrator shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance.
- D. To administer and enforce the Ordinance and the provisions of any permits issued thereunder.
- E. To maintain records of all actions taken pursuant to the provision of this Ordinance.
- F. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.
- G. Act as an advisor to the appropriate boards and committees as determined by the County Board.

SECTION 18.3 BOARD OF ADJUSTMENT (BOA)

The Dodge County Board of Adjustment, as established in the Dodge County Zoning Ordinance, is vested with the authority as is provided for in this Chapter and by Minnesota Statutes, Chapter 394.27, as amended.

18.3.1 MEMBERSHIP AND TERMS

- A. All members of the BOA shall be appointed by the Chair of the County Board and ratified by the County Board. No elected officer of the County, nor any employee of the Board of Commissioners shall serve as a member of the BOA.
- B. The BOA shall consist of five (5) members, one (1) of which must be from the unincorporated area of the County. One (1) member of the Dodge County Planning Commission shall serve on the BOA.
- C. The term of each member shall be for three (3) years. Appointments shall be made so that no more than two (2) terms nor fewer than one (1) term is filled at the beginning of each calendar year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be eligible for reappointment.
- D. The term of each member shall begin on January 1st and continue through December 31st of the last year of member's term until a successor is appointed.
- E. In the event a vacancy occurs as a result of death, incapacity, resignation or removal of any member of the BOA, a new member shall be appointed as above provided, but only for the unexpired term of his/her predecessor.
- F. The BOA shall elect a Chair and a Vice Chair from among its members. The Zoning Administrator or other designated Environmental Services staff shall act as Secretary of the BOA.
- G. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a BOA member from voting thereon shall be decided by a majority vote of all regular BOA members except the member who is being challenged.

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All BOA members shall complete the *Dodge County Conflict of Interest Statement* on an annual basis.

- H. The BOA may call for the removal of any member for nonperformance of duty or misconduct in office. If a member has two (2) consecutive unexcused absences in any one (1) year, the Secretary shall certify this fact to the BOA, and the BOA shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- I. The members of the BOA may be paid compensation in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the BOA and in the conduct of the business of the BOA.
- J. The meetings of the BOA shall be held at the call of its Chair and at such other times as the BOA in its rules of procedure may specify.

18.3.2 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties with regard to this Ordinance. The BOA shall:

- A. Adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations.
- B. Consider all applications for a variance from the requirements of the Dodge County Zoning Ordinance. The BOA shall have the exclusive power to order the issuance of a variance in accordance with Section 18.11 of this Chapter.
- C. Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative officer charged with enforcement of the Dodge County Zoning Ordinance in accordance with Section 18.8 of this Chapter.
- D. Order the issuance of permits for buildings in areas designated for future public use on an official map.
- E. Provide interpretation of district boundaries on the Official Zoning Maps when necessary.

- F. Perform other such duties as required by this Ordinance.

SECTION 18.4 PLANNING COMMISSION

The Dodge County Planning Commission, as established in the Dodge County Zoning Ordinance, is vested with the authority as is provided for in this Chapter and by Minnesota Statutes, Chapter 394.30, as amended.

18.4.1 MEMBERSHIP AND TERMS

- A. The Planning Commission shall consist of seven (7) members appointed by the Chair of the County Board and ratified by the County Board. Of the seven (7) members, at least two (2) members shall be residents of the unincorporated area of Dodge County. The Planning Commission shall consist of one (1) member from the following regions:

- I. Milton and Mantorville Townships;
- II. Canisteo and Ashland Townships;
- III. Hayfield and Vernon Townships;
- IV. Ripley and Westfield Townships;
- V. Ellington and Claremont Townships;
- VI. Wasioja and Concord Townships;
- VII. "At-large"

B. LIMITATIONS ON MEMBERSHIP

- I. No more than one (1) voting member of the Planning Commission shall be an officer or employee of the County.
- II. No voting member of the Planning Commission shall have received, during the two (2) years prior to appointment, any substantial portion of income from a business operation involving the development of land within the County for urban or urban related purposes.

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- C. The term of each member shall be for three (3) years. Appointments shall be made so that no more than three (3) nor fewer than one (1) term is filled at the beginning of each calendar year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be eligible for reappointment.
- D. The term of each member shall begin on January 1st and continue through December 31st of the last year of member's term until a successor is appointed.
- E. Should any vacancy occur among the members of the Planning Commission by reason of death, resignation, and disability or otherwise, the Planning Commission immediately shall notify the County Board. The Chair of the County Board shall appoint a replacement, to be ratified by the County Board, to serve the unexpired term of the region of the County in which the vacancy occurs.
- F. The Planning Commission shall elect a Chair and Vice Chair from among its members. The Zoning Administrator or other designated Environmental Services staff shall act as Secretary of the Planning Commission.
- G. The Planning Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has three (3) consecutive unexcused absences in any one (1) year, the Secretary shall certify this fact to the Planning Commission and the Planning Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member has resigned.
- H. The members of the Planning Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission.
- I. The regular meetings of the Planning Commission shall be held each month at the Government Services Building. In the event there is nothing pending for review, the meeting shall be canceled. A quorum, consisting of at least four (4) members of the Planning Commission, may at any regular meeting, substitute another day for the regular meeting of the

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following month and notice shall be given in the manner provided for notice of special meetings.

18.4.2 POWERS AND DUTIES

The Planning Commission shall have the following powers and duties with regard to this Ordinance. The Planning Commission shall:

- A. Adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendations
- B. Collaborate with the Zoning Administrator and other employees of the County in preparing and recommending to the County Board for adoption a Comprehensive Plan, official controls, and other measures required for the County to execute the plan and any amendments thereto.
- C. Provide assistance to the County Board and Zoning Administrator in the administration of this ordinance and shall review, hold public hearings, and make recommendations to the County Board on all applications for Zoning Amendments, Conditional Use Permits, Interim Use Permit, and Subdivision proposals using the criteria listed in this Chapter.
- D. Perform other duties as assigned by the Dodge County Board of Commissioners.

SECTION 18.5 OTHER COMMITTEES & ADVISORY BOARDS

The County Board may at any time, create or convene other advisory boards or committees deemed necessary or desirable to assist in administration of the Ordinance. The membership, powers and duties of these will be relative to and representative of the purpose for which they are created.

In addition, field interpretations and/or decisions made on applications for structures or proposed uses may be subject to the Boards or Committees created under different programs.

SECTION 18.6 ENVIRONMENTAL REVIEW

Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the

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Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.

18.6.1 ADOPTION BY REFERENCE

Pursuant to Minnesota Statutes 394.25 Subd. 8, as amended, the County Board adopts by reference Minnesota Rules, Chapter 4410, Environmental Review, as amended, and the terms used in Minnesota Statutes 116 D, as amended, State Environmental Policy. Provisions of these rules and terms shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

18.6.2 ADMINISTRATION

- A. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed. Any submitted permit application regarding a project for which environmental review is required will be returned to the applicant as incomplete.
- B. No work shall commence and all work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.
- C. The Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which environmental review is mandatory under Minnesota Rules, part 4410.1000, as amended. The Zoning Administrator shall also determine those proposed actions for which a discretionary Environmental Assessment Worksheet (EAW) may be required under the provisions of this Ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
- D. Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) for which the County is the Responsible Governing Unit (RGU), shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission and reviewed and approved by the County Board.
- E. When reviewing an EAW or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations which would lessen the environmental impact of the action. The County Board may require these design

alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.

- F. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds under Minnesota Rules, part 4410.1700, as amended, that an action is major and has potential for significant environmental effects.

18.6.3 DISCRETIONARY EAW

The County Board may require that a discretionary EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

18.6.4 COST OF PREPARATION AND REVIEW & REQUIRED INFORMATION

- A. INFORMATION TO BE PROVIDED - The applicant for a permit for any action for which environmental documents are required, either by state law or rules or by the County Board, shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably requested by the county that the applicant has in his/her possession or to which he/she has reasonable access.
- B. EAW- The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules or by the County Board shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the Zoning Administrator shall prepare a draft EAW and supply all information necessary to complete that document.
- C. EIS - The County and the applicant for a permit for any action for which an Environmental Impact Statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements in Minnesota Rules, Chapter 4410.6100, or successor.

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- D. PAYMENT OF COST - No permit for any action for which an EAW or an EIS is required shall be accepted as complete or be issued until:
 - I. All costs of preparation and review which are to be paid by the applicant are paid;
 - II. All information required is supplied;
 - III. The environmental review process has been completed as provided in this Ordinance and the rules adopted by reference by this Ordinance, and
 - IV. The terms of any written agreement entered into by the applicant for the permit or permits and the County Board have been satisfied.

SECTION 18.7 PUBLIC HEARINGS

18.7.1 PUBLIC HEARING REQUIRED

Upon receipt of the proper and complete applications for the requests describe in this Chapter, the appropriate Board or Commission shall hold a public hearing in a location to be prescribed. A public hearing is required for:

- A. The adoption by Ordinance of any comprehensive plan or amendments thereto;
- B. A request for an Amendment to the text of Dodge County Zoning Ordinance, unless such amendment is for the purpose of correcting typographical errors;
- C. A request for an Amendment to the district boundaries of the Dodge County Official Zoning Map, unless otherwise provided for under ordinance provisions;
- D. A Conditional Use Permit or Interim Use Permit;
- E. A Variance request;
- F. An Appeal from a decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance;

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G. Major Subdivision proposals.

18.7.2 WRITTEN NOTICE OF PUBLIC HEARING

For the purpose of giving mailed notice, the current records on file in the Office of the County Assessor shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made. Property owners shall not include recorded Contract for Deed Vendors.

A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

A. PERMIT HEARING NOTICE - Written notice of a public hearing regarding the application for a Conditional Use Permit, or Interim Use Permit, shall be sent to:

I. Adjacent property owners

1. FOR FEEDLOTS (500 AU OR MORE) – The greater of, all property owners within five thousand (5,000) feet of the proposed property, or;

The ten (10) properties nearest the affected property.

2. FOR AGGREGATE MINING AND QUARRY OPERATIONS – The greater of, all property owners within one-half (1/2) mile of the affected property, or;

The ten (10) properties nearest the affected property.

3. FOR ALL OTHER PERMIT REQUESTS the greater of, all property owners within one-quarter (1/4) mile of the affected property, or

The ten (10) properties nearest the affected property.

II. The Township Board of the affected property

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- III. All municipalities within two miles of affected property
 - IV. The Dodge County Soil and Water Conservation District (SWCD)
 - V. The Minnesota Department of Natural Resources (DNR)
- B. VARIANCE REQUEST - Written notice of a public hearing regarding a variance request shall be sent to:
- I. The greater of, all property owners within five hundred (500) feet of the affected property, or;
The ten (10) properties nearest the affected property.
 - II. The Township Board of the affected property
 - III. All municipalities within two miles of affected property
 - IV. The Dodge County Soil and Water Conservation District (SWCD)
 - V. The Minnesota Department of Natural Resources (DNR)
- C. APPEAL REQUEST – Written notice of a public hearing regarding an appeal request shall be sent to:
- I. The Commissioner of the Department of Natural Resources if the subject of the appeal relates to the Floodplain or Shoreland Overlay Districts.
 - II. The appellant.
 - III. The affected commission or board member.
 - IV. The affected administrative officer.
- D. ADOPTION AND TEXT AMENDMENTS TO ORDINANCE OR COMPREHENSIVE PLAN- Written notice of the public hearing on text amendment shall be sent to:
- I. All Townships
 - II. All municipalities

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- III. For amendments proposed to the text of Shoreland Overlay District regulations, the Minnesota Department of Natural Resources.
 - IV. For amendments proposed to the text of the Floodplain Overlay District regulations, the Minnesota Department of Natural Resources
 - V. For amendments proposed to text of the Ordinance which addresses Feedlots, the Minnesota Pollution Control Agency.
- E. REZONING REQUEST (DISTRICT BOUNDARY AMENDMENT) – Unless provided for under other ordinance provisions, rezoning request shall be sent to:
- I. All Townships
 - II. All municipalities
 - III. In unincorporated areas, the greater of, all property owners within one-half (1/2) mile of the property proposed for rezoning, or;

The ten (10) properties nearest the area or property proposed for rezoning.
 - IV. The Dodge County Soil and Water Conservation District (SWCD)
 - V. The Minnesota Department of Natural Resources (DNR)
- F. SUBDIVISION PROPOSAL
- I. The greater of, all property owners within one-quarter (1/4) mile of the affected property, or

The ten (10) properties nearest the affected property.
 - II. The Township Board of the affected property
 - III. All municipalities within two miles of affected property
 - IV. The Dodge County Soil and Water Conservation

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District (SWCD)

- V. The Minnesota Department of Natural Resources (DNR)

18.7.3 PUBLICATION

- A. PUBLICATION OF NOTICE - Proof of the publication of notice for public hearings shall be included in files located in the Environmental Services Department. For any enacted ordinance or amendment thereto, proof of publication of notice shall be filed with the ordinance and in the office of the County Finance Director (Auditor). Notice of the time, place, and purpose of any public hearing or notice of intention to enact any ordinance or amendment shall be given by publication in the official county newspaper at least ten (10) days before the public hearing.
- B. PUBLICATION CONTENT FOR ORDINANCE OR AMENDMENT - Every ordinance or amendment enacted shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publications shall be made in the official newspaper of the county, but additional publications may be ordered. An ordinance may be published in its entirety or otherwise as provided in this section.

Lengthy ordinances, amendments, or an ordinance which includes charts or maps need not be published in entirety, provided the following information is included:

- I. The title of the ordinance
- II. A summary of the ordinance conforming to Minnesota Statutes 331A.01, Subd. 10, or successor.
- III. A statement indicating that the published material is only a summary that the full text is available for review by any person during regular office hours at the office of the County Finance Director (Auditor) and in Environmental Services Department.

18.7.4 RESPONSIBLE BOARD OR COMMISSION

Public hearings regarding:

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- A. The adoption by Ordinance of any comprehensive plan or amendments thereto shall be held by the Planning Commission.
- B. Amendments to the text of Dodge County Zoning Ordinance shall be held by the Planning Commission.
- C. Amendments to the district boundaries of the Dodge County Official Zoning Maps shall be held by the Planning Commission, unless otherwise provided for under ordinance provisions.
- D. A Conditional Use Permit or Interim Use Permit shall be held by the Planning Commission.
- E. A Variance request from any provision of this Ordinance shall be held by the Board of Adjustment
- F. An Appeal from a decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance shall be held by the Board of Adjustment.
- G. Major Subdivision proposals shall be held by the Planning Commission.

18.7.5 CONTINUED AND ADDITIONAL HEARINGS

Public hearings may be continued from time to time and additional hearings may be held.

SECTION 18.8 APPEALS

The Board of Adjustment shall have the exclusive power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance. Such appeal may be initiated by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state in accordance with the following procedure. An appeal must be made within thirty (30) days of an order, requirement, decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance.

18.8.1 APPLICATION.

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- A. The appellant shall submit a request to the Zoning Administrator which contains the following information:
 - I. Name and address of the appellant.
 - II. The specific order, requirement, decision or determination on which the appeal is based.
 - III. The grounds for the appeal stating how the administrative officer erred in his/her action, determination or decision.
 - IV. The relief requested by the appellant.
 - V. Applicant's signature.
 - VI. Any other information or exhibits as required by the Board of Adjustment necessary to make findings and determinations on the appeal.
- B. If the written request does not contain all required information, the application shall be returned within ten (10) business days of receipt of the request, identify what information is missing. The Time Deadline For Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- C. A complete appeal request shall be filed with the Zoning Administrator accompanied by the fee as set by the County Board.

18.8.2 APPEAL PROCESSING

- A. Upon receipt of the complete appeal request, the Zoning Administrator shall forward a copy of the request and any supporting documentation to the BOA members prior to hearing.
- B. The appeal shall be placed on the agenda for a public hearing before the BOA at their next meeting.
- C. The Zoning Administrator shall give proper notice of the public hearing in accordance with Section 18.7.2.C and 18.7.3 of this Chapter.

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18.8.3 PUBLIC HEARING

- A. The BOA shall hold at least one (1) public hearing on the appeal.
- B. The applicant or his/her representative shall appear before the BOA to answer questions concerning the appeal.
- C. An accurate record of all testimony shall be kept by the Secretary of the BOA. This record shall contain the names of all persons testifying or otherwise participating at the hearing.

18.8.4 FINDINGS

- A. The BOA shall not grant an appeal unless it finds the following facts illustrating that the ruling appealed from is clearly erroneous as determined by:
 - I. The ruling was based upon a grave misapprehension of the relevant facts.
 - II. The ruling resulted from a clearly improper application of the terms of this Ordinance to the relevant facts.
 - III. The ruling was an abuse of the discretionary authority of the officials issuing it or was a result of bad faith on the part of those officials.
- B. The burden of showing the erroneousness of the ruling shall be on the appellant with all doubts resolved in favor of upholding the administrative officer's ruling.

18.8.5 DECISION

- A. The BOA shall make a decision upon the appeal within sixty (60) days of the acceptance of a complete request.
 - I. Failure of a decision within the timeline is approval of the request.
 - II. Timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.

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- III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.
- B. The concurring vote of a majority of the BOA members shall be necessary for the approval or denial of an application for appeal.
- C. The BOA may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from who the appeal was taken and may direct the issuance of a permit.
- D. The BOA shall make written findings in each case and state the reasons for its decisions.
- E. The decision shall be filed with the Zoning Administrator who shall:
 - I. Issue the permit if directed to by the BOA.
 - II. File a certified copy of the order with the County Recorder for record. The order shall contain a legal description of the property involved, if applicable.
 - III. Forward written notice of the BOA's decision to the appellant and other affected persons.
 - IV. Forward copies of all decisions on appeals affecting the Floodplain and Shoreland Area to the Commissioner of the Department of Natural Resources within ten (10) days of such action.

18.8.6 APPEALS FROM THE BOA DECISION

- A. All decisions of the BOA in hearing appeals as provided by this Ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal the decision to the District Court on questions of law and fact. Said appeal shall be made within thirty (30) days after receipt of notice of the decision.
- B. An applicant may appeal the decision of the BOA when new information is obtained which is relevant to the issue. An

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application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the BOA if it is determined, from the record, that there has not been substantial change in facts, evidence or conditions.

18.8.7 STAY OF PROCEEDINGS

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

18.8.8 FEES.

- A. To defray administrative costs of processing applications of appeals, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Board of Adjustment and County Board in its decision-making.

18.8.9 APPEALS FROM FEES

Appeals from fees established by the County Board shall be reviewed by the County Board.

SECTION 18.9 AMENDMENTS

18.9.1 AUTHORITY

The Dodge County Board may adopt amendments to the text of this Ordinance, the Official Zoning Maps, and the Flood Insurance Rate Map for Dodge County. In addition, amendments may be adopted to reflect changes in the goals and policies of the County Comprehensive Plan. Any change in this Ordinance or to any zoning map shall be in compliance with the County Comprehensive Plan and in accordance with the applicable provisions of Minnesota Statutes Chapter 394, or successor

18.9.2 PROCEDURE

- A. An amendment to the text of this Ordinance may be initiated

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by the Board, the Planning Commission or by application of any property owner. Amendments may also be proposed by staff when necessary to comply with new or amended legislation affecting land use provisions.

- B. An amendment to the Official Zoning Maps (Rezoning) may be initiated by the Board, the Planning Commission or by application of the affected property owner.
- C. Property owners initiating an amendment to the Zoning Ordinance shall submit the request to the Zoning Administrator along with a fee, which shall be set by the County Board.
- D. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for their review and recommendation.

18.9.3 TEXT AMENDMENTS

- A. APPLICATION FOR A TEXT AMENDMENT - An application for a zoning amendment shall be submitted on forms provided by the Environmental Services Department.
- B. OVERLAY DISTRICT PROVISIONS - TEXT CHANGES TO SHORELAND AND FLOODPLAIN DISTRICT - All proposed text amendments to the Floodplain and Shoreland Overlay District regulations must be submitted to and approved by the Commissioner of the Department of Natural Resources prior to adoption.

18.9.4 REZONING

- A. APPLICATION FOR CHANGE IN DISTRICT BOUNDARY - An application for a change to primary zoning district boundary (Rezoning) shall be submitted on forms provided by the Environmental Services Department.
- B. OVERLAY DISTRICT PROVISIONS - FLOODPLAIN MAP AMENDMENTS AND REVISIONS- Dodge County recognizes that new data may become available that better defines the floodplain areas within the County and further recognizes that the original flood maps and profiles may be in error. For these reasons it is expected that the floodplain maps and profiles may periodically need revision or amendment. The map amendments and revisions are issued by the

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Federal Emergency Management Agency (FEMA). There are three basic types of floodplain map amendments or revisions that may occur as follows:

- I. MAP AMENDMENT - A map amendment will exclude an individual structure and/or legally described parcel of land that was inadvertently included in the Unnumbered "A" Zone Area shown on the floodplain maps. If FEMA determines that a structure or parcel has been inadvertently included in the Unnumbered "A" Zone Area, a Letter of Map Amendment (LOMA) will be issued. A LOMA can not be issued for fill or other floodplain changes that have taken place after the initial effective date of the County's Flood Insurance Rate Map. A Letter of Map Amendment clarifies that a property is "naturally" out of the Floodplain and the floodplain standards set forth in Chapter 15 of this Ordinance do not apply. A LOMA can be used to waive the requirements for flood insurance.
- II. MAP REVISION - A map revision will change an effective floodplain map. FEMA may issue a map revision due to a physical change such as filling or the availability of better technical data. Map revisions may change base flood elevations, floodways and other risk information contained on the flood plain maps or in the Flood Insurance Study. Map revisions such as a Letter of Map Revision (LOMR) shall not change the floodplain overlay zone requirements for the subject property for which the Letter of Map Revision was issued until the Board adopts the revised map.
- III. CONDITIONAL LETTER OF MAP REVISION - In some instances, FEMA will issue a Conditional Letter of Map Revision (CLOMR) which describes the effect of a proposed project on the effective floodplain map and Flood Insurance Study. A Conditional Letter of Map Revision shall not change the floodplain overlay zone requirements unless the Board adopts the revised map.

18.9.5 PUBLIC HEARING PROCEDURE

Before the enactment of any ordinance amending the text of this Ordinance or any zoning map, a public hearing shall be held in the manner provided in

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Minnesota Statutes Sections 394.26 and 375.51; or successor statutes and Section 4.7 of this Ordinance.

18.9.6 FEES

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

18.9.7 RESUBMITTALS AFTER DENIAL OF REZONING REQUEST

No application for a change in zoning district boundary on the same parcel of land and for the same zoning district shall be resubmitted for a period of twelve (12) months from the date of the decision on the previous application unless:

- A. Growth boundaries for the applicable township have been established or modified to include said parcel of land;
- B. An adjoining parcel of land has been rezoned during the twelve (12) months since the initial application; or
- C. In the opinion of the Environmental Services Department, the request is substantially changed from the original request.

18.9.8 NOTICE AND CERTIFICATION OF FINAL ACTION IN OVERLAY DISTRICTS

- A. SHORELAND OVERLAY DISTRICT - In instances where an Ordinance amends the Shoreland Overlay District standards, a copy of the approved Ordinance shall be sent to the Department of Natural Resources and postmarked within ten (10) days of final action.
- B. FLOODPLAIN OVERLAY DISTRICT - In instances where an Ordinance amends the Floodplain Overlay District standards, certification of final action by the County Board shall be in accordance with *Minnesota Statutes, section*

103F.121; or successor statutes.

18.9.9 RECORDING

Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as a part thereof, the County Finance Director (Auditor) shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

18.9.10 EFFECTIVE DATE

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

SECTION 18.10 GENERAL PROVISIONS FOR ALL LAND USE PERMITS AND APPROVALS

18.10.1 CONSTRUCTION

No structure shall be erected, moved or altered unless in conformity with the standards set forth in this Ordinance,

18.10.2 USE

No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with the standards set forth in this Ordinance.

18.10.3 COMPLIANCE WITH APPROVED PLANS

Construction and use shall be in accordance with the application, plans, permit, and any applicable variance. Permits, conditional use permits, interim use permits, and other permits or approvals issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance.

SECTION 18.11 VARIANCE

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A Variance from the provisions and requirements of this Ordinance may be authorized by the Board of Adjustment in specific cases where the criteria set forth herein have been met. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

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

18.11.1 APPLICATION

- A. An application for a variance shall be submitted on forms provided by the Environmental Services Department.
- B. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the County Board.

18.11.2 APPLICATION PROCESSING

- A. The Board of Adjustment and appropriate County staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant in order to establish performance conditions in relation to pertinent sections of this Ordinance
- B. Upon receipt of the application, the Zoning Administrator shall review the application and supporting documentation. If the application is incomplete or does not provide sufficient information for the BOA to make a determination, it shall be returned to the applicant within fifteen (15) days with a written request for additional information. The Time Deadline For Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- C. Complete applications shall be forwarded to the BOA members prior to hearing.
- D. The Variance request shall be placed on the agenda for a public hearing before the BOA at their next meeting.
- E. Proper notice of hearing in accordance with Section 18.7.2.B and 18.7.3 of this Chapter shall be given.

18.11.3 PUBLIC HEARING

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- A. The BOA shall view the property being considered for the variance request prior to the public hearing.
- B. The BOA shall hold at least one (1) public hearing on the proposed variance.
- C. The applicant or his/her representative shall appear before the BOA to answer questions concerning the variance application.
- D. The applicant for a variance, which in the opinion of the BOA may result in a material adverse effect on the environment, may be requested by the BOA to demonstrate the nature and extent of such effects.
- E. An accurate record of all testimony shall be kept by the Secretary of the BOA. This record shall contain the names of all persons testifying or otherwise participating at the hearing.

18.11.4 FINDINGS FOR A VARIANCE

- A. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- B. FLOODPLAIN VARIANCE REQUESTS. No variance shall be granted within the Floodplain Overlay District that would permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- I. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- II. Variances shall only be issued by a community upon:
 - 1. A showing of good and sufficient cause,
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

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3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- C. For variances requests within the Shoreland Overlay District where the existing sewage treatment system has been determined to be non-compliant, the variance, if issued, must require reconstruction or repair of the system to bring it into compliance with Chapter 21 of the Dodge County Zoning Ordinance, or successor.
 - D. No variance from the provisions or requirements of this Ordinance shall be authorized by the BOA unless it finds evidence that in its opinion all of the following facts and conditions exist, if applicable.
 - I. The use is permitted in the given zoning district.
 - II. The variance is in harmony with the general purposes and intent of this Ordinance and is consistent with the County Comprehensive Land Use Plan and the Official Zoning Maps.
 - III. The applicant must establish that there are “practical difficulties” in the strict application of the provisions of this Ordinance. “Practical difficulties” as used in connection with granting of a variance means:
 1. The property owner proposes to use the property in a “*reasonable manner*” not permitted by the Ordinance. For the purposes of this provision “*reasonable manner*” means “in a way that any person with an ordinary degree of reason, prudence, care, foresight, or intelligence would not object to.”
 2. The plight of the landowner is due to “circumstances unique to the property not created by the landowner”. For the purposes of this provision, “*circumstances unique to the property*” includes physical land site constraints that are:

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- a. distinctive and specific to the property, and
- b. limit the feasibility of reasonable alternatives, and as a result
- c. necessitate the need for the variance request.

Actions undertaken by previous or current landowners which were or are in violation of the regulations in place at the time of the action, and necessitated the need for the variance requests are considered to be "*created by the landowner*".

3. The variance, if granted, will not alter the essential character of the locality.
 4. "Practical difficulties" include inadequate access to direct sunlight for solar energy systems.
- IV. Economic considerations alone do not constitute "practical difficulties".
- V. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes section 216C.06, subd. 14, as amended, when in harmony with the official controls.
- E. For After-The-Fact Area variance requests, the BOA should also consider the following when deciding whether the variance should be granted:
- I. Did the applicant act in good faith?
 - II. Did the applicant attempt to comply with the law by obtaining the proper permits?
 - III. Did the applicant obtain a permit from another entity that violated the law?

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- IV. Did the applicant make a substantial investment in the property?
- V. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety?
- VI. Are there other similar structures on adjacent properties?
- VII. Would the benefits to the county appear to outweigh the detriment the applicant would suffer if forced to remove the structure?

18.11.5 DECISION

- A. The BOA shall make a decision upon the variance request within sixty (60) days of the submission of a complete application.
 - I. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - II. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.
- B. The concurring vote of a majority of the Board of Adjustment members shall be necessary for the approval or denial of an application for a variance.
- C. If the variance request is approved, the BOA may impose conditions on the variance. Any conditions imposed must be directly related to and must bear a rough proportionality to the impact created by the variance.
- D. The Board of Adjustment shall make written findings in each case and state the reasons for its decision.
- E. The decision, together with any conditions, shall be filed with the Zoning Administrator who shall:
 - I. Issue the permit if the variance is granted.

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- II. File a certified copy of the order with the County Recorder for record. The order shall contain a legal description of the property involved.
- III. Forward written notice of the BOA's decision to the applicant, the Township and/or cities (when applicable. In the instances where variances have been approved in the Floodplain Overlay District, the Zoning Administrator shall notify the applicant for a variance that:
 1. The issuance of a variance to construct a structure below the 100-year flood elevation will result in increased insurance premium rates for flood insurance.
 2. Construction below the 100-year flood elevation increases risk to life and property.
 3. Such notification shall be maintained with a record of all variance actions.
- IV. Forward copies of all decisions on variances affecting the Floodplain and Shoreland Areas to the Commissioner of the Department of Natural Resources within ten (10) days of such action.
- V. Maintain a record of all variances approved including information on the reasons, location and any conditions imposed by the BOA.
- VI. For all variances within the Floodplain Overlay District, maintain a record of all variance actions, including justification for their issuance, and report these variances issued in the biennial report submitted to the Administrator of the National Flood Insurance Program.

18.11.6 APPEAL OF THE BOA DECISION

- A. All decisions of the BOA in considering variance requests as provided by this Ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or of the state shall have the right to appeal the decision to the District Court on questions of law and fact. Said appeal shall be made within thirty (30) days after the decision.

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- B. No application for the same variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of the variance was denied, except as provided for in 18.11.6.C, below.
- C. An applicant may appeal the decision of the BOA when new information is obtained which is relevant to the issue. An application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the BOA if it is determined, from the record, that there has not been substantial change in facts, evidence or conditions.

18.11.7 CONDITIONS VOIDING A VARIANCE

- A. EXPIRATION OF A VARIANCE - A variance shall expire and be considered null and void one (1) year after the BOA's final decision to grant the variance if the variance has not been acted on or no construction has begun. For the purposes of this Ordinance, construction shall include the installation of footings, slab, foundation, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.
- B. UNAUTHORIZED ACTIONS. The variance document shall specifically identify the type and scope of relief authorized by the Board of Adjustment. Any action which does not conform to type and scope of the relief authorized by the BOA shall automatically render the variance null and void. In this case, the applicant shall be required to comply with Ordinance provisions or submit an application for an After-The-Fact-variance request.

18.11.8 ACTIONS SUBJECT TO ENFORCMENT

Any violation of the conditions of the variance shall be subject to the enforcement process of Chapter 19.

18.11.9 FEES

- A. To defray administrative costs of processing applications all applicants shall be subject to a flat sum fee in an amount set by the County Board.

- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Board of Adjustment in its decision-making.
- C. Fees for After-the-Fact variance requests shall be set by the County Board.

SECTION 18.12 ZONING PERMIT

18.12.1 PERMIT REQUIRED

Except as provided in Section 18.12.2 below, no person shall erect, alter or move any structure or part thereof without first securing a Zoning Permit. Additionally, when work is proposed within the Shoreland and Floodplain Overlay Districts, no excavation for footings, foundations, slabs, posts, basements, walls or other parts of a structure shall be conducted without first securing a Zoning Permit.

18.12.2 EXEMPTIONS FROM ZONING PERMIT REQUIREMENTS

A Zoning Permit is not required for:

- A. New accessory structures to uses permitted within the district, provided the following conditions are met:
 - I. The Structure is not located within the Shoreland or Floodplain Overlay Districts;
 - II. The new structure must be two hundred (200) square feet or less;
 - III. The new structure or buildings must be placed upon the earth, without foundations or slabs;
 - IV. The new accessory structure must meet all setbacks, density, lot coverage and performance standards for the use and the primary and/or overlay district in which it is located;
 - V. The new accessory structure is not being used for a business or the storage of hazardous materials or explosives;
 - VI. The new accessory structure does not produce sewage or other waste requiring treatment;

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- VII. If used for animals, the structure cannot meet the definition of a commercial kennel;
- B. Additions to existing accessory structures where the cumulative additions would not cause the entire structure to exceed two hundred (200) square feet and all provisions of Section 18.12.2.A are met.
- C. Decks or patios, located outside of the Shoreland or Floodplain Overlay Districts, provided all performance standards for the use and the zoning district in which it is located.
- D. Underground grain dump pits, grain legs, dryers or other similar agricultural property provided all setbacks for the primary zoning district are met.
- E. Recreational equipment, trampolines, above ground swimming pools, playsets, and playhouses which meet the requirements of 18.12.2.A, provided all setbacks are met.

18.12.3 ZONING PERMIT APPLICATION

- A. An application for a Zoning Permit shall be submitted on forms provided by the Environmental Services Department. The application shall not be considered complete until any additional information that is deemed necessary for the proper enforcement of this Ordinance or any other applicable ordinance is submitted. Zoning Permit applications that require Township approval shall not be accepted as complete until the appropriate signature are obtained.
- B. The fee for the Zoning Permit shall be submitted with the application. Applications will not be considered complete until the fee is submitted.
- C. Upon receipt of the application, the Zoning Administrator shall review the application and supporting information. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. The Time Deadline For Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- D. For Zoning Permit application requests within the Shoreland Overlay District, the application must demonstrate whether a

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conforming sewage treatment system is present for the intended use of the structure.

18.12.4 APPLICATION PROCESSING

Upon receipt of a complete application and other required supporting material, the Environmental Services Department shall:

- A. Perform an in office site review of site features;
- B. Check for the request for compliance with all applicable ordinance requirements;
- C. Conduct a field site inspection to verify site conditions and setbacks.

18.12.5 DECISION & PERMIT ISSUANCE

The Zoning Administrator, or designated Environmental Services Staff, shall issue the Zoning Permit only after determining that site plan, together with the application, comply with the terms of this Ordinance and any other applicable ordinances which pertains to the use.

- A. **TIMELINE FOR DECISION-** Decision and response must be made within sixty (60) days of acceptance of complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

18.12.6 EXPIRATION OF A ZONING PERMIT

Zoning Permits shall expire and be considered null and void after one (1) year if construction has not begun. For the purposes of this section, construction shall include the installation of footings, slabs, foundations,

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walls or other portions of a structure. Site preparation, excavation, land clearing or the installation of utilities shall not constitute construction.

18.12.7 FEES

All applications for a Zoning Permit shall be accompanied by a fee set by resolution of the County Board.

SECTION 18.13 CONDITIONAL USE PERMITS

18.13.1 PURPOSE

The Board recognizes that certain uses, while generally not suitable in a particular zoning district, may under some circumstances be allowed if conditions are attached. When such circumstances exist, a Conditional Use Permit (CUP) may be granted and appropriate conditions attached.

18.13.2 PROVISIONS

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms and conditions designated in connection with such permit and all other applicable provisions of this Ordinance. Except as provided in this section, Conditional Use Permits shall remain in effect so long as the conditions agreed upon are observed. Nothing in this section shall prevent the Board from enacting amendments to change the status of conditional uses.

18.13.3 TRANSFER OF CUP

The permit shall be issued for a particular use on specific parcel. A conditional use permit may be transferred administratively to a new person or firm if the use is not changed and the conditions remain the same. Any change involving structural alterations, enlargement, intensification of use, change of location or similar changes not specifically permitted by the conditional use permit shall be administered in the same manner as required for new permits.

18.13.4 CONDITIONAL USE PERMIT REQUIRED

A CUP shall be required in the following instances:

- A. PROPOSED USES – Provided that only those uses listed as *Conditional Uses* within the applicable primary district or overlay district may be allowed through issuance of a CUP.

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B. EXISTING USES

- I. All uses existing at the time of adoption of this Ordinance that now require a CUP may continue subject to the performance standards contained in Chapter 6 and the General Development Standards in Chapter 17 of this Ordinance.
- II. Any enlargement, structural alteration, modification or addition, intensification, or change of location of any existing use shall require a CUP or an amended CUP and the use shall be subject to the criteria and procedures for issuance of a conditional use permit set forth in Section 18.13 of this Chapter.

18.13.5 APPLICATION

- A. An application for a Conditional Use Permit shall be submitted on forms provided by the Environmental Services Department.
- B. The fee for the CUP shall be submitted with the application. Applications will not be considered complete until the fee is submitted.
- C. Upon receipt of the application, the Zoning Administrator shall review the application and supporting information. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. The Time Deadline For Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- D. For Conditional Use Permit application requests within the Shoreland Overlay District, the application must demonstrate whether a conforming sewage treatment system is present for the intended use of the property.

18.13.6 APPLICATION PROCESSING

- A. Upon receipt of a complete application and other required supporting material, the Zoning Administrator shall forward a

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copy of the completed application and attachments to the Planning Commission prior to hearing.

- B. The CUP request shall be placed on the agenda for a public hearing before the Planning Commission.
- C. Proper notice of hearing in accordance with Section 18.7 of this Chapter shall be given.

18.13.7 PUBLIC HEARING

- A. The Planning Commission may view the property being considered for a CUP prior to the public hearing.
- B. The Planning Commission shall hold at least one (1) public hearing on the CUP request.
- C. The applicant or his/her representative shall appear before the Planning Commission to answer questions concerning the CUP request.
- D. The Planning Commission and appropriate county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning operational factors necessary to establish performance standard for the CUP.
- E. The applicant for a CUP, which in the opinion of the Planning Commission, may result in a material adverse effect of the environment, may be requested by the Planning Commission to demonstrate the nature and extent of such effects.
- F. An accurate record of all testimony shall be kept by the Secretary of the Planning Commission. This record shall contain the names of all persons testifying or otherwise participating at the hearing.

18.13.8 FINDINGS & RECOMMENDATIONS

- A. CRITERIA FOR GRANTING ALL CUPS - Conditional uses may be approved, by the County Board, upon a showing by the applicant that the use or development conforms to the comprehensive land use plan of the County and is

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compatible with the existing neighborhood. For approval of the CUP, the County Board shall find that:

- I. The establishment, maintenance or operation will not be detrimental to or endanger the public health, safety, or general welfare
- II. The proposed use will be able to meet the standards of this Ordinance or any other applicable County Ordinance and is not contrary to established standards, regulations or ordinances of other governmental agencies;
- III. Each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the County and the use district wherein proposed;
- IV. The proposed use is compatible with adjacent uses of land. The use shall not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of other property in the immediate vicinity. This includes whether the applicant has ensured adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control signs and other lights in such a manner that no disturbance to neighboring properties will result.
- V. The proposed use shall not substantially diminish and impair property values within the area;
- VI. The establishment of the use will not impede the orderly and normal development and improvement of the surrounding properties for uses permitted in the Zoning District;
- VII. The proposed use will not have a detrimental effect on existing parks, schools, roads and other public facilities;
- VIII. Adequate water supply and sewage disposal facilities are provided and in accordance with the Minnesota Department of Health and Chapter 21 of the Dodge County Zoning Ordinance, or successor;

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- IX. That existing groundwater, surface water and air quality are or will be adequately protected;
 - X. Adequate utilities, access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided;
 - XI. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion on public roads;
- B. ADDITIONAL CRITERIA IN SHORELAND – In granting CUPs within the Shoreland Overlay District, the County Board shall also find that:
- I. The soil erosion or other pollutants of public waters shall be prevented both during and after construction.
 - II. The visibility of structures and other facilities as viewed from public waters is limited;
 - III. The site is adequate for water supply and on-site sewage treatment; and
 - IV. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- C. ADDITIONAL CRITERIA IN FLOODPLAIN- In granting CUPs within the Floodplain Overlay District, the County Board shall also consider:
- I The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - II. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - III. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

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- IV. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- V. The importance of the services provided by the proposed facility to the County.
- VI. The requirements of the facility for a waterfront location.
- VII. The availability of alternative locations not subject to flooding for the proposed use.
- VIII. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- IX. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- X. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- XI. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- XII. Such other factors which are relevant to the purposes of this Ordinance.

18.13.9 CONDITIONS ATTACHED TO CUP

- A. ALL CUPS- In permitting a new CUPs or amendment of an existing CUP, the Planning Commission may recommend and County Board may impose, in addition to any standards and requirements specified by this Ordinance, additional conditions which the County Board considers necessary to protect the interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:
 - I. Increasing the required lot size or yard dimension;
 - II. Limiting the height, size, location, and exterior materials of buildings;

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- III. Increasing setbacks;
 - IV. Controlling the location and number of vehicle access points, and standards for access and egress for the site;
 - V. Increasing the number of required off-street parking spaces;
 - VI. Limiting the number, size, location or lighting of signs;
 - VII. Requiring stormwater management, fencing, screening, landscaping, erosion control or other facilities to protect adjacent or nearby property;
 - VIII. Designating sites for open space;
 - IX. Limiting outside storage areas;
 - X. Limiting the number of vehicles and/or employees associated with a business operation;
 - XI. Limiting the days and/or hours of operation;
 - XII. Requiring inspections of the premises and use;
 - XIII. Requiring performance or surety bonds; or
 - XIV. Additional requirements the Board deems necessary to safeguard the health, safety and welfare of the residents of Dodge County.
- B. CONDITIONS ATTACHED TO CUP IN SHORELAND - The Planning Commission and/or County Board, upon consideration of the criteria and the purposes of this Ordinance, shall attach such conditions to the issuance of the CUPs, as it deems necessary to fulfill the purposes of the Shoreland requirements. Such conditions may include, but are not limited to, the following:
- I. Increased setbacks from the ordinary high water level;
 - II. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

- III. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

18.13.10 RECOMMENDATIONS

The Planning Commission may designate additional conditions and require guarantees deemed necessary for the protection of the public interest. The Planning Commission shall make its findings upon the application and the Zoning Administrator shall forward its recommendations to the County Board.

18.13.11 DECISION

Upon receipt of the Findings of the Planning Commission, the County Board shall make a decision upon the application for a Conditional Use Permit.

- A. **TIMELINE FOR DECISION-** Decision and response must be made within sixty (60) days of acceptance of a complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.
- B. The concurring vote of a majority of the County Board members shall be necessary for the approval or denial of an application for a Conditional Use Permit.
- C. The minutes of the County Board shall constitute written findings for its decisions.
- D. The decision shall be filed with the Zoning Administrator who shall:

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- I. Issue the Conditional Use Permit, if approved.
- II. File a certified copy of the order with the County Recorder for record. The order shall contain a legal description of the property involved, if applicable.
- III. Forward written notice of the County Board's decision to the applicant and any other person who requests notice and provides the Zoning Administrator with their name and address. Delivery of the notice shall be complete upon mailing by first class, United States mail.
- IV. Forward copies of all decisions on Conditional Use Permits affecting the Shoreland Overlay Districts to the Commissioner of the Department of Natural Resources within ten (10) days of such action.

18.13.12 APPEAL OF COUNTY BOARD DECISION

All decisions of the County Board in considering requests for Conditional Use Permits as provided by this Ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or of the state shall have the right to appeal the decision of the County Board to the District Court on questions of law and fact. Said appeal shall be made within thirty (30) days after the decision.

18.13.13 DENIAL AND RESUBMISSION

Whenever an application for a CUP has been considered and denied by the County Board, a similar application for a CUP affecting the same property shall not be considered again by the Planning Commission or County Board for at least six (6) months from the date of its denial.

18.13.14 REVIEW

A periodic review of the permit and its conditions shall be completed. Reviews may also take place when complaints are received.

18.13.15 DISCONTINUANCE OF A CUP

A CUP shall remain in effect for as long as the conditions of the CUP are complied with. A CUP shall become void if the use is discontinued for a period of one (1) year. A use that has not been established in accordance with the timeframes identified in 18.13.5.A and 18.13.15.B below shall be considered a "discontinued" use.

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- A. Unless identified in Section B below, a CUP shall be considered discontinued two (2) years from the date of approval by the County Board if no construction has begun or if the use has not been established.
- B. CUPs for feedlots shall be considered discontinued three (3) years from the date of approval by the County Board if no construction has begun.

For the purposes of this Section, construction shall include the installation of footings, slab, foundation, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.

18.13.16 VIOLATIONS AND REVOCATION OF A CUP

- A. A periodic review of the permit and its conditions shall be maintained. A violation of any condition set forth in a CUP shall be a violation of both the permit and this Ordinance and subject to the enforcement provisions of Section 19 of this Ordinance.
- B. Failure to correct a violation within thirty (30) days following the official Notice of Violation shall be grounds to revoke a CUP through the following procedure:
 - I. The Zoning Administrator shall give written notice to the permit holder, advising that the CUP may be revoked at the conclusion of the public hearing. The written notice shall also contain a copy of the Notice of Violation.
 - II. The Planning Commission reviews the notice the regular scheduled meeting and makes a recommendation for specific action to the County Board.
 - III. Within sixty (60) days of the closing of the Planning Commission meeting, the County Board shall:
 - 1. Revoke the CUP,
 - 2. Make a finding that a violation does not exist, or

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3. Modify the conditions of the CUP so that a violation no longer exists.
- C. The Zoning Administrator shall give written notice of the County Board decision to the permit holder.
 - D. When a CUP is revoked, the Zoning Administrator shall provide the minutes containing the County Board's decision to revoke the CUP to the County Recorder for record.
- 18.13.17 FEES.
- A. To defray administrative costs of processing applications of Conditional Use Permits, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
 - B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 18.14 INTERIM USE PERMITS

The purpose of an Interim Use Permit is to allow the temporary use of property until a particular date, until the occurrence for a particular event, or until zoning regulations no longer permit it. In order to issue an IUP, the use must be specifically listed as an Interim Use in the applicable primary or overlay zoning district. In addition to other required licenses, permits, and approvals, Interim Uses are subject to performance standards set forth in this Ordinance and any conditions of the permit.

18.14.1 APPLICATION

The application for an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13 of this Chapter.

18.14.2 CRITERIA FOR CONSIDERING AN IUP

The criteria for considering an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13 of this Chapter.

18.14.3 NOTICE OF PUBLIC HEARING

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The notice of public hearing for an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.7 (Public Hearings) of this Chapter.

18.14.4 STANDARDS FOR ISSUING AN IUP

The Board may issue an Interim Use Permit only if it finds that such use at the proposed location:

- A. Meets the standards of a Conditional Use Permit contained in Section 18.13 of this Chapter.
- B. Will terminate upon a date or event that can be identified with certainty;
- C. Will be subject to, by agreement between the owner and the Board, any conditions that the Board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
- D. Excluding IUPs for dwellings subject to the density standard, IUPs will not be transferable upon change of ownership.

18.14.5 NOTICE AND CERTIFICATION OF FINAL ACTION

The notice of final action for an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13 of this Chapter.

18.14.6 TERMINATION

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

- A. The termination date or event stated in the permit; or
- B. The Interim Use Permit is revoked following the same procedures for the revocation of a Conditional Use Permit pursuant to Section 18.13.16 of this Chapter.
- C. Based upon issues with the permit, the County Board has determined that the use is not suitable for the district or no longer compatible with adjacent uses.

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- D. The use has been discontinued for a minimum period of one (1) year.
- E. The new owner of the use/occupancy does not apply for a new IUP, when applicable.

18.14.7 FEES.

- A. To defray administrative costs of processing applications of Interim Use Permits, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 18.15 ANIMAL FEEDLOT REGISTRATION & PERMITS

18.15.1 REGISTRATION REQUIRED

All livestock facilities within Dodge County are required to maintain current registration. A new county registration form is required every or whenever the following occurs:

- A. A facility operating change in the number of animal units;
- B. A change in the manure storage, or;
- C. A change in the ownership of the facility.

18.15.2 AUTHORIZATIONS REQUIRED

Prior to construction or modification of an animal feedlot or manure storage area, verification of permits, authorizations, or other forms of approval to commence construction under the MPCA Feedlot Rules shall be provided to the county.

18.15.3 INSPECTION REQUIRED

When expansion of any feedlot subject to conditional use permits is proposed, an inspection of the facility shall be performed to determine whether it is in compliance with applicable local, state and federal rules and regulations. No expansion will be allowed on feedlots that are determined to be non-compliant with Ordinance provisions or State rules.

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18.15.4 APPLICATION AND REGISTRATION FORMS

Applications and registration forms for animal feedlots shall be submitted on forms provided by the Environmental Services Department.

18.15.5 FEES.

- A. To defray administrative costs of processing applications, all applicants for feedlot expansion requests requiring a Conditional Use Permit shall be subject to a flat sum fee in an amount set by the County Board.
- B. To defray administrative costs of maintaining registrations and tracking active feedlots for zoning purposes, all applicants may be subject to an annual flat sum fee in an amount set by the County Board.
- C. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording, modeling, advisory board meetings and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 18.16 SHORELAND ALTERATION PERMITS

The grading, filling, excavation or any alteration of the natural topography in the Shoreland Overlay District, unless such activity is specifically excluded in Section 18.16.1 of this Section, shall first be authorized by a Shoreland Alteration Permit.

18.16.1 EXCLUSIONS

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued Zoning Permits for these facilities.
- B. Projects which are reviewed, approved and meet the sequencing and wetland replacement plan provisions of *Minnesota Rules, part 8420; or successor rule*, provided the provisions of Section 18.16.4 of this Chapter are met.
- C. Projects that are reviewed, approved and meet the

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requirements for animal feedlots or are fixes on animal feedlots when designed and constructed according to SWCD or NRCS specifications.

- D. If the management of spoils from a project in a public waters or public waters wetland which has received Department of Natural Resources approval is described in the Department of Natural Resources permit, the project is exempt from the shoreland permit requirements of this Ordinance.
- E. Topographic alterations involving the movement of 10 cubic yards or less of material within the shore impact zone.

18.16.2 SHORELAND ALTERATION PERMITS

A Shoreland Alteration permit shall authorize the following activities.

- A. Topographic alterations involving the movement of 50 cubic yards or less of material that is not on steep slopes or within shore or bluff impact zones. Topographic alterations on steep slopes, within the bluff impact zone, or alterations exceeding 10 cubic yards within the shore impact zone are prohibited.
- B. Projects in which rock riprap is being used to control erosion above the ordinary high water level (OHW).
- C. Retaining walls that are located within the shore or bluff impact zone.
- D. The placement of sand within the shore impact zone and above the ordinary high water level.

18.16.3 CONDITIONS FOR ALL SHORELAND ALTERATION PERMITS

Shoreland Alteration Permits shall be subject to the following conditions:

- A. Alterations shall only be allowed if they are necessary to a permitted, accessory or conditional use and do not adversely affect adjacent or nearby properties or the water body.

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- B. Alterations necessary to correct existing erosion problems may be allowed. Rock riprap or bioengineered solutions shall be the preferred method over retaining walls to prevent erosion.
- C. Alterations shall be designed and constructed in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
- D. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
- E. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
- F. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local Soil and Water Conservation District or Natural Resource Conservation Service.
- G. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
- H. Plans to place fill or excavated material on steep slopes shall be reviewed by a qualified professional such as an architect, engineer, Soil and Water Conservation District staff person, or Natural Resource Conservation Service staff person. The project shall not create finished slopes of 30 percent or greater.
- I. For the placement of sand blankets:
 - I. Only clean, washed sand, free of organic or toxic materials shall be used.
 - II. The sand blanket may be up to twelve (12) inches in depth, up to fifty (50) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level.

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- III. Replacement or maintenance sand blankets may not exceed the same amount and dimensions of the original sand blanket
- IV. Sand may only be placed in an area where the natural drainage of the property will not result in the sand being washed into the water body. When required, an earthen berm shall be constructed on the landward side of the sand blanket to divert surface water runoff around the sand area. The berm shall be planted with vegetation such as grass to aid in the assimilation of surface water runoff.

18.16.4 PERMIT EVALUATION

The Environmental Services Department, with assistance from other Departments or agencies when needed, shall evaluate Shoreland Alteration Permit applications for conformance with Section 18.16.3 of this Chapter and may attach additional conditions to further assure that the shoreland alterations will not have an adverse impact on adjacent properties or the water body.

18.16.5 CONNECTIONS TO PUBLIC WATER

Excavations, where the intended purpose is connection to a public water, shall be permitted only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.

18.16.6 FEES.

- A. To defray administrative costs of processing applications of Shoreland Alteration Permits, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Environmental Services Department in its decision-making.

SECTION 18.17 SEPTIC PERMIT (SSTS PERMIT)

18.17.1 SEPTIC (SSTS) PERMIT REQUIRED

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Any activity involving an existing system that requires a Septic Permit shall require that the entire system be brought into compliance with this Chapter and Minnesota Rules Chapter 7080-7083.

A septic permit is required for:

- A. Installation of a new SSTS or holding tank;
- B. Replacement of an existing SSTS or holding tank;
- C. Any repair, expansion, or replacement of the drainfield or its components;
- D. Change of the treatment capacity of the system;
- E. Change of the location of the system;
- F. Change of the original system's design, layout, or function.
- G. Reconstruction of a soil dispersal area and/or a soils dispersal system:
- H. Replacement of treatment and/or pump tanks.

Prior to an increase in the number of bedrooms (including, but not limited to, the conversion of existing living space to bedrooms) and/or the addition other water using devices to/within an existing structure, contact the SSTS Program Manager to determine if a septic permit is required.

18.17.2 EXEMPTIONS FROM SEPTIC (SSTS) PERMIT REQUIREMENTS

A septic permit is not required for:

- A. Installation or repair of the solid sewer pipe (building sewer) or other mains and collection systems installed in front of the septic or holding tanks, unless otherwise required by rule.
- B. Installation or repair of the solid sewer pipe from the septic tank to the first distribution or drop box.
- C. Repair or replacement of pumps, floats, or other electrical devices of the pump.
- D. Repair or replacement of baffles in the septic tank.

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18.17.3 SEPTIC PERMIT APPLICATION

- A. An application for a Septic Permit shall be submitted on forms provided by the Environmental Services Department. The application shall not be considered complete until any additional information that is deemed necessary for the proper enforcement of this Ordinance or any other applicable ordinance is submitted.
- B. An applications for a Septic Permit shall be accompanied by a fee set by resolution of the County Board. Applications will not be accepted without the fee.

18.17.4 APPLICATION PROCESSING

The Department shall review and process the septic permit application in accordance with the Minnesota Statutes Chapter 15.99. Incomplete applications will not be accepted.

18.17.5 DECISION & PERMIT ISSUANCE

Septic permit applications that meet the ordinance shall be approved by the Department and a written Septic Permit approval authorizing construction of the SSTS as designed shall be issued and sent to the licensed installer listed on the application.

In the event the applicant makes a significant change to the approved application, the applicant must file an amended application to the Department detailing the changes, prior to initiating construction, continuing construction, modification, or operation of the system until notice of approval or denial of the changes.

- B. **TIMELINE FOR DECISION-** Decision and response must be made within sixty (60) days of acceptance of complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its

anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.

- III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

18.17.6 EXPIRATION OF A SEPTIC PERMIT

A Septic Permit is valid for a period of no more than one (1) year from its date of Issuance.

18.17.7 TRANSFERABILITY

A Septic Permit for a sewage treatment system that is approved but has not yet been installed shall not be transferred to the new owner. Unless the new owner submits signed Septic Permit application forms and management plan to the Department.

18.17.8 SUSPENSION OR REVOCATION

The Department may suspend or revoke a Septic Permit under the Enforcement provisions of Chapter 19.

A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Sewer Permit is obtained.

SECTION 18.18 SEPTIC (SSTS) OPERATING PERMIT

18.18.1 SEPTIC (SSTS) OPERATING PERMIT REQUIRED

Sewage shall not discharge to a system requiring an Operating Permit until the ES Department certifies that the system was installed in conformance with the approved plans, receives the final record drawings, and a valid Operating Permit is issued to the owner.

An Operating Permit shall be required for:

- A. Type IV SSTS;
- B. Midsized Subsurface Sewage Treatment Systems (MSTS);
- C. Any other system deemed by the Department to require operation and oversight.

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18.18.2 SEPTIC (SSTS) OPERATING PERMIT

A. An Operating Permit shall be submitted on forms provided by the Environmental Services Department.

B. OPERATING PERMIT INFORMATION

Operating Permits shall include the following information in accordance with MN rules Chapter 7082.0600, Subp.2.B:

- I. System performance requirements
- II. System operating requirements
- III. Monitoring locations, procedures, and recording requirements
- IV. Maintenance requirements and schedule
- V. Compliance limits and boundaries
- VI. Reporting requirements.
- VII. Department notification requirements for non-compliant conditions
- VIII. Valid contract between the owner and a licensed maintenance business
- IX. Disclosure, location and condition of acceptable soil treatment and dispersal site.
- X. Descriptions of acceptable and prohibited discharged
- XI. Other requirements as defined in county zoning ordinance or permit
- XII. Other requirements as defined by Department
- XIII. A "Homeowners Manual" shall be provided by the owner to all individual homes or businesses using a cluster system.

C. Upon receipt, Environmental Services Staff shall review the Operating Permit. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

D. Operating permits are subject to an annual fee set by resolution of the County Board.

E. OPERATING PERMIT EXPIRATION AND RENEWAL

I. Operating Permits shall be valid for the specific term

stated on the permit as determined by the Department.

- II. The Department shall notify the holder of the operating permit prior to the expiration of the permit. The owner must apply for renewal prior to the expiration date.
- III. If the Operating Permit has expired, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed in sixty (60) calendar days of the expiration date, the County may require that the system be abandoned in accordance with Section 21.14 of this Ordinance and Minnesota Rules Chapter 7080.2500.

F. SSTS OPERATING PERMIT AMENDMENTS

The county may not amend an existing Operating Permit to reflect changes in the Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

G. TRANSFERS

The *Operating Permit* may not be transferred. A new owner shall apply for an *Operating Permit* in accordance with the requirements of this section. The Department shall not terminate the current permit until sixty (60) calendar days after the date of sale unless an imminent threat to public health (ITPH) and safety exists. To consider the new owners application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or *Qualified Employee*.

H. SUSPENSION OR REVOCATION

- I. The Department may suspend or revoke an *Operating Permit* issued under this section for any false statements or misrepresentations of facts on which the *Operating Permit* was issued.
- II. Notice of suspension and the reasons for revocation shall be conveyed in writing to the owner.
- III. If suspended or revoked, the Department may require that the treatment system be removed from service,

temporarily operated as a holding tank, or abandoned in accordance with Section 21.14 of this Ordinance and Minnesota Rules Chapter 7080.2500.

- IV. The *Operating Permit* may be reinstated or renewed upon the owner taking appropriate corrective actions.

- I. COMPLIANCE MONITORING

- I. Performance monitoring of a SSTS requiring an Operating Permit shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- II. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit.
- III. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - a. Owner name and address.
 - b. Operating Permit number
 - c. Average daily flow since last compliance monitoring report
 - d. Description of type of maintenance and date performed
 - e. Description of samples taken (if required), analytical laboratory used, and results of analysis
 - f. Problems noted with the system and actions proposed or taken to correct them
 - g. Name, signature, license and license number of the licensed professional who performed the work

SECTION 18.19 SEPTIC (SSTS) MANAGEMENT PLANS

Management Plans describe how a particular SSTS is intended to be operated

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and maintained to sustain the performance required. The Management Plan is included as part of the Septic Permit application and shall be provided by the certified designer to the system owner when the treatment system is commissioned.

Existing SSTS that are not operated under a Management Plan or Operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

18.19.1 SSTS REQUIRING MANAGEMENT PLANS

Management plans are required for all New or Replacement SSTS. Management Plans are to be submitted on forms approved by the Environmental Services Department. The management plan shall be submitted to the Department with the Septic Permit application for review and approval.

18.19.2 REQUIRED CONTENTS OF A MANAGEMENT PLAN

Management plans shall include (MN Rules 7082.0600, Subp. 1):

- A. Maintenance requirements, including frequency
- B. Operational requirements, including which tasks the owner can perform and which tasks a licensed service provider or maintainer must perform
- C. Monitoring requirements;
- D. Requirements that the owner notify Dodge County when management plan requirements are not met;
- E. Disclosure of the location and condition of the additional soil treatment and dispersal area on the lot or parcel serving that residence; and
- F. Other requirements as determined by the Department.

SECTION 18.20 DRIVEWAY/ ACCESS PERMIT

Access onto County, Township, State or Federal Roads located within Dodge County shall require and Access Permit from the appropriate Road Authority.

SECTION 18.21 OTHER PERMITS, LICENSES AND APPROVALS

Appropriate permits, licenses or approvals from other County, Township, State or Federal governments shall be required in the administration of this Ordinance.