

CHAPTER 9: CLOSED LANDFILL RESTRICTED DISTRICT (CLR)

SECTION 9.1 PURPOSE

The Closed Landfill Restricted (CLR) Zoning District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall apply whether the landfill is in public or private ownership.

The Closed Landfill Use Plan — Dodge County Landfill report dated February 8th, 2013 (revised April 8th, 2013) or as amended by the Minnesota Pollution Control Agency is adopted by reference as a part of the CLR District and is included as Appendix N of the Dodge County Zoning Ordinance. In addition, where the boundary of the MPCA's proposed land management district divides an existing parcel, the entire parcel will be included as part of the CLR Zoning District.

For purposes of this ordinance, the Closed Landfill Restricted District is described as:

PARCEL A DESCRIPTION

That part of the West Half of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Beginning at the southwest corner of the Northwest Quarter of said Section 28, thence South 00 degrees 00 minutes 03 seconds West along the west line of the Southwest Quarter of said Section 28, 400.00 feet; thence South 89 degrees 54 minutes 48 seconds East 1591.17 feet; thence North 00 degrees 05 minutes 12 seconds East 400.00 feet to the south line of said Northwest Quarter; thence North 00 degrees 04 minutes 18 seconds East 1756.87 feet to the north line of the South Two-Thirds of said Northwest Quarter; thence North 89 degrees 57 minutes 33 seconds West along said north line 941.71 feet; thence North 00 degrees 06 minutes 07 seconds East 149.74 feet; thence North 89 degrees 44 minutes 05 seconds West 350.00 feet; thence North 00 degrees 08 minutes 31 seconds East 50.00 feet; thence North 89 degrees 55 minutes 28 seconds West 300.00 feet to the west line of said Northwest Quarter; thence South 00 degrees 04 minutes 40 seconds West along said west line 1956.87 feet to the point of beginning.

Said parcel contains 81.38 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL B DESCRIPTION

That part of the Northeast Quarter of Section 29, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Beginning at the northeast corner of said Northeast Quarter, thence North 89 degrees 40

minutes 04 seconds West along the north line of said Northeast Quarter 250.00 feet; thence South 00 degrees 04 minutes 40 seconds West, parallel with the east line of said Northeast Quarter, 1323.04 feet; thence North 89 degrees 35 minutes 09 seconds West 130.00 feet; thence South 00 degrees 04 minutes 40 seconds West 1322.88 feet to the south line of said Northeast Quarter; thence South 89 degrees 30 minutes 46 seconds East along said south line 380.00 feet to the east line of said Northeast Quarter; thence North 00 degrees 04 minutes 40 seconds East along said east line 2646.76 feet to the to the point of beginning.

Said parcel contains 19.14 acres, more or less. Subject to County Road right of way easement over the easterly 50 feet thereof.

PARCEL A1 LANDFILL DESCRIPTION (PART OF PARCEL A)

That part of the Northwest Quarter of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the southwest corner said Northwest Quarter, thence North 00 degrees 04 minutes 40 seconds East along the west line of said Northwest Quarter 450.00 feet to the point of beginning of the parcel to be described; thence South 89 degrees 55 minutes 20 seconds East 1223.00 feet; thence North 00 degrees 04 minutes 40 seconds East 700.00 feet; thence North 89 degrees 55 minutes 20 seconds West 265.00 feet; thence North 65 degrees 40 minutes 08 seconds West 631.05 feet; thence North 89 degrees 48 minutes 19 seconds West 382.65 feet to the west line of said Northwest Quarter; thence South 00 degrees 04 minutes 40 seconds West along said west line 960.00 feet to point of beginning.

Said parcel contains 23.65 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL A2 BUFFERLAND DESCRIPTION (PART OF PARCEL A)

That part of the Northwest Quarter of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota described as follows:

Commencing at the southwest corner said Northwest Quarter, thence North 00 degrees 04 minutes 40 seconds East along the west line of said Northwest Quarter 450.00 feet; thence South 89 degrees 55 minutes 20 seconds East 1223.00 feet; thence North 00 degrees 04 minutes 40 seconds East 700.00 feet to the point of beginning of the parcel to be described; thence North 89 degrees 55 minutes 20 seconds West 265.00 feet; thence North 65 degrees 40 minutes 08 seconds West 631.05 feet; thence North 89 degrees 48 minutes 19 seconds West 382.65 feet to the west line of said Northwest Quarter; thence North 00 degrees 04 minutes 40 seconds East along said west line 546.87 feet; thence South 89 degrees 55 minutes 28 seconds East 300.00 feet; thence South 00 degrees 08 minutes 31 seconds West 50.00 feet; thence South 89 degrees 44 minutes 05 seconds East 350.00 feet; thence South 00 degrees 06 minutes 07 seconds West 149.74 feet; thence South 89 degrees 57 minutes 33 seconds East along the north line of the South Two-Thirds of the Northwest Quarter 573.12 feet; thence South 00 degrees 04 minutes 40 seconds West 606.50 feet to the point of beginning.

Parcel contains 15.61 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL B1 BUFFERLAND DESCRIPTION (PART OF PARCEL B)

That part of the Northeast Quarter of Section 29, Township 107 North, Range 16 West, Dodge County, Minnesota described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 29, thence North 00°04'40" East along the east line of said Northeast Quarter 450.00 feet to the point of beginning of

the parcel to be described; thence continue north along said east line 1306.87 feet; thence North 89°55'20" West 200.00 feet; thence South 00°04'40" West, parallel with said east line 1306.87 feet; thence South 89°55'20" East 200.00 feet to the point of beginning.

Said parcel contains 6.00 acres, more or less. Subject to County Road right of way easement over the easterly 50 feet thereof.

SECTION 9.2 PERMITTED USES

The following uses are permitted within the CLR District

- A. Closed Landfill Management
- B. Waste Recycling and Transfer Station,
- C. ATV Training Course
- D. Compost Site
- E. Wood storage and wood chipping
- F. General farming including the raising of crops and horticulture. These uses may be located only outside of the Methane Area of Concern as identified in the Closed Landfill Use Plan.
- G. Natural area management and establishment of prairie, woodland or other native vegetation and habitat.

SECTION 9.3 ACCESSORY USES

Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates shall apply under these provisions. Accessory solar energy systems for the purpose of providing electricity to the facility are also included.

SECTION 9.4 CONDITIONAL USES

Conditional uses shall be limited to uses that do not damage the integrity of the *Land Management Area (LMA)* as identified in the Minnesota Pollution Control Agency's "Closed Landfill Use Plan for the Dodge County Landfill" dated February 8th, 2013 and revised April 8th, 2013 and that continue to protect any person from hazards associated

with the landfill.

Any application for a conditional use must be approved by the Commissioner of the MPCA and the Dodge County Board of Commissioners if proposed within the MPCA's LMA. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

The following conditional uses are permitted within the CLR District:

- A. Solar Energy Farm

SECTION 9.5 PROHIBITED USES AND STRUCTURES

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

SECTION 9.6 GENERAL REGULATIONS

All uses shall meet the Performance Standard of Chapter 16 and the Development Standards of Chapter 17 of this Ordinance.

SECTION 9.7 AMENDMENTS

Any amendment to this Chapter within the LMA identified in the Closed Landfill Use Plan must be approved by the Commissioner of the Minnesota Pollution Control Agency and the Dodge County Board of Commissioners in accordance with the administrative process for amendments defined in Chapter 18 of this Ordinance.