

# JACKSON COUNTY

MINNESOTA

## Development Code



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April 12, 1993

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# **JACKSON COUNTY ZONING ORDINANCE**

## **I. INTRODUCTION**

In 1977, Jackson County applied for and received a state planning grant from the State Planning Agency for the purpose of updating its zoning ordinance and subdivision regulations. The major purpose for the decision to update its zoning ordinance was to make the ordinance conform to the new administrative procedures and requirements of the County Planning Enabling Act passed in 1975. In addition, there was a concern over urban development in the prime agricultural areas in the county.

As a result, the county hired a planning consultant to assist it in developing some basic growth policies and updating its development ordinances. During the past year, the County Planning Commission, and County Staff with the assistance of the planning consultant, have worked many hours to put together some basic growth policies and ordinances to better deal with the planning and development problems currently facing Jackson County. Meetings were also held with the officials of the cities and townships in the county to obtain their input. The following growth policies and development code represents the product of this work during the past year.

## **II. DEVELOPMENT POLICIES**

In order to put together a zoning ordinance and subdivision regulations, it is first necessary to develop some basic growth policies for future development of the county. These goals can then serve as a basis for the ordinances including the zoning districts and the performance standards in the zoning ordinance and subdivision regulations.

Basically, Jackson County is a rural county with the major economic activity consisting of agriculture or agricultural-oriented industries. However, there are several cities in the county including Jackson which have started to expand and diversify into non-agricultural industries. In addition, there has been residential growth taking place along the shoreland of lakes and rivers in the county as well as in agricultural areas. This residential development has resulted in some basic conflicts with continued agricultural production in the county.

## **III. JURISDICTION**

The provisions of this ordinance shall apply to all areas outside of municipal limits with the exception of Section 716 which deals with sewage disposal standards. The provisions of this ordinance shall also apply to the shorelands of the public water bodies as classified in Section 610 of this ordinance. Pursuant to Minnesota Rules 6120.2500 to 6120.3900, no lake, pond, or flowage less than 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

## **IV. GOALS AND POLICIES**

Basically, the following goals and policies are oriented towards protecting the viable agricultural areas in the county and encouraging urban growth to take place in the area adjacent to existing cities where urban services can easily be extended or provided. This hopefully will minimize some of the urban-rural conflicts, allow urban growth near the cities and also protect the prime agricultural land in the county.

### **A. OVER-ALL GROWTH**

#### **Goals**

- I.** Preservation of commercial agriculture as a viable, permanent land use and an essential long-term permanent activity in the county.
- II.** Protection of major natural resource areas in the county to serve as a basis for recreation and tourism in the county.
- III.** Location of urban density development near the cities where urban services can easily be provided and extended.

#### **Policies**

- I.** Enact programs to preserve the viable agricultural areas in the county from scattered urban development.
- II.** Locate rural housing development away from recognized commercial agricultural areas and into areas with marginal agricultural soil, woodland areas and areas adjacent to existing cities where urban services can easily be extended.
- III.** Allow rural housing, which is not scheduled to receive central sewage disposal service only in areas where the soil, topography and water table is such that the individual sewage systems can properly function.
- IV.** Concentrate urban, residential, commercial and industrial land uses adjacent to existing cities where urban services can easily be extended.
- V.** Carefully, regulate development in the shorelands, woodlands, etc. so as to preserve the natural resource areas as attractive recreation and tourism areas.
- VI.** Enact programs to preserve and protect historically significant areas throughout the county.
- VII.** Enact programs to protect the natural resources in the county. Use natural resource information as a basis for determining future areas for urban expansion.
- VIII.** Encourage the maintenance and expansion of housing for all income groups who reside in the county.

**IX.** Encourage transportation facilities and programs to improve general accessibility and reinforce the county development program.

**X.** Adopt utility standards and programs (sewer and water) that will minimize pollution problems and reinforce the county development policies.

## **B. AGRICULTURE**

### **Goals**

**I.** Preservation of commercial agriculture as a viable, permanent land use and as a significant economic activity in the county.

### **Policies**

**I.** Limit rural housing development in prime agricultural areas.

**II.** Promote county and state legislation which will retain and promote agriculture as significant economic activity and land use in the county.

**III.** Encourage governmental units to avoid locating major public facilities, roads, and developments in good agricultural land areas.

**IV.** Encourage farmers to adopt and maintain sound soil erosion control practices such as contour-plowing, strip cropping, minimum tillage, shelter-belts, etc.

**V.** Carefully control the location of feedlots and other animal confinement areas in the county to minimize pollution and nuisance problems.

## **C. ECONOMIC DEVELOPMENT**

### **Goals**

**I.** Promotion of diversified economic development in the county which will provide for continued employment opportunities for citizens.

**II.** Continued expansion of trade and service industries in the county.

**III.** Location of commercial facilities so as to provide reasonable access for the citizens to an adequate supply of goods and services.

**IV.** Continued expansion of industrial development in the county to provide employment opportunities for the citizens.

**V.** Location of commercial and industrial development to minimize conflict with surrounding land uses.

## **Policies**

- I.** Encourage programs that will promote diversified economic development in the county, including industrial, retail, trade, and service industries.
- II.** Encourage industrial development in such a way as to enhance the tax base and increase employment opportunities while at the same time place minimal demands on the environment.
- III.** Allow only "clean" type, non-polluting industry in areas adjacent to existing residential development to minimize land use conflicts.
- IV.** Encourage major industrial developments to locate in or near existing cities where public services (city sewer and water) can easily be extended and near places of good accessibility.
- V.** Encourage major commercial developments (shopping centers) to locate in or near existing cities where public services (sewer and water) can easily be extended and near places of good accessibility.
- VI.** Discourage unplanned and scattered commercial development that will have an adverse effect on existing commercial development.

## **D. NATURAL RESOURCE PROTECTION**

### **Goals**

- I.** Protection and enhancement of the air, water, and land resources in the county as a vital ingredient of the living environment.

### **Policies**

- I.** Promote land management practices that protect the natural resources in the county.
- II.** Carefully control development in environmentally sensitive areas, i.e., wetlands, floodplains, shorelands, woodlands, and natural water aquifers areas.
- III.** Promote the preservation and improvement of all lakes, rivers and streams in an unpolluted state enacting floodplains and shoreland ordinances.
- IV.** Promote soil conservation and erosion control practices in both urbanized and rural portions of the county.
- V.** Encourage subdivisions and urban development to conform to the natural limitations presented by topography and soils so as to create the least potential for soil erosion.

**VI.** Carefully control the location of feedlots and other animal confinement areas in the county to minimize pollution and nuisance problems.

**VII.** Carefully regulate the location of solid waste disposal sites to minimize pollution and nuisance problems.

**VIII.** Inventory and manage the aggregate resources within the county by utilizing sustainable resource management principles.

## **E. RESIDENTIAL DEVELOPMENT**

### **Goals**

- I.** A broad choice of housing types for all income groups.
- II.** A convenient access for housing to public and private facilities.
- III.** Safe, healthful and blight-free residences and residential developments.

### **Policies**

- I.** Encourage the location of residential subdivisions and major developments near existing cities where urban services can easily be provided.
- II.** Discourage scattered and "leap-frog" residential development in commercial agricultural areas.
- III.** Encourage the use of natural resource information such as soils, topography, ground water, etc., in residential site designs.
- IV.** Prohibit the location of rural housing with septic tanks and drainfields in areas of high bedrock or water table to minimize pollution problems.
- V.** Use soils and other natural resource information as a basis for establishing minimum lot sizes for rural housing with septic tanks and drainfields.
- VI.** Encourage the location of mobile homes within mobile homes parks where adequate services can be provided.
- VII.** Encourage the location of mobile home parks in urban residential or mobile home residential districts which are served by central sewer and water services.
- VIII.** Only allow the location of multi-family residential development in areas where community sewer and water facilities are available.
- IX.** Develop and adopt provisions in development ordinances which encourage innovative site and housing unit designs.

- X. Enact programs to encourage the rehabilitation of existing older homes.

## **F. OPEN SPACE AND RECREATION**

### **Goals**

- I. Sufficient parks and open space to meet the recreation needs of the citizens in the county.
- II. Recreation facilities and programs in the existing parks to meet the needs of all income and age groups.

### **Policies**

- I. Avoid duplicating already existing State and Federal park lands and facilities.
- II. Discourage incompatible or unsafe development adjacent to park and recreation areas.
- III. Provide sufficient recreation facilities in the existing parks to maximize the use of the parks.
- IV. Encourage the protection of natural resource areas (wetlands, floodplains, woodland, steep slopes) through public acquisition for both active and passive recreation uses.

## **G. PUBLIC FACILITIES**

### **Goals**

- I. Provision of public facilities in a manner that maximizes public health, safety and welfare.
- II. Financing of public facilities in such a manner that it is equitable to all county residences.

### **Policies**

- I. Discourage development in areas where on-site sewer systems are likely to malfunction due to poor soil characteristics.
- II. Enforce the Minnesota Pollution Control Agency's standards concerning on-site sewer systems.
- III. Discourage extension of public utilities over large undeveloped parcels to serve small pockets of scattered development.

IV. Concentrate major residential, commercial and industrial land uses near cities which have city sewer routes and water systems.

V. Encourage complete use of existing public utilities and services before extending or expanding such use.

## **H. TRANSPORTATION**

### **Goals**

I. A transportation system which compliments land use development and land use policies throughout the county.

II. A transportation system which maximizes accessibility for all income groups to places of employment, recreation, shopping and entertainment.

### **Policies**

I. Develop a transportation system which reinforces the county's growth policies.

II. Integrate land use and transportation plans to minimize the adverse effects of transportation systems (noise, air pollution) on the adjacent development.

III. To the extent possible, avoid locating transportation facilities so as to adversely affect the natural resources of the county.

IV. Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.

V. Carefully control land use developments at the major transportation intersections and interchanges to avoid compromising safety, accessibility and functions of the highways.

VI. Encourage the development of a transportation system which properly integrates the various types and levels of highways (state, county and local) to maximize safety and accessibility.

## **I. IMPLEMENTATION STRATEGIES**

### **Goals**

I. Implementation of the county goals and policies.

### **Policies**

I. Develop and adopt methods that will effectively implement the county's policies.

**II.** Encourage effective and coordinated implementation methods that properly balance private incentives and the protection of the public interest.

**III.** Effectively coordinate the various public implementation tools such as regulatory devices (Zoning ordinance, subdivision regulations, etc.) public acquisition, utility extensions (sewer, water, highways), and property tax policies.

**IV.** Review and update, if necessary, the development ordinances periodically.

# **INTRODUCTION**

## **Theory and Legal Limitations of Zoning**

Basically, zoning is the use of the police power to regulate land use to promote the public health, safety and welfare. Originally, zoning grew out of the laws dealing with nuisance. Typically, a zoning ordinance divides a jurisdictional area into districts such as residential, commercial, industrial and institutional districts. While the regulations may differ from district to district, they must be applied uniformly to all land within each district.

Zoning is primarily concerned with the following three major types of regulations:

- 1) Use regulations - the use to which the buildings and land can be made;
- 2) Height regulations - the maximum height to which buildings may be erected; and
- 3) Area regulations - the area of open space that must be provided around structures in the form of front, side and rear yards, as well as the minimum lot area, lot coverage and density.

Since zoning involves the use of the police power, no compensation is paid to the property owner whose land is subject to the zoning ordinance. A number of legal restraints on the use of this device have been developed by the courts which have come from "due process" and "equal protection" clauses of the 14th Amendment. For example, some of the usual restraints imposed by the courts have been that the regulations must be "reasonable" and must not amount to "taking" of property without just compensation; and furthermore, the regulations must be related to the "public health, safety and welfare". While some courts have become more liberal in their interpretation of the "public welfare" (as witnessed in the upholding of aesthetic zoning by some courts), nevertheless, the legal restraints indicated above must be taken into account in considering the use of zoning to control development.

Zoning ordinances are not retroactive in effect; thus, existing incompatible uses (land uses existing at the time that the ordinance is adopted) are usually allowed to continue as non-conforming uses, either for a certain specified time period (which varies from five to ten years) or until the structures have been destroyed. Most ordinances do not allow the non-conforming use to be expanded or enlarged; and if the use is discontinued for more than one year, it must be made to conform to the ordinance.

Zoning is primarily concerned with guiding future development to carry out the goals and policies established and adopted by the local community. The goals and policies are usually stated in a comprehensive plan, or policies plan which represents the best legal defense of zoning. The policies plan need not be an elaborate document, especially for a rural community, but a clear statement of the goals and policies for future development of the community based on a study of resources, problems, needs, and potentials. For example, the major goal of a rural community may be to encourage agriculture uses and discourage urban development and therefore to zone most of the township for agricultural or large-lot zoning. Since our natural resources are being rapidly depleted, the local communities are urged to use information on soils and topography in developing

the districts and standards. This can also help to avoid future problems such as flooded basements, cracked walls and foundations from soil erosion.

### **Statutory Authorization**

This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103G, Minnesota Rules 6120.2500 to 6120.3900, and the planning, development and zoning enabling legislation in Minnesota Statutes, Chapter 394.

### **Administration of the Ordinance**

The goals of a zoning ordinance will only be achieved if the ordinance is properly administered. Minnesota Statutes, section 115.04, subd. 3 (2007) allows the employee or agent enforcing these regulations access to private property for the purpose of obtaining information, examining records, conducting surveys or investigations.

### **Zoning Amendments**

The governing body may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County.

### **Conditional Use Permits**

A use classified as conditional may be appropriate and desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion. Schools, churches, and public utilities are examples of uses which are often in the conditional use category. Planned unit development can also be handled as conditional uses.

Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm.

In granting a conditional use permit, the County Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on the Policies Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the county as a whole.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended

conditional use permit and all procedures shall apply as if a new permit were being issued. The Land Management Office shall maintain a record of all conditional use permits issued including information on the use, location, conditions imposed by the governing body, time limits, review dates, and such other information as may be deemed appropriate.

### **VariANCES**

The Board of Adjustment may authorize a variance from the requirements of this ordinance where it can be shown that special and unusual circumstances are related to a specific lot, and that strict and liberal application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Board of Adjustment may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

### **Setback Permits**

A zoning ordinance is enforced through the process of granting setback permits. The goals of a zoning ordinance will be attained only if the ordinances, provisions and standards are followed as setback permits are granted. If the standards of the ordinance are excessively circumvented by the liberal issuance of variance, zoning amendments, and conditional use permits, then the ordinance becomes arbitrary in its enforcement and is useless in its effect. For the purposes of enforcing this ordinance, a setback permit shall be required of all persons intending to erect, alter, or move any building. This includes structures such as a deck or porch but does not include at grade concrete such as a patio or feeding floor. Setback permits expire after six months if construction has not started.

In a case where the applicant intentionally takes steps to circumvent the requirements of this ordinance to obtain a setback permit, that permit maybe declared invalid by the Land Management Director.

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## **JACKSON COUNTY ZONING ORDINANCE**

AN ORDINANCE REGULATING THE USE OF LAND IN JACKSON COUNTY BY DISTRICTS, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE GENERAL PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF JACKSON COUNTY.

PURSUANT TO MINNESOTA STATUTES, SECTION 375.51, THE JACKSON COUNTY BOARD DOES ORDAIN AS FOLLOWS;

**101. TITLE**

This Ordinance shall be known, cited and referred to as the Jackson County Zoning Ordinance.

### 201. INTENT AND PURPOSE

This Ordinance is adopted for the purpose of:

- 1) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- 2) Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
- 3) Conserving the natural and scenic beauty and attractiveness of the county.
- 4) Conserving and developing natural resources.
- 5) Providing for the compatibility of different land uses and the most appropriate use of the land throughout the county

## 301. RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules or construction.

- 1) The singular number includes the plural and the plural the singular.
- 2) The present tense includes the past and future tenses, and the future the present.
- 3) The word "shall" is mandatory, and the word "may" is permissive.
- 4) The masculine gender includes the feminine and neuter genders.
- 5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
- 6) All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.

**302. DEFINITIONS**

Unless specifically defined below, words of phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance it's most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

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

Administrator: The duly appointed person charged with enforcement of this Ordinance.

Agricultural Use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

- a. Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- b. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
- c. Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

Airport or Heliport: Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures of rights-of-way.

Allied Radio Matrix  
Emergency Response (ARMER) The trunk radio system that provides a service network to all area health and safety providers.

Animal Unit: A unit of measure used to compare differences in the production of animal manure which has as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. Multiplication factor set by Minnesota Pollution Control Agency will be hereinafter adopted by reference without change except as may be amended by the State.

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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Apartment:	A room or suite of rooms with cooking facilities available which is occupied as a residence by a singles family, or a group or individuals living together as a single family unit. This includes any units in buildings with more than two dwelling units.
Array (Solar)	Any number of photovoltaic modules or panels connected together to provide a single electrical output.
As-Builts:	Drawings and documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.
Auto or Motor Vehicle Reduction Yard:	A lot or yard where one or more unlicensed vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)
Basement:	Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
Bed & Breakfast:	An owner-occupied residence where lodging and meals are provided to the traveling public by the resident owner for compensation.
Bedroom:	“Bedroom” means, for the sole purpose of estimating design flows from dwellings, an area that is: <ul style="list-style-type: none"><li>a) a room designed or used for sleeping; or</li><li>b) a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.</li></ul>

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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Best Management Practices (BMPs):

Are effective, practical, structural or nonstructural methods which prevent or reduce the movement of sediment, nutrients, pesticides and other pollutants from the land to surface or ground water, or which otherwise protect water quality from potential adverse effects of agricultural activities. These practices are developed to achieve a balance between water quality protection and the production of agricultural crops.

Biochemical Oxygen Demand (BOD):

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

Bluff:

A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- a. Part or all of the feature is located in a shoreland area;
- b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- d. The slope must drain toward the waterbody.

Bluff Impact Zone:

A bluff and land located within 20 feet from the top of a bluff.

Bluffline:

A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

Boardinghouse (Rooming or Lodging House):

A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty persons.

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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Boathouse:	A one (1) story structure not to exceed 15 feet in height solely for the purpose of storage of boats and boating accessories the top of which may be used as an enclosed deck with safety railing.
Buffer:	The meaning provided in Minn. Stat. §103F.48, subd. 1(c).
Buffer Protection Map:	The meaning provided in Minn. Stat. §103F.48, subd. 1(d) and which are available on the Department of Natural Resources website.
Building:	Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed as a separate building.
Building Drain:	That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
Building Height:	See Height of building.
Building Line:	A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.
Building Setback:	The minimum horizontal distance between the building and a lot line.
Building Sewer:	That part of the lowest horizontal pipe which begins five (5) feet outside of the wall of a building and connects the building drain with the main public sewer or other disposal terminal.
Business:	Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation. Business includes lower-potency hemp edible retailers licensed by the Minnesota Office of Cannabis Management under Minnesota Statutes Chapter 342. Business excludes cannabis and hemp business activities licensed by the Minnesota Office of Cannabis

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Management under Minnesota Statutes Chapter 342.

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

**Cannabis Business:** Cannabis Business means any of the following:  
(1) cannabis microbusiness;  
(2) cannabis mezzobusiness;  
(3) cannabis cultivator;  
(4) cannabis manufacturer;  
(5) cannabis retailer;  
(6) cannabis wholesaler;  
(7) cannabis transporter;  
(8) cannabis testing facility;  
(9) cannabis event organizer;  
(10) cannabis delivery service; and  
(11) medical cannabis combination business.

**Cannabis Cultivation:** Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Cultivator, Mezzobusiness, Microbusiness or Medical Cannabis Combination. Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis plants, cannabis flower, hemp plants or hemp plant parts. Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

**Cannabis Delivery:** Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Cannabis Delivery. This business activity and license allows for the transportation of cannabis and hemp products from cannabis businesses with retail endorsements to the end consumer.

**Cannabis Event:** Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Cannabis Event Organizer. This business activity and license allows for the license holder to organize a temporary event lasting no more than four days.

**Cannabis Manufacturing:** Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Manufacturer, Mezzobusiness, Microbusiness or Medical Cannabis Combination. This business activity and license

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	allows a business to turn raw, dried cannabis and cannabis parts into other types of cannabis products and package such products for sale to a licensed cannabis retailer.
Cannabis Retail:	Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Retailer, Mezzobusiness, Microbusiness or Medical Cannabis Combination. This business activity and license allows a business to sell cannabis and cannabis products directly to consumers.
Cannabis Testing Facility:	Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Testing Facility. This business activity and license allows a business to obtain and test immature cannabis plants and seedlings, cannabis, cannabis products and hemp products from licensed cannabis businesses.
Cannabis Transportation:	Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Cannabis Transporter. This business activity and license allows a company to transport cannabis products to licensed cannabis businesses.
Cannabis Wholesale:	Cannabis business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Wholesaler, Cultivator, Manufacturer, Mezzobusiness, Microbusiness or Medical Cannabis Combination. This business activity and license allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.
Carport:	An automobile shelter having one or more sides open.
Certificate of Compliance (SSTS):	A document written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.
Class V Injection Well:	A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the

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	ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).
Clear-Cutting:	The removal of an entire stand of vegetation.
Combined Sewer:	A sewer receiving both surface runoff and sewage.
Commercial Planned Unit Developments:	Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
Commercial Use:	The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
Commissioner:	Commissioner of the Department of Natural Resources.
Community Sanitary Sewer Service (CSSS):	The physical sewer system including the pipe, pumps, buildings, etc.
Community Sanitary Sewer Service Area (CSSSA):	The geographic areas described in Section 620 of this Ordinance.
Community Water and Sewer Systems:	Utilities systems serving a group of buildings, lot or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.
Compliance Inspection:	Any evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.
Compost Facility:	A site used to compost or co-compost solid waste. This includes all structures used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the

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final product, and residuals resulting from the composting process.

Comprehensive Plan  
or Policies Plan:

A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Concentrated Animal  
Feeding Operation (CAFO):

Animal feedlots meeting the definition of a CAFO in 40 C.F.R. section 122.23.

Conditional Use:

A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Conservancy:

A zoned area, the purpose of which is to manage areas unsuitable for development.

County:

The County Commissioners, County of Jackson, Minnesota, or its authorized officer, agent or representative.

County Board:

Jackson County Board of Commissioners

Cultivation Farming:

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

Curb Level:

The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff determine a curb level or its equivalent for the purpose of this Ordinance.

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Deck:	A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.
Demolition Debris:	Inert material that includes concrete, brick, bituminous, untreated wood, masonry, glass, rock, and plastic parts resulting from the demolition of buildings, roads, and other man-made structures, demolition debris does not include solid waste or asbestos waste.
Department:	Jackson County Land Management Office.
Drainage Authority:	The meaning provided in Minn. Stat. §103E.005, subd. 9.
Drive-In Business:	Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
Duplex, Triplex, and Quad:	A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
Dwelling Attached:	A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.
Dwelling Detached:	A dwelling which is entirely surrounded by open space on the same lot.
Dwelling Site:	A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
Dwelling Unit:	Any structure or portion of a structure, or other shelter designed as short-or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

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Easement:	A grant by a property owner for the use of a strip of land by the public or any person for any specific purposes or purposes.
Edible Crop:	Any food grown for human consumption. E.g. fruit, vegetable, grain, and other produce grown for human consumption.
Eligible Energy Technology	As defined in Minnesota Statutes 216B.1691
Essential Services:	Overhead or underground electric, gas, communication, steam or water transmission or distribution systems or structures, by public utilities or governmental departments of commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
Equal Degree of Encroachment:	A method of determining the location of floodway boundaries so that the flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
Exotic Animals:	Means a species that is not native to the area. Exotic species also means a species occurring outside its natural range.
Expansion, Enlargement, or Intensification:	Any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function, or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County.

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Expansion or Expanded, Feedlot:	Construction or any activity that has resulted or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area.
Exterior Storage (Including Open Storage):	The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
Extraction Area:	Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.
Extractive use:	The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
Failure to Protect Groundwater:	At a minimum a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 7 hereof.
Family:	An individual, or two or more persons related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit, exclusive of usual service.
Farm:	A tract of land, ten (10) acres or more in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.
Farmstead:	A developed area to support farm activities. A variety of structures, storage areas, and other facilities, including

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adjacent windbreaks and shelterbelts, typically comprise a farmstead. The area may contain one or more farm dwellings. A farmstead has boundaries that can be approximately defined and differentiated from surrounding fields and pastures, and the administrator shall determine such boundaries as necessary.

Feedlot, Animal:

A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.

Feedlot Capacity:

The maximum number of animals of each animal type that *can be confined* within each lot, building, or area at the animal feedlot.

Fence:

A fence is defined for the purpose of this Ordinance and any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or with the required yard.

Field Windbreak:

Any vegetation, newly planted or historically existing, that is designed and intended to shelter any real property from wind or other weather related elements.

Flood:

A temporary rise in stream flow or stage the results in inundation of the areas adjacent to the channel.

Floodway:

The bed of a wetland or lake and channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

Flood Frequency:

The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

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Flood Fringe:	That portion of the flood plain outside of the floodway and which has been or hereafter may be covered by the regional flood.
Flood Proofing:	A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.
Floor Area:	The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
Floor Area Ratio:	The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
Floor Plan – General:	A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
Forestry:	The use and management including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings and fences.
Forest land conversion:	The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
Frontage:	The boundary of a lot which abuts an existing or dedicated public street.

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Garage Private:	An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
Garbage:	Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
Governing Body:	Jackson County Board of Commissioners.
Guest cottage:	A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
Height of building:	The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
Hemp Manufacturing:	Hemp business endorsed activity licensed by the Minnesota Office of Cannabis Management as a Lower-Potency Hemp Edible Manufacturer. Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.
Highway:	Any public thoroughfare or vehicular right-of-way with a Federal or State Numerical route designation; any public thoroughfare or vehicular right-of-way with a Jackson County numerical route designation.
Home Occupation:	Any business engaged in by the occupant of a dwelling at or from the dwelling located on the same tract of land as the business and who occupies the dwelling as their principal place of residency. In addition to the occupant of the dwelling located on the tract of land, the business may also employ others not living on the tract of land.
Horticulture:	Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

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Hotel:	A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are, for compensation lodged with or without meals.
Household Hazardous Waste (HHW):	Any waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste from commercial activities that is generated, stored, or present in a household. Household hazardous waste include, but are not limited to, paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain opener, varnishes, stains, and adhesives.
Imminent Threat to Public Health or Safety (ITPHS):	At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 7 hereof.
Immediate Incorporation:	Manure or process wastewater is incorporated within 24 hours of application.
Impervious Surface:	A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.
Incorporation:	The mixing of manure or septage with the top soil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.
Individual Sewage Treatment System (ISTS):	A sewage treatment system, or part thereof, as set forth in Minnesota Statutes, sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or

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elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. ISTS includes holding tanks and privies that serve these same facilities. ISTS does not include building sewers or other components regulated under chapter 4715 or collection systems.

Industrial Use:

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

Industrial Wastes:

The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Inspector:

An individual qualified to review proposed plans and inspect SSTS and who meet the licensure and registration requirements of the Minnesota Pollution Control Agency.

Intensive Vegetation Clearing:

The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use:

A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Irrigation System:

Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.

Junk Yard:

An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A junk yard includes an auto wrecking yard but does not include uses conducted entirely with enclosed buildings. This definition does not include sanitary landfills. This definition also does not include property used for the collection of recyclable materials if the site is operated by the County or by a private party under contract with the County.

Kennel:

Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc.

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Landowner:	The holder of the fee title, the holder's agents or assigns, any lessee, licensee, or operator of the real property and includes all land occupiers as defined by Minn. Stat. §103F.401, subd. 7 or any other party conducting farming activities on or exercising control over the real property.
Landscaping:	Planting such as trees, grass and shrubs.
Land Spreading:	The placement of septage or human waste from septic or holding tanks on or into the soil surface.
Land Use Development Application:	The term includes, but is not limited to application for the following: construction permits, SSTS Permits, vegetative alteration permits, topographic alterations permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variance from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Jackson County Planning & Environmental Services Department unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other informational required by the Jackson County Planning & Environmental Services Department.
Large Solar Energy System:	A solar farm, where the primary use of the parcel is for a solar array. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a Direct Current (DC) rated capacity greater than 100 kilowatts.
Liquid Manure:	Is manure with no more than nine (9) per-cent solids.
Livestock Waste Lagoon:	A diked enclosure for disposal of livestock wastes by natural process.
Local Water Management Authority:	The meaning provided in Minn. Stat. §103F.48, Subd. 1(g).
Lodging Room:	A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking

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	facilities, each room which provides sleeping accommodations shall be counted a 1 lodging room.
Lot:	A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
Lot Area:	The area of a lot in a horizontal plane bounded by the lot lines.
Lot, Corner:	A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection alignment of a continuous street, the interior angle of which does not exceed one hundred thirty five (135) degrees.
Lot Depth:	The mean horizontal distance between the front lot line and the rear lot line of a lot.
Lot Line:	The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for applying this Ordinance.
Lot Line, Front:	That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Board.
Lot Line, Rear:	That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line of ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
Lot Line, Side:	Any boundary of a lot which is not a front lot line or a rear lot line.
Lot of Record:	Any lot which is one unit of a plat hereto-fore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Jackson County, Minnesota, prior to the effective date of this Ordinance. See Section 616.

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Lot Substandard:	A lot or parcel of land for which a deed has been recorded in the office of the Jackson County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
Lot, Through:	A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot both street lines shall be front lot lines for applying this Ordinance.
Lot Width:	The shortest distance between the side lot lines of a lot, measured at the midpoint of the building line.
Lower-Potency Hemp Edible:	As defined under MN Statute 342.01 Sub. 50
MPCA:	Minnesota Pollution Control Agency.
Major Essential Service:	Any essential service line or structure providing transmission services, i.e. utility service such as high voltage >35kv electrical power or bulk gas, fuel or water being transferred from station to station and not intended for en route consumption.
Manufactured Home:	A structure, transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. For the purposes of this Ordinance a Manufactured Home is a structure.
Manufactured Home Park:	Any site, lot, field or tract of land under a single ownership designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. "Manufactured Home Park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
Manure Stockpile (Permanent):	An area where manure is stockpiled on a continuous basis. During any part of a given year a permanent site will be used for storing manure. The site does not change from

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year to year. This method is used for two or more consecutive years.

Manure Stockpile  
(Short-Term):

A stockpile site that provides limited manure storage until manure can be land applied. Manure is stored for less than a year and does not exceed a volume based on agronomic needs of the crops on 320 acres of fields and must not exceed the agronomic needs of the crops on the tract of land on which the stockpile is to be applied. A vegetative cover shall be established on the site for at least one full growing season prior to reuse as a short-term manure stockpiling site.

Metes and Bounds:

A method of property description by means of their direction and distance from an easily identifiable point.

Midsized Sewage  
Treatment System (MSTS):

A midsized sewage treatment system under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

Mining:

The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.

Minor Essential Service:

Essential service line or structure, providing single service distribution lines, i.e. electrical distribution lines (<35 kv), gas lines, telephone lines & water lines.

Modular Home:

A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

Motel (Tourist Court):

A building group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and

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	which is designed, used or intended to be used primarily for the accommodation of automobile transients.
Multiple Residence (Apartment Building):	Three (3) or more dwelling units in one structure.
Nacelle:	The enclosed portion of the wind tower generator.
National Pollutant Discharge Elimination System (NPDES) Permit:	A permit issued by MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations (CAFOs)
Natural Outlet:	Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
New-Feedlot:	Where a feedlot did not previously exist or where an animal feedlot existed previously which has been abandoned or unused for a period of five or more years or when the application meets two or all of the following: 1) the site is on its own separate parcel of land; 2) the site has its own water supply; 3) the site has its own electrical service.
Nonconformity:	Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
Normal Water Level:	The level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.
Nuisance:	Any noise, odor, vibration, smoke, air pollution, liquid or solid waste, heat, glare, dust or other adverse influence caused by any property that has in any way an objectionable effect upon other property.
Nursery, Landscape:	A business growing and selling trees, flowering and decorative plants, and shrubs and which may be conducted

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	within a building or without, for the purpose of landscape construction.
Nursing Home:	A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, section 144.50.
Obstruction:	Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel watercourse or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
Official Map:	The map established by the governing body, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed.
Off-Street Loading Space:	A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or un-loading merchandise or materials. Such a space shall be of size as to accommodate one vehicle of the type typically used in the particular business.
Open Sales Lot (Exterior Storage):	Any land used or occupied for the purpose of buying and selling any goods, materials or merchandise and for the storing of same under the open sky prior to sale.
Ordinary High Water Level:	The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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Owner:	All persons having possession, control, or title of, or substantial ownership (Substantial shall mean 10% or more) to an animal feedlot or manure storage area.
pH:	The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
Parcel:	A unit of real property that has been given a tax identification number maintained by the County.
Parking Space:	A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building or sufficient size to store a standard automobile.
Pedestrian Way:	A public or private right-of-way across or within a block, to be used by pedestrians.
Periodically Saturated Soil:	The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.
Permanent Stockpiling Site:	A manure storage area where manure is stored or processed that does not meet the requirements of Minnesota Rules 7020.2125, subp.4.
Person:	Any individual, firm, company, association, society, corporation, or group.
Photovoltaic Array:	A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.
Photovoltaic Device:	A system of components that generates electricity from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the energy produced for later use.
Power Purchase Agreement:	A legally enforceable agreement between two or more persons where one or more of the signatories agrees to

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## DEFINITIONS ~ (SECTION 302)

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	provide electrical power and one of more of the signatories agrees to purchase the power.
Place of Religious Worship:	Land and/or building, together with accessory buildings and uses, where persons regularly assemble for religious worship and which land and/or building, together with accessory buildings and uses, are maintained and controlled by a religious body organized to sustain public worship.
Planned Unit Development:	A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
Planning Commission:	The Planning Commission of Jackson County except where otherwise designated.
Practical Difficulty:	As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
Prefabricated Home:	A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site. A prefabricated home shall be congruous to a single-family dwelling.

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Principal Structure or Use:	One which determines the predominant use as contrasted to accessory use or structure.
Process Wastewaters:	Waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.
Properly Shredded Garbage:	The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
Property Line:	The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.
Protective Covenant:	A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
Public Drainage System:	The meaning given to “drainage system” in Minn. Stat. §103E.005, subd. 12.
Public Land:	Land owned or operated by municipal, school district, county, state or other governmental units.
Public Sewer:	A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
Public Waters:	Any waters as defined in Minnesota Statutes, section 103G.005, subd.15 and 18.
Qualified Employee:	An employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the SSTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be

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## DEFINITIONS ~ (SECTION 302)

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	completed, has fulfilled the contractual requirement under Chapter 7083 and has been issued performance restrictions.
Reach:	A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossing would most typically constitute a reach.
Real Property:	Land, and anything growing on, affixed to, or built upon land. This also includes man-made buildings as well as crops. Real property is best characterized as property that doesn't move, or that is attached to the land.
Reclamation, Land:	The improvement of land by deposition of material to elevate the grade. Any parcel upon which four hundred (400) cubic yards or more of fill are deposited shall be considered as reclaimed land.
Recreation, Commercial:	Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning profit by providing entertainment for the public.
Recreation Equipment:	Play apparatus such as swing sets, slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty (20) feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses exceeding twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment.
Recreation, Public:	Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
Recreation Vehicle:	A vehicle with or without motor power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure

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	from place to place. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Minnesota Building Code.
Recycling Center:	Is either a county facility receiving, processing and marketing recyclable materials or privately-operated facility performing the same functions.
Redoximorphic Features:	A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color. A soil matrix color controlled by the presence of ferrous iron. Redoximorphic features are described in 7080.1720, subpart 5, item E.
Regional Flood:	A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on average frequency in the magnitude of the 100 year recurrence interval.
Registered Land Survey:	A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.
Regulatory Flood Protection Elevation:	A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
Residence:	For the purpose of Livestock Feedlot setback requirements any home that is inhabited or carries an estimated market value of more than \$3,000 in the Jackson County Assessor's Office.
Residential Planned Unit Development:	A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums,

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## DEFINITIONS ~ (SECTION 302)

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townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

- Road:** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.
- Rotors:** The rotating appendages of a wind generator that are turned by the wind to supply energy for the generator.
- Rotor Diameter:** The measurement across the length of the area of the imaginary circle made from the rotors. The measurement cuts a circle in half.
- Sanitary Landfill:** A land disposal site, permitted by the Agency, employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operation day, or at intervals as may be required by the Agency.
- Sanitary Sewer:** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- Selective Cutting:** The removal of single scattered trees.
- Semipublic Use:** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- Sensitive Area:** Are shorelands; delineated flood plains; federal, state or local wild and scenic river districts; within 1,000 feet of a karst feature (sinkhole, cave, disappearing spring, resurgent spring, karst window, dry valley or blind valley) and vulnerable parts of delineated drinking water supply management areas.

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Sensitive Resource Management:	The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
Septage:	Solids and liquids removed during periodic maintenance of an SSTS, or solids and liquids which are removed from cesspools, seepage pits, other pits, or similar systems or devices that received sewage portable incinerating, composting, holding or other toilets. Waste from Type III marine sanitation devices, as defined in Code of Federal Regulations, title 33, section 159.3, and material that has come into contact with untreated sewage within the past 12 months is also considered septage.
Setback:	The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
Sewage:	A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
Sewage Treatment System:	A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 716 of this ordinance.
Sewer:	A pipe or conduit for carrying sewage.
Sewer System:	Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
Shelterbelt:	Any vegetation, newly planted or historically existing that is designed and intended to shelter any structure or building from wind or other weather-related elements.
Shoreland:	Land located within the following distances from public waters: 1000 feet from the ordinary high water level of a

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner. Setback distances are from those Protected Waters and Wetlands identified on the Minnesota Department of Natural Resources Division of Waters map.

Shore Impact Zone:	Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
Shoreland Setback:	The minimum horizontal distance between a structure and the normal high water mark.
Sign:	A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
Sign, Advertising:	A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located.
Sign, Business:	A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.
Sign, Flashing:	Any illuminated sign on which such illumination is not kept stationary or in constant intensity and color at all times when such sign is in use.
Sign, Illuminated:	Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign.
Sign, Name Plate:	Any sign which states the name and address or both of the business or occupant of the lot where the sign is placed.

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Sign, Pylon:	A free standing sign erected upon a single pylon or post, which is in excess of ten (10) feet in height with the sign mounted on the top thereof.
Sign, Rotating:	A sign which revolves or rotates on its axis by mechanical means.
Sign, Surface Area of:	The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits such sign and not forming an integral part of the display. Only one side of a double-faced or v-type sign structure shall be used in computing total surface area.
Significant Historic Site:	Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
Slug:	Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
Small Solar Energy System:	A solar array that is an accessory use.
Solar Cell:	The basic unit of a photovoltaic solar panel.
Solar Easement:	A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar energy system as defined in Minnesota Statute Section 216C.06, Subdivision 17, to solar energy.

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Required contents of a Solar Easement are defined in Minnesota Statute Section 500.30.

Solar Energy System:

A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar generated energy.

Solid Waste:

Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Special Protection Area:

Land within 300 feet of all:

- a. Protected waters of and protected wetlands as identified on Department of Natural Resources protected waters and wetlands maps; and
- b. Intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways.

Special Protection Lakes:

Unique sensitive water bodies such as shallow or land-locked lakes that support or have supported significant aquatic plant, fish or wildlife populations. There are numerous constraints to development, such as hydric soils or erodible land. Rare, endangered, or special concern species may use the lake or surrounding shorelands. These lakes currently have low to moderate development, and

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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they are especially vulnerable to the consequences of development.

Steep Slope:

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

Street:

A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.

Street, Collector:

A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major road.

Street, Local:

A street intended to serve primarily as an access to abutting properties.

Street, Major or Thoroughfare:

A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street Pavement:

The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width:

The width of the right-of-way, measured at right angles to the centerline of the street.

Story:

That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

Structural Alteration:

Any change, other than incidental repairs, which would prolong the life of supporting members of a building, such as bearing walls, columns, beams, girders or foundations. Construction which would alter the dimensions of the structure.

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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- Structure:** Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.
- Subdivision:** A subdivision is the dividing of any parcel of land into two or more parcels.
- a. **Platted Subdivision** - if any resultant parcel is less than two and one-half (2½) acres in area and less than two hundred (200) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels, in addition to the first lot must be platted in accordance with the terms and procedure of the Jackson County Subdivision Regulations. Parcels created under the provisions of Section 617 UNRECORDED LAKESHORE LOT POLICY are exempt from the platting requirements.
  - b. **Unplatted Subdivision** -A division of any parcel of land into two or more parts wherein all parts are at least two and one-half (2½) acres and at least two hundred (200) feet in width and where no new road is involved. These do not require platting.

For the division of parcels less than 2.5 acres, the conveyance of one lot per parcel is allowed without platting. If more than one lot is divided from the original parcel the area must be platted including the original lot. The lot size shall never be smaller than the lot size specified for that district. Parcels created under the provisions of Section 617 UNRECORDED LAKESHORE LOT POLICY are exempt from the platting requirements.

- Subsurface Sewage Treatment System (SSTS):** A subsurface sewage treatment system including an ISTS or MSTs.

### Surface Water-Oriented

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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Commercial Use:	The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
Suspended Solids:	Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by filtering.
SWCD:	Jackson County Soil and Water Conservation District.
Toilet Waste Treatment Devices:	Privies and other devices including: incinerating, composting, biological, chemical, recirculating, portable restrooms or holding tanks.
Total Height:	The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
Tower:	Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
Tower Height:	The total height of the WECS exclusive of the rotor blades.
Tracking Solar Array:	A solar array that follows the path of the sun during the day to maximize the solar radiation it receives.
Transfer of Property:	The Act of a party by which a title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as conveyance, sale, mortgage, gift or otherwise.
Transformers:	An apparatus used to convert electrical energy.
Toe of the Bluff:	The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

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## DEFINITIONS ~ (SECTION 302)

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Top of the Bluff:	The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the tip of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
Townhouse:	A single family building attached by party wall with other single family buildings, and oriented so that all exits open outside.
Type I System:	An SSTS that follows a standard trench, bed, at-grade, mound or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.
Type II System:	An SSTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.
Type III Systems:	A custom designed SSTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate the standard Type I soil treatment and dispersal system.
Type IV System:	An SSTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.
Type V System:	An SSTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented. Type V systems must meet the public health and safety standards of 7080.1500.

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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Use:	The purpose or activity, for which land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
Use, Accessory:	A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
Use, Conditional:	See Conditional Use.
Use, Non-Conforming:	Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
Use, Permitted:	A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
Use, Principal:	The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
Variance:	The same as that term as defined or described in Minnesota Statutes, Chapter 394.
Wastewater Facilities:	Any arrangement of devices and structures used for collecting, pumping, treating and disposing of sewage.
Watercourse:	A channel in which a flow of water occurs, either continuously or intermittently.
Water Oriented Accessory structure or facility:	A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
Water Well:	A vertical excavation constructed for the purpose of extracting water from the ground.

# RULES AND REGULATIONS

## DEFINITIONS ~ (SECTION 302)

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Wetland:	Land which is annually subject to periodic or continual inundation by water as defined in the U.S. Fish and Wildlife Circular 39.
Wind Energy Conversion System (WECS):	<p>A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy.</p> <ul style="list-style-type: none"><li>a. Large Wind Energy Conversion System or LWECS – “Large wind energy conversion system “ or “LWECS” means any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more.</li><li>b. Small Wind Energy Conversion System or SWECS – “Small wind energy conversion system” or “SWECS” means any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts.</li><li>c. Micro-Wind Energy Conversion System or MWECS - “Micro-Wind Energy Conversion System “or “MWECS” means any combination of a WECS with a nameplate capacity of less than 75 KW and or 125’ in height.</li></ul>
Wind Turbine:	Electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind’s energy.
Winery:	Facilities, for the purposes of the Development Code, that are used for processing grapes into wine, including: crushing, fermenting and re-fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events. A winery must be located on the same premises as a vineyard.
Yard:	A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

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## DEFINITIONS ~ (SECTION 302)

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Yard, Front:	A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
Yard, Rear:	The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.
Yard, Side:	The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
Zoning Amendment:	A change authorized by the governing body either in the provisions of the Zoning Ordinance or in the boundaries of a zoning district.
Zoning District:	An area or areas within the limits of the county for which the regulations and requirements governing use are uniform.

# GENERAL PROVISIONS

## APPLICATION OF THIS ORDINANCE ~ (SECTION 401)

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### 401. APPLICATION OF THIS ORDINANCE

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
3. Covenant and Deed Restrictions - It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the inconsistency only.
4. Except as in the Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

### **402. SEPARABILITY**

It is hereby declared to be the intention that several provisions of this Ordinance are separable in accordance with the following:

- 1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- 2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

**403. EXISTING LOTS**

A lot or parcel of land which was of record as a separate lot or parcel in the Office of the Jackson County Recorder or Registrar of Titles, on or before the date of adoption of this Ordinance and previous Ordinances may be used for building purposes provided that all pertinent setback requirements are met and an adequate sewage treatment system can be installed where necessary.

# GENERAL PROVISIONS

## NON-CONFORMING USES & STRUCTURES ~ (SECTION 404)

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### 404. NON-CONFORMING USES & STRUCTURES

Any structure or use existing upon the effective date of the adoption of this Ordinance which does not conform to the provisions of the Ordinance may be continued subject to the following conditions:

- 1) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance except as allowed by Minnesota Statutes, section 394.36, subd. 4.
- 2) If a non-conforming use is discontinued for a period of one (1) year, further use of the structure or property shall conform to this Ordinance.
- 3) If a non-conforming structure is destroyed by any cause to an extent exceeding fifty percent (50%) of its estimated market value as indicated by the records of the County Assessor at the time of damage, any new structure built or moved on to the site shall conform to this Ordinance.
- 4) If a structure is located in the Floodway or Flood Fringe the cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of this Ordinance for new structures.

**405. ZONING COORDINATION**

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission and the adjacent Community for review and comment prior to action by the County Board granting or denying the zoning district classification change. A period of at least thirty (30) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

**406. ZONING AND POLICIES PLAN**

Any change in zoning granted by the governing body shall automatically amend the Policies Plan in accordance with said zoning change.

### **501. ENFORCING OFFICER**

The governing body of Jackson County shall appoint a Land Management Director whose term of office shall terminate at the pleasure of the governing body.

The Land Management Director shall enforce this Ordinance and shall perform the following duties:

- 1) Issue setback and other permits, and make and maintain records thereof.
- 2) Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- 3) Maintain permanent and current records of this Ordinance, including but not limited to; all maps, amendments, special uses, variances, appeals and applications therefore.
- 4) Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
- 5) Institute in the name of the County, any appropriate actions or proceedings against a violator as provided for.
- 6) Service as an ex-officio non-voting member of the Planning Commission.

## ADMINISTRATION

### APPEALS AND THE BOARD OF ADJUSTMENT & APPEALS ~ (SECTION 502)

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#### **502. APPEALS AND THE BOARD OF ADJUSTMENT AND APPEALS**

The Jackson County Board of Commissioners shall, through the passing of a resolution, provide for the establishment of a Board of Adjustment and Appeals.

The Board of Adjustment and Appeals shall consist of five members one of whom shall be a member of the Planning Commission whose appointment, term of office, or removal from the Board of Adjustment shall be provided in the resolution creating the Board of Adjustment and Appeals. No elected officer of the county nor any employee of the county shall serve as a member of the Board of Adjustment and Appeals. The members of the Board of Adjustment and Appeals may receive per-diem and receive their necessary expenses in attending meetings of the board and in the conduct of business of the board.

The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of the board. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

The meetings of the Board of Adjustment and Appeals shall be held at the call of the chairman and at such times as the board in its rules of procedure may specify.

The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county, or state.

The Board of Adjustment and Appeals shall also have the power to grant variances to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 506 of this Ordinance. No use variance shall be issued by the Board of Adjustment and Appeals.

Hearings by the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

## **ADMINISTRATION**

### **APPEALS AND THE BOARD OF ADJUSTMENT & APPEALS ~ (SECTION 502)**

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The Board of Adjustment and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing. Any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

**503. PLANNING COMMISSION**

The Jackson County Board of Commissioners shall through the passing of a resolution provide for the establishment of a Planning Commission. The Planning Commission may consist of 5 to 11 members and every attempt shall be made to obtain a cross section of the county in appointing members to the Commission.

The Planning Commission shall provide assistance to the Jackson County Board and Land Management Director in the administration of this ordinance and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the County Board on all applications for zoning amendments, ordinance amendments, interim use permits, and conditional use permits.

**504. ZONING AMENDMENTS****504.1 Criteria for Granting Zoning Amendments**

The County Board may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County.

**504.2 Procedure**

- 1) An amendment to the text of the Ordinance or zoning map may be initiated by the County Board, the Planning Commission or by the application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Board until it has received the Planning Commission recommendations. Individuals wishing to initiate an amendment to the zoning ordinance shall fill out a zoning amendment application form and submit it to the Land Management Director.
- 2) Written notice of public hearings on the proposed amendment shall be sent to the governing bodies of all towns and municipalities located within the county. In unincorporated areas, property owners of record within one-half (1/2) mile of the property in question shall be notified in writing of the proposed zoning amendment. In incorporated areas, property owners within five hundred (500) feet of the property in question shall be notified in writing of the proposed zoning amendment.
- 3) Copies of all notices of any public hearings to consider amendments to local shoreland and floodplain management controls must be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designated representative and postmarked at least ten days before the hearings.
- 4) A public hearing shall be held by the Planning Commission. Notice of said hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
- 5) The person making the application shall be notified in writing of the final action taken by the County Board. The Land Management Director shall maintain records of amendments to the text and the zoning map of this Ordinance.
- 6) Amendment requests and rezoning requests shall be processed pursuant to the timeline prescribed by Minnesota Statute, 15.99.

- 7) A copy of approved amendments and rezonings affecting local shoreland or floodplain management controls must be sent to the Commissioner of Natural Resources or the Commissioner's designated representative and postmarked within ten (10) days of final action by the County Board.
- 8) No application of a property owner for an amendment to the text of this Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- 9) All amendments to this ordinance affecting the Flood Plain District must be approved by the Department of Natural Resources prior to adoption.

### **505. CONDITIONAL USE PERMITS**

#### **505.1 Criteria for Granting Conditional Use Permits**

In granting a conditional use permit, the Jackson County Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of the occupants of surrounding lands. Among other things, the County Board shall make the following findings where applicable.

- 1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) The use will be sufficiently compatible or separated by distance or screening from agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) The proposed use will not have a detrimental environmental affect.
- 4) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- 5) There shall be no business or advertising signs visible to adjacent dwellings.
- 6) The use in the opinion of the County Board is reasonably related to the overall needs of the County and to the existing land use.
- 7) The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the purposed use.
- 8) The use is not in conflict with the policies plan of the County.
- 9) The use will not cause traffic hazard or congestion.
- 10) Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

\* Refer to section 612.3 for additional shoreland criteria.

#### **505.2 Additional Conditions**

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by

this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- 1) Increasing the required lot size or yard dimension.
- 2) Limiting the height, size or location of buildings.
- 3) Controlling the location and number of vehicle access points.
- 4) Increasing the street width.
- 5) Increasing the number of required off-street parking spaces.
- 6) Limiting the number, size, location or lighting of signs.
- 7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- 8) Designating sites for open space.

### **505.25 Conditional Uses within the Shoreland District**

Conditional uses allowable within shoreland areas shall be Subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

Evaluation criteria - A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- 1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- 2) The visibility of structures and other facilities as viewed from public waters is limited.
- 3) The site is adequate for water supply and on-site sewage treatment.
- 4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

### **505.26 Conditions attached to conditional use permits.**

The Jackson County Board, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it

deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- 1) Increased setbacks from the ordinary high water level.
- 2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- 3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Jackson County Land Management Director shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the County Board, time limits, review dates, and such other information as may be appropriate.

### **505.27 Interim Uses**

Conditional use permits may be issued for interim uses if the following provisions are met:

- 1) The proposed use conforms to the zoning regulations.
- 2) The date or event that will terminate the use can be identified with certainty.
- 3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- 4) The user must agree in writing to any conditions the County Board deems appropriate for permission of the use.

### **505.3 Procedure**

- 1) The person requesting a conditional use permit shall fill out and submit to the Land Management Director a conditional use request form.
- 2) The Land Management Director shall refer the request to the Planning Commission for review.
- 3) A Public Hearing on the conditional use request shall be held by the Planning Commission upon the receipt of an application. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the affected township clerk and or municipal clerk within the county. In unincorporated areas of the county, property owners of record

## ADMINISTRATION

### CONDITIONAL USE PERMITS ~ (SECTION 505)

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within one quarter (1/4) mile of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners shall be notified in writing of the public hearing on the request for conditional use permit.

- 4) In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for conditional use permit.
- 5) Copies of all notices of any public hearings to consider conditional uses affecting local shoreland and floodplain management controls must be sent to the Commissioner of Natural Resources or the Commissioner's designated representative and postmarked at least ten days before the hearings.
- 6) The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- 7) The Jackson County Board must take action on the request upon receiving the report from the Planning Commission. If it grants the conditional use permit, the Jackson County Board may impose conditions (including time limits) it considers necessary to protect the public health, safety, and welfare and such conditions may include a time limit for the use to exist or operate. A failure to act is an approval. All County Board decisions must be in writing and mailed to the requestor.
- 8) Conditional use permit requests shall be processed pursuant to the timeline prescribed by Minnesota Statute 15.99.
- 9) A copy of all County Board decisions granting conditional use permits under local shoreland or floodplain management controls must be sent to the Commissioner of Natural Resources or the Commissioner's designated representative and postmarked within ten (10) days of final County Board action.
- 10) An application to amend a conditional use permit shall be administered the same as an application for a new conditional use permit. Applications to amend conditional use permits may include requests for changes in conditions.
- 11) No request for a conditional use permit shall be resubmitted for a period of six (6) months from the date of denial by the County Board of an application for the same use on the same property.
- 12) If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review; it shall be the responsibility of the Land Management Director to schedule such public hearings and the owner of the land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted at the discretion of the

Jackson County Board.

- 13) In the event that the applicant violates any of the conditions set forth in this permit, the County Board shall have the authority to revoke the conditional use permit.
  
- 14) The recipient of a conditional use permit may voluntarily surrender the permit. To surrender a conditional use permit the recipient must notify the Land Management Director in writing of their intention to surrender. This written notification shall constitute the application to surrender. The application shall include all money necessary to pay for recording the Voluntary Surrender document. Upon receipt of the application the Land Management Director shall contact the County Attorney to prepare the Voluntary Surrender document. When the Voluntary Surrender document has been prepared it will be provided to the applicant(s) who must sign the document, have their signature(s) notarized, and return the document to the Land Management Director. The Land Management Director will present the Voluntary Surrender document, after it has been signed by the applicant, to the County Board for approval. Upon approval and acknowledgement by the County Board the Voluntary Surrender document will be recorded with the County Recorder. The Voluntary Surrender process will not require a public hearing. The Voluntary Surrender will be effective as of the date of approval by the County Board.

### **506. VARIANCES**

- 1) Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable.
- 2) A variance may not circumvent the general purposes and intent of this ordinance or other official controls or county plans.
- 3) No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- 4) Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.
- 5) In considering a variance request, the Board of Adjustment must consider whether the variance is being requested solely on the basis of economic considerations.
- 6) In the Flood Plain District, no variance may be granted which permits a lower degree of protection than the Regulatory Flood Protection Elevation.

#### **506.1 Criteria for Granting Variances**

Variances may be granted when the applicant for the variance establishes, and the Board of Adjustment determines, that there are practical difficulties in complying with the Zoning Ordinance as that term is defined in this Ordinance and State law.

#### **506.2 Variance Exceptions**

On undeveloped shoreland lots that have two (2) adjacent lots with existing principal structures on both adjacent lots, any new residential structure may be set back to the average setback of the principal structures from the ordinary high-water mark or fifty (50) feet whichever is greater, provided all other provisions of the shoreland district are complied with. On contiguous lots with identical ownership, interior lot lines may be exempt from setbacks.

An essential service related utility structure may be permitted as long as the structure maintains a minimum of 10 feet from the right-of-way and is 100 square feet or less.

#### **506.3 Procedure**

- 1) The person applying for the variance shall fill out and submit to the Land Management Director a variance request form.

- 2) The Land Management Director shall refer the request to the Board of Adjustment and Appeals for review.
- 3) The Board of Adjustment and Appeals shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the affected township clerk and or municipal clerk within the county. In unincorporated or incorporated areas of the County, property owners of record within five hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a variance.
- 4) Copies of all notices of any public hearings to consider variances affecting local shoreland or floodplain management controls must be sent to the Commissioner of Natural Resources or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings.
- 5) The petitioner or his representative shall appear before the Board of Adjustment and Appeals in order to answer questions concerning the proposed variance.
- 6) A copy of the final decision granting or denying a variance in the shoreland or floodplain districts must be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designated representative and postmarked within ten (10) days of final action.

**507. PERMITS****507.1 Setback Permits**

A setback permit is required to erect, alter or move a structure. Structures at grade such as a patio or feeding floor are exempt from this permit requirement. Grain dump pits at or below grade are exempt from this permit requirement.

- 1) Persons requesting a setback permit shall fill out a building permit form available from the Land Management Director. The request shall include the necessary information so that the Land Management Director can determine the sites suitability for the intended use and that a compliant sewage treatment system will be provided.
- 2) Completed setback permit forms and a fee as may be established by resolution of the County Board of Commissioners shall be submitted to the Land Management Director. In the event that construction has begun prior to obtaining a setback permit, the setback permit fee shall be doubled. If the construction is not in compliance with the Development Code the County shall seek a work stop order. If the proposed development conforms in all respects to the Zoning Ordinance a setback permit shall be issued by the Land Management Director within a period of sixty (60) days.
- 3) If the proposed development involves a zoning amendment, variance or conditional use permit, the request, together with a setback permit, shall be submitted either to the Planning Commission or Board of Adjustment and Appeals for review and appropriate action according the procedures set forth in Sections 504, 505, and 506.
- 4) All permits will be processed in chronological order according to the date a completed request is filed in the appropriate county office.
- 5) A setback permit expires if the related construction project has not been started within 6 months of the date the permit was issued.
- 6) In a case where the applicant intentionally takes steps to circumvent the requirements of this ordinance or provides false information to obtain a setback permit, that permit may be declared invalid by the Land Management Director. The Land Management Director shall send a certified letter to the permit holder that indicates the status of that permit.
- 7) Parcels created after June 1, 2012, which cannot be described using a government fractional description or results in a parcel smaller than 2.5 acres in size, shall not be considered buildable if they have not been surveyed by a Registered Land Surveyor. An electronic copy of the survey shall be provided to Jackson County.

## **507.2 Sign and Billboard Permits**

A permit shall be required in all cases where a sign or billboard is erected, altered or relocated within the area of the jurisdiction of this Ordinance. If the sign is located in an area where a State Department of Transportation sign permit is required, a county permit is not needed.

## **507.3 Sewage and Water Systems: Licenses and Permits**

All license and permit requirements of Minnesota Rules Chapter 7080 shall be enforced under this ordinance. The homeowner is responsible to obtain the proper permits from the county. Refer to Section 716.

## **507.4 Land Alteration and Excavation Permits**

In all cases where grading and/or filling of any land or the removal of topsoil, sand or gravel within the County would result in substantial alteration of existing ground contour, a permit shall be required. Such permit shall be obtained from the Jackson County Land Management Director. Projects subject to permits issued by the Minnesota Department of Natural Resources and/or the Jackson County Soil and Water Conservation District and/or the United States Army Corps of Engineers are exempt from obtaining a Land Management Director issued Land Alteration and Excavation Permit provided all required Minnesota Department of Natural Resources, Jackson County Soil and Water Conservation District, and United States Army Corps of Engineers permits are obtained and the project is executed in compliance with said permits.

Substantial alteration shall be defined as movements of earth or materials in excess of ten (10) cubic yards in the Shore impact zone, (50) cubic yards in the remainder of the shoreland district or five hundred (500) cubic yards in all other districts.

## **507.5 Feedlots, Permits**

A permit shall be required of any person or corporation starting a new animal feedlot in the County. For permit requirements, refer to section 727.1.

## **507.6 Essential Service Utility Permits**

Permits required as follows:

- 1) Minor Essential Services – Essential service line or structure, providing single service distribution lines, i.e. electrical distribution lines (<35kv), gas lines, telephone lines & water lines.

- a) Utility located in right-of-way requires a permit from the road authority.
- b) Utility is located outside of the right-of-way
  - i) Utility located outside of the right-of-way but less than the required building setback and or less than the required vertical setback will require a permit to be signed by the road authority. The permit shall require the utility to sign a notarized agreement stating that they will relocate their utility, at their cost, if the road is upgraded.
  - ii) Utility is located outside of the right-of-way and is located beyond the required building setback and is equal to or below the required vertical setback does not require a permit.
- 2) Major Essential Services – Any essential service line or structure providing transmission services, i.e. utility service such as high voltage >35kv electrical power or bulk gas, fuel or water being transferred from station to station and not intended for en route consumption.
  - a) Major Essential Service which is below the threshold for an EAW.
    - i) Located in right-of-way; requires a permit from local road authority.
    - ii) Located outside of right-of-way; requires a Conditional Use Permit.
  - b) Essential Service related utility structure.
    - i) An essential services related utility structure may be permitted as long as the structure maintains a minimum of 10 feet from the right-of-way and is 100 square feet or less.

**507.7 Timelines**

Except as otherwise provided in this section and notwithstanding any other law to the contrary, this Ordinance will be administered within the legal requirement of Minnesota Statutes, section 15.99, sometimes referred to as the 60 Day Rule.

- 1) The 60 days begin upon the County receiving a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the county. If the county receives a written request that does not contain all required information, the 60-day limit starts over, if the county sends notice within ten business days of receipt of the request telling the requester what information is missing. All requests shall be date stamped.
- 2) If an action relating to zoning or septic systems requires the approval of more than one state agency in the executive branch, the 60-day period begins to run on the day a request

containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

- 3) The county response meets the 60-day time limit if the county can document that the written response was mailed within 60 days of receipt of the written request.
- 4) The time limit is extended if a state statute, federal law, or court order requires a process to occur before the county acts on the request and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law or order.
- 5) The county may extend the time limit before the end of the initial 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 60 additional days unless consented to by the applicant.

## ADMINISTRATION

### ENVIRONMENTAL ASSESSMENT (EAW) & ENVIRONMENTAL IMPACT STATEMENT (EIS) ~ (SECTION 508)

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#### **508. ENVIRONMENTAL ASSESSMENT (EAW) AND ENVIRONMENTAL IMPACT STATEMENTS (EIS)**

This ordinance shall hereby adopt by reference the Environmental Review, Minnesota Rules, Chapter 4410.

**508.1** No zoning, setback permit structure or land use, variance or ordinance amendment shall be approved prior to review by the Land Management Director to determine the necessity for completion of a Minnesota Environmental Assessment Worksheet (EAW) as required by the Minnesota Environmental Quality Board Regulations (1987).

#### **508.2 Purpose**

The purpose of an EAW is to assess rapidly, in a worksheet format, whether a proposed action is a major action with the potential for significant environmental effects, or in the case of a private action, whether it is of more than local significance.

**508.3** Projects which shall be required to file a mandatory Environmental Assessment Worksheet (EAW) are found in section 4410 of the Minnesota Environmental Quality Board Environment Review Program.

**508.4** An optional EAW may be required by the Land Management Director or County Board or by any project applicant on any proposed action to determine if the project has the potential for significant environmental effects or if the project is of more than County significance, provided any of the following situations exist:

- 1) The proposed project is in or near an area recognized in the Comprehensive Plan as being environmentally sensitive due to steep slopes, bluffline, exposed bedrock, floodplain or wetlands, streams or drainage areas, ground water, erodible soils, prime agricultural soils, or unique vegetation.
- 2) The proposed project is in or near an area of natural aesthetics scenic views, delineated critical area or unique natural beauty as recognized by the Comprehensive Plan, Planning Commission, or County Board.
- 3) The proposed project significantly alters existing traffic patterns or increases the noise level on such roads or streets by more than ten percent (10%).

## ADMINISTRATION

### ENVIRONMENTAL ASSESSMENT (EAW) & ENVIRONMENTAL IMPACT STATEMENT (EIS) ~ (SECTION 508)

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- 4) The proposed project is adjacent to or near a public recreation land or facility and alters or increases use, noise levels, traffic, or degrades air quality or natural aesthetics as viewed from the facility.
- 5) Any person may request the preparation of an EAW on a project by filing a petition that contains the signatures and mailing addresses of at least 25 individuals. This must be done according to Minnesota Rules 4410.1100 of the Environmental Quality Board Review Program.

#### **508.5 Procedure**

- 1) The Land Management Director or County Board shall prepare or cause to be prepared by consultants, an Environmental Assessment Worksheet which is mandatory or optionally required. The project proposer shall provide the Land Management Director with sufficient detailed information to complete the worksheet or shall submit a draft worksheet. If sufficient detailed information is not made available from the project proposer or if the Land Management Director cannot complete the EAW because of time or interest conflicts, the Land Management Director may utilize professional consultants to gather necessary information and to complete the worksheet.
- 2) The RGU shall follow the EAW process spelled out in the Environmental Quality Board Review Program. The basic steps include the following:
  - a) Gather information from applicant.
  - b) Prepare the EAW
  - c) Allow public comment period.
  - d) Respond to comments received and determine if an EIS is needed.
- 3) If preparation of an EIS is required, the proponent shall follow the procedure outlined in the State of Minnesota Environmental Review concerning Environmental Impact Statements. A draft impact statement, as prepared by or under the direction of the Land Management Director, shall be prepared and filed with the EQB within the time constraints specified in the Environmental Quality Board Regulations.
- 4) Any proposed project or use on which an EIS is required shall be considered a conditional use as defined in the current zoning ordinance and shall comply with the procedure for approval of a conditional use permit. Mitigating recommendations of the EIS shall be incorporated as conditions of issuance on the conditional use permit.

## ADMINISTRATION

### ENVIRONMENTAL ASSESSMENT (EAW) & ENVIRONMENTAL IMPACT STATEMENT (EIS) ~ (SECTION 508)

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- 5) Time delays in the normal permit process caused by the filing and review of the EAW and/or EIS shall not be considered part of the permit approval time requirements within the ordinance. Such delays shall be considered as additional required time for each required permit. The permit process for the proposed project may be continued from the point it was interrupted by the Worksheet/EIS process.
- 6) Construction begun on projects requiring an EAW shall be halted at such time as an EIS is officially required by the Environmental Quality Board or local Governing Body regulations.
- 7) Any applicant shall agree in writing as part of his application to reimburse the County Board prior to the issuance of any permits, for all reasonable costs, including legal and consultant fees incurred by the Governing Body in review of the applicant's project and its impact on the County.
- 8) The applicant shall deposit with the County from time to time an amount determined by the Land Management Director, necessary to cover such costs prior to commencement of the review or stage of review. The applicant shall reimburse the security fund for any deficits caused if the amount actually expended or billed to the County by the consultants exceeds the security fund balance. The County shall refund any money deposited in the security fund and not expended within thirty (30) days after final action on the application. The County shall not pay interest on such security deposits.

### **509. HANDICAPPED ACCESSIBILITY CODE**

Jackson County adopts and agrees to enforce in all unincorporated areas of the county for non-exempt buildings and structures, the Minnesota Accessibility Code in accordance with Minnesota Rule Chapter 1300, Building Code and as modified by Minnesota Rules, Chapter 1305. A Certified Accessibility Specialist will be appointed or contracted with by the Jackson County Board to administer the code. The Jackson County Board will establish appropriate fees.

# ZONING DISTRICTS

## 601. ZONING DISTRICTS

The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan.

The zoning districts are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare. The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law.

For the purposes of this Ordinance, Jackson County is hereby divided into the following Zoning Districts.

<u>Symbol</u>	<u>Name</u>
AG	Agricultural Preservation
C	Conservancy
UR	Urban/Rural Residential
MFU	Multi-Family Urban
GB	General Business
GI	General Industry
FP	Floodplain
S	Shorelands
AA	Airport Approach
CSSSA	Community Sanitary Sewer Service Area
CLR	Closed Landfill Restricted

### **602. ZONING MAP**

The location and boundaries of the districts established by this Ordinance is set forth on the Zoning Map which is hereby incorporated as part of this Ordinance. It shall be the responsibility of the Land Management Director to maintain and update this map and the amendments to such map shall be recorded on such map within thirty (30) days after official adoption of zoning amendments.

### **603. AGRICULTURAL PRESERVATION**

#### **603.1 Purpose**

Agricultural Preservation areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

#### **603.2 Permitted Uses**

Agricultural  
Farmstead Residences  
Forestry, Nurseries and Greenhouses  
Seasonal Produce Stands  
Essential Service & Appurtenant Structures except those listed as Conditional Uses  
Public Recreation  
Historic Sites and Areas  
Bulk Liquid Storage (See Section 717)  
Animal Feedlots of less than one thousand (1,000) animal units. For feedlots of one thousand (1,000) units or larger, refer to section 727 for additional requirements.  
Micro-Wind Energy Conversion System  
Non-motorized Semipublic or Private Recreation with or without Structures  
Recreational Vehicle used for Temporary Living Quarters subject to Section 712  
Public Roads and Highways  
Government owned wetlands, wildlife areas and other natural areas  
Small Solar Energy System

#### **Non-Farm Density Requirement**

Single-Family Dwellings - one newly constructed non-farm dwelling per half-quarter section with the following conditions:

- 1) The dwelling unit shall be located entirely within a half quarter section on a separately owned parcel.
- 2) The parcel of land must have at least 200 feet of frontage or access or an existing road.
- 3) A new non-farm residence in the Ag District, must also maintain the same setback distance from a feedlot as is specified for a new feedlot from an existing residence, unless the new residence is built to replace an existing residence.

### **603.3 Accessory Uses**

Any machinery, structure or building incidental to the conduct of a permitted use except those listed as a conditional use.

### **603.4 Conditional Uses**

Interim Uses  
Home occupations  
Businesses  
Auto Restoration  
Repair & Maintenance Facility  
Agricultural Products and Livestock Processing Plants  
Agricultural Grain Processing Facility  
Resorts and Campgrounds  
Cemeteries  
Medical Clinic or Rehabilitation Facility  
Dams, Power Plants and Transmission Lines and Flowage Areas  
Place of Religious Worship and land and buildings used by religious organizations for events related to the purpose of the religious organization  
Schools, provided provisions can be made for safe disposition of sewage  
Commercial Recreation  
Motorized Semipublic or Private Recreation  
Mining – The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more  
Dog Kennels  
Horse Stables  
Power Transmission Lines in excess of 35 KV  
Electrical Substation  
Gas Pipelines servicing more than one individual site  
Sewage Lagoons, including Livestock Waste Lagoons  
Exploratory Boring and Drilling, including oil, natural gas, and metallic minerals (Refer to Section 731)  
Hazardous Waste Disposal Sites  
Single-Family Residences in Submarginal Lands subject to lot area requirements  
Bed and breakfast facility  
Demolition debris disposal sites.  
Solid Waste Transfer Station  
Hot mix plant / Concrete Batch Plant  
Large and Small Wind Energy Conversion System  
Communication Towers  
Meteorological Towers that will be located on the site for a period exceeding three (3) years

# ZONING DISTRICTS

## AGRICULTURAL PRESERVATION ~ (SECTION 603)

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Aquaculture

Wineries

Large Solar Energy System >100 kW

Land and buildings used for storage, administration, or providing services by units of government.

Cannabis Transportation, Cannabis Delivery, Cannabis Cultivation, Cannabis Retail, Cannabis Testing Facility

A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

### **603.5 Performance Standards**

#### 1) Height Regulations:

- a) The maximum height of all buildings shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
- b) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulation.
- c) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

#### 2) Front Yard Regulations:

##### a) Required Setback Distance

<u>From Road Centerline</u>	<u>&gt; 8,000 sq. ft.</u>	<u>Road Classification</u>
125	187.5	State
100	150	County Road and State Aid
83	124.5	Township Road
33	49.5	Unclassified Road

- b) Any building larger than 8000 square feet shall require a 50% increase in the setback from the road centerline.

## ZONING DISTRICTS

### AGRICULTURAL PRESERVATION ~ (SECTION 603)

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- c) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
  - d) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.
- 3) Side Yard Regulations: There shall be a side yard width of not less than 20 feet on each side of the building.
- 4) Rear Yard Regulations: Rear yard regulation for all buildings shall be 30 feet.
- 5) Lot Area Regulations:
- a) For farmstead residences - 2 1/2 acres.  
  
Farmstead residences where animals are kept on premises shall have a valid Minnesota Pollution Control Agency (MPCA) animal feedlot permit and in addition must comply with the standards for feedlots prescribed in this Ordinance.
  - b) For newly constructed non-farm dwellings - 2 1/2 acres at a maximum density of one dwelling per 80 acres.
  - c) Non-farm single-family residences will also be allowed at a minimum lot size of 5 acres with no density requirements in those areas of the County where through an analysis by a soil scientist from the Soil Conservation Service (S.C.S.) it can be demonstrated that agricultural production is either marginal or unfeasible and where sewage treatment can be adequately provided.
- 6) Lot Width and Depth Regulations: Every lot or plat of land on which one family dwelling is constructed shall have a minimum width of not less than two hundred (200) feet and a minimum depth of not less than one hundred fifty (150) feet.
- 7) General Regulations: Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

### **604. CONSERVANCY DISTRICT**

#### **604.1 Purpose**

The Conservancy District is created for those areas that either contain a valuable natural resource which should be protected or are not suitable for agricultural protection or urban development. This includes wetlands and woodlands. In these areas, urban development will be limited both to protect the natural resource as well as the health and safety of the citizens in the community.

#### **604.2 Permitted Uses**

- Single-family Non-farm Dwelling
- Agricultural
- Farmstead Residences
- Forestry and Nurseries
- Seasonal Produce Stands
- Essential Service & Appurtenant Structures except those listed as Conditional Uses
- Public Recreation
- Historic Sites and Areas
- Animal Feedlots of less than one thousand (1000) animal units. Feedlots of one thousand (1000) animal units or larger, refer to section 727 for additional requirements.
- Bulk liquid Storage (See Section 717)
- Micro-Wind Energy Conversion System
- Non-Motorized Semipublic or Private Recreation with or without structures
- Recreational Vehicle used for Temporary Living Quarters subject to Section 712
- Public Roads and Highways
- Government owned wetlands, wildlife areas and other natural areas
- Small Solar Energy System

#### **604.3 Accessory Uses**

Any machinery, structure or building incidental to the conduct of a permitted use except those listed as a conditional use.

#### **604.4 Conditional Uses**

- Resorts and Campgrounds
- Businesses
- Cemeteries
- Greenhouses
- Places of Religious Worship and land and buildings used by religious organizations for events related to the purpose of the religious organization
- Medical Clinic or Rehabilitation Facility

Commercial Recreation  
Auto Restoration  
Meteorological Towers (Located on the site for a period exceeding three (3) years)  
Mining – The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more  
Power Transmission Lines in excess of 35 KV  
Electrical Substation  
Gas Pipelines servicing more than one individual site  
Exploratory Boring and Drilling, including oil, natural gas, and metallic minerals (Refer to Section 731)  
Hazardous Waste Disposal Sites  
Sewage Lagoons, including Livestock Waste Lagoons  
Demolition debris disposal site  
Bed and breakfast  
Solid Waste Transfer Station  
Hot mix plant / Concrete Batch Plant  
Large and Small Wind Energy Conversion System  
Communication Towers  
Aquaculture  
Wineries  
Motorized Semipublic or Private Recreation  
Interim Uses  
Large Solar Energy System >100 kW  
Land and buildings used for storage, administration, or providing services by units of government.  
Cannabis Transportation, Cannabis Delivery, Cannabis Cultivation, Cannabis Retail, Cannabis Testing Facility.  
A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director

### **604.5 Conservancy District Performance Standards**

- 1) Construction of any use listed above shall conform to all standards in this ordinance or applicable subdivision regulations or drainage, erosion and sedimentation, wet soils, tree removal, septic tanks and drainfields.
- 2) The same standards related to height, front, side and rear yards as in the Agricultural Preservation (AG) district shall apply to this District.
- 3) Lot Area – The minimum lot size for each dwelling shall be ten (10) acres.
- 4) No clear-cutting of woodland or draining of wetlands shall be permitted in this district without receiving a permit from the Land Management Director.

# ZONING DISTRICTS

## URBAN/RURAL RESIDENTIAL ~ (SECTION 605)

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### **605. URBAN/RURAL RESIDENTIAL (UR)**

#### **605.1 Purpose**

This District is established in areas within the County for the purpose of allowing limited urban growth. The major purpose of this district is to provide areas within the County where urban development can take place and where urban services can be readily extended and provided. This district will be located immediately adjacent to cities with existing sanitary sewer services.

#### **605.2 Permitted Uses**

- Single-Family detached residences
- Any Agricultural Land Use already existing at the time of subdivision
- Golf Courses
- Community Center
- Forestry
- Nurseries, excluding greenhouses
- Public Recreation
- Essential Service & Appurtenant Structures except those listed as Conditional Uses
- Historic Sites and Areas
- Bulk liquid storage (See Section 717)
- Micro-Wind Energy Conversion System
- Non-Motorized Semipublic or Private Recreation with or without structures
- Recreational Vehicle used for Temporary Living Quarters subject to Section 712
- Public Roads and Highways
- Government owned wetlands, wildlife areas and other natural areas
- Small Solar Energy System

#### **605.3 Accessory Uses**

Any machinery, structure or building incidental to the conduct of a permitted use except those listed as a conditional use.

#### **605.4 Conditional Uses**

- Businesses
- Animal Feedlots subject to the standards set forth in Section 727
- Fire Station
- Police Station
- Medical Clinic or Rehabilitation Facility
- Home occupations
- Auto restoration
- Repair & Maintenance Facility
- Meteorological Towers that will be located on the site for a period exceeding three (3)

years  
Cemeteries  
Places of Religious Worship and land and buildings used by religious organizations for events related to the purpose of the religious organization  
Agricultural grain processing facility  
Commercial Recreation Areas (excluding golf courses which are permitted uses)  
Seasonal Produce Stands  
Power Transmission Lines in excess of 35 KV  
Electrical Substation  
Exploratory Boring and Drilling, including oil, natural gas, and metallic minerals (Refer to Section 731)  
Mining – The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more  
Hazardous Waste Disposal Sites  
Sewage Lagoons, including Livestock Waste Lagoons  
Gas pipelines servicing more than one individual site  
Demolition debris site  
Bed and breakfast  
Solid Waste Transfer Station  
Recycling Center  
Hot mix plant / Concrete Batch Plant  
Large and Small Wind Energy Conversion System  
Communication Towers  
Aquaculture  
Wineries  
Motorized Semipublic or Private Recreation  
Interim Uses  
Large Solar Energy System >100 kW  
Land and buildings used for storage, administration, or providing services by units of government  
Cannabis Retail, Cannabis Testing Facility  
A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director

### **605.5 Performance Standards**

- 1) Height Regulations: - The same height standards which are specified in the AG district shall apply.

# ZONING DISTRICTS

## URBAN/RURAL RESIDENTIAL ~ (SECTION 605)

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### 2) Front Yard Regulations:

#### a) Required Setback Distance

<u>From Road Centerline</u>	<u>&gt; 8,000 sq. ft.</u>	<u>Road Classification</u>
125	187.5	State
100	150	County Road and State Aid
83	124.5	Township Road
33	49.5	Unclassified Road

b) Any building larger than 8000 square feet shall require a 50% increase in the setback from the road centerline.

c) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

d) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.

3) Side Yard Regulations: There shall be a minimum side yard width of twenty (20) feet.

4) Rear Yard Regulations: All buildings shall have a minimum rear yard of thirty (30) feet.

### 5) Lot Area Regulations:

a) For dwelling units with private sewage treatment systems and water wells - 1 ½ acres.

b) For dwelling units with central sewage treatment and water systems - 15,000 sq. ft.

### 6) Lot Width and Depth Regulations:

a) For dwelling units with private sewage treatment systems:

Lot Width - 200 feet

Lot Depth - 200 feet

b) For dwelling units with central sewer and water systems:

Lot Width - 85 feet

Lot Depth - 150 feet

7) Structures shall be so located on each lot such that subdivision is possible when central sewer and water facilities become available.

8) General Regulations: - Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

# ZONING DISTRICTS

## MULTI-FAMILY URBAN ~ (SECTION 606)

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### **606. MULTIPLE FAMILY URBAN DISTRICT (MFU)**

#### **606.1 Purpose**

A MFU District is established to allow multiple family dwellings in areas that are provided with community water and sewer systems.

#### **606.2 Permitted Uses**

All uses permitted in urban/rural residential districts  
Single family attached dwellings  
Multiple family dwellings not to exceed two stories in height  
Duplexes  
Rest Homes, Hospitals  
Community Center  
Boarding or Lodging Houses  
Schools  
Public Recreation  
Essential Service & Appurtenant Structures except those listed as Conditional Uses  
Public Roads and Highways

#### **606.3 Accessory Uses**

Any machinery, structure or building incidental to the conduct of a permitted use except those listed as a conditional use.

#### **606.4 Conditional Uses**

Multiple family dwellings in excess of two stories in height  
Student Housing  
Home occupations  
City or Town Hall  
Commercial Recreation Areas (excluding golf courses which are permitted uses)  
Power Transmission Lines and gas pipelines  
Exploratory Boring and Drilling, including oil, natural gas, and metallic minerals (Refer to Section 731)  
Hazardous Waste Disposal Sites  
Any structure over one hundred feet in height  
Demolition debris disposal sites  
Bed and breakfast  
Places of Religious Worship and land and buildings used by religious organizations for events related to the purpose of the religious organization  
Interim Uses  
Small Solar Energy System

Large Solar Energy System >100 kW

Land and buildings used for storage, administration, or providing services by units of government

A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director

### **606.5 MFU Performance Standards**

Location Requirements: - Apartment developments should be located on major thoroughfares, near open green space or in large areas specifically designed for high density development.

- 1) When possible, apartments should serve as a buffer between single family homes and non-residential uses.
- 2) The site should not be located in such manner as to channel traffic onto minor streets in low density residential neighborhoods.

### **606.6 Site Development**

#### 1) Height Regulations:

- a) No building erected hereafter shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
- b) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulation.
- c) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

# ZONING DISTRICTS

## MULTI-FAMILY URBAN ~ (SECTION 606)

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### 2) Front Yard Regulations:

#### a) Required Setback Distance

<u>From Road Centerline</u>	<u>Road Class</u>
125	State Highway
100	County Road
83	Local Street

b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

c) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.

### 3) Side Yard Regulations:

Adjacent to another lot - 15 feet or 3/4 the height of the building, whichever is greater.

Adjacent to street - 30 feet.

4) Rear Yard Regulations: There shall be a rear yard having a depth of at least thirty (30) feet.

5) Lot Area Regulations: The density of single family attached or multi-family units shall not exceed eight (8) single family dwellings per acre.

6) Lot Width and Depth Regulations: There shall be a lot width of at least 70 feet and a lot depth of 70 feet.

7) The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.

8) General Regulations: Additional requirements are set forth in Section 7.

### **607. GENERAL BUSINESS DISTRICT (GB)**

#### **607.1 Purpose**

The General Business District is intended to provide a district that will allow general retail and commercial uses, including highway oriented commercial use.

#### **607.2 Permitted Uses**

- Farm Implement Dealers
- Commercial Recreation
- Hospitals
- Offices and Medical Centers
- Retail Trade
- Land and buildings used for storage, administration, or providing services by units of government
- Wholesale Business
- Indoor Recreation, such as movie theaters
- Restaurants, Cafes and Supper Clubs
- Passenger Transportation Terminal
- Clubs, Lodges
- Seasonal Produce Stands
- Essential Service & Appurtenant Structures except those listed as Conditional Uses
- Bulk liquid Storage (See Section 717)
- Public Roads and Highways
- Small Solar Energy System

#### **607.3 Accessory Uses**

Any incidental repair, processing and storage necessary to conduct a principle use.  
Any machinery, structure or building incidental to the conduct of a permitted use except those listed as a conditional use.

#### **607.4 Conditional Uses**

- Drive-In Movie Theater
- Drive-In Restaurants
- Recreation Equipment Sales
- Motels and Hotels
- Auto Serve Stations
- Repair & Maintenance facilities
- Auto Sales Lot
- Power Transmission Lines and Gas Pipelines
- Electrical Substation

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Exploratory Boring and Drilling, including oil, natural gas, and metallic minerals (Refer to Section 731)

Hazardous Waste Disposal Sites

Communication Tower

Recycling Center

Hot mix plant / Concrete Batch Plant

Interim Uses

Large Solar Energy System >100 kW

Cannabis Retail, Cannabis Testing Facility, Cannabis Wholesale

A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the Jackson County Land Management Office.

**607.5 Performance Standards**

1) Service or Frontage Roads - To the extent possible, commercial uses adjacent to highways shall be provided with a service road between thoroughfare and the business establishment. No service roads shall have access to local residential streets nor shall highway business oriented traffic be routed on or directed to local residential streets. Frontage roads shall be subject to the following standards:

- a) Each service road shall have a minimum of thirty (30) feet of right-of-way exclusive of adjoining thoroughfare right-of-way.
- b) Each service road shall be at least twenty-four (24) feet wide. Prior to construction the construction specifications for any service road shall be reviewed and approved by the County Highway Engineer or his designee. At the County’s discretion the construction of the service road may be monitored and inspected by the County or their designee for compliance with the approved specifications. Any deviation from the approved specifications requires prior approval from the County Highway Engineer or his designee.
- c) Two-way traffic shall be allowed on service roads.
- d) Access from service roads shall be no more frequent than one access for each five hundred (500) feet of thoroughfare frontage.

2) Height Regulations:

- a) No building shall hereafter be erected or structurally altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
- b) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility

# ZONING DISTRICTS

## GENERAL BUSINESS ~ (SECTION 607)

facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulation.

- c) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

### 3) Front Yard Regulations:

- a) Required Setback Distance

<u>From Road Centerline</u>	<u>Road Class</u>
125	State Highway
100	County Road
83	Local Road

When determining front yard setback distance a service road is classified as a Local Road. The minimum front yard setback is the greater of the setbacks measured from the public road without the service road or the setback as measured from the service road.

- b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
  - c) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.
- 4) Side Yard Regulations: There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.
  - 5) Rear Yard Regulations: There shall be a minimum rear yard of thirty-five (35) feet.
  - 6) Lot Width Regulations: - Every lot shall have a width of not less than one-hundred (100) feet.
  - 7) Screening and Fencing: - The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face residential or agricultural districts.
  - 8) General Regulations: - Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

# ZONING DISTRICTS

## GENERAL INDUSTRY ~ (SECTION 608)

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### **608. GENERAL INDUSTRY (GI)**

#### **608.1 Purpose**

A GI District is established to provide areas for industrial uses that may create employment for the citizens of the County.

#### **608.2 Permitted Uses**

All industry not stated as a conditional or prohibited use provided said industry can conform to prescribed performance standards.

- Transportation or freight terminal
- Wholesale business
- Warehouse
- Public utility buildings that do not generate power
- Public vehicle garage
- Auto and truck repair garage
- Essential Service & Appurtenant Structures except those listed as Conditional Uses
- Recycling Center
- Solid Waste Transfer Station
- Bulk liquid Storage (See Section 717)
- Land and buildings used for storage, administration, or providing services by units of government
- Public Roads and Highways
- Small Solar Energy System

#### **608.3 Accessory Uses**

Any incidental repair, processing and storage necessary to conduct a principle use.

#### **608.4 Conditional Uses**

- Restaurants
- Retail Trade
- Research Facilities
- Mining – The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more
- Junk Yards
- Fertilizer Manufacturers
- Distillation of bone, coal, tar, petroleum, grain or wood
- Agricultural grain processing facility
- Manufacturing or bulk storage of explosives
- Livestock feeding yards or slaughter houses or processing plants

Power Transmission Lines and Gas Pipelines  
Electrical substation  
Exploratory Boring and Drilling, including oil, natural gas, and metallic minerals (Refer to Section 731)  
Hazardous Waste Disposal Sites  
Any structure over one hundred feet in height  
Hot mix plant / Concrete Batch Plant  
Large and Small Wind Energy Conversion System  
Interim Uses  
Large Solar Energy System >100 kW  
Cannabis Transportation, Cannabis Delivery, Cannabis Cultivation, Cannabis Retail, Cannabis Testing Facility, Cannabis Manufacturing, Hemp Manufacturing, Cannabis Wholesale  
A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

### **608.5 Performance Standards**

#### 1) Height Regulations:

- a) No building shall hereafter be erected or structurally altered to exceed two and one-half (2 ½) stories or forty (40) feet in height.
- b) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulation.
- c) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

# ZONING DISTRICTS

## GENERAL INDUSTRY ~ (SECTION 608)

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### 2) Front Yard Regulations:

#### a) Required Setback Distance

<u>From Road Centerline</u>	<u>Road Class</u>
200	State Highway
150	County Road
125	Local Road

When determining front yard setback distance a service road is classified as a Local Road. The minimum front yard setback is the greater of the setbacks measured from the public road without the service road or the setback as measured from the service road.

- b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
- c) A frontage road shall be required to provide access to each building.
- d) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.
- 3) Side Yard Regulations: There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.
- 4) Rear Yard Regulations: There shall be a minimum rear yard of thirty-five (35) feet.
- 5) Lot Width Regulations: Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.
- 6) Screening and Fencing: The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face residential or agricultural districts.
- 7) General Regulations: Additional requirements are set forth in Section 7.

### **609. FLOOD PLAIN DISTRICT (FP)**

#### **609.1 General Provisions**

- 1) Purpose - The Flood Plain District is created for the purpose of protecting the public health and safety and to minimize property damage and pollution from flood waters. The standards contained in this District have been incorporated from the model flood plain ordinance developed by the Department of Natural Resources (DNR) in conformance with the Flood Plain Zoning Act.
- 2) Establishment of Official Zoning Map - The official zoning map shall include the Jackson County Flood Insurance Study prepared by the Federal Insurance Administration with an effective date of January 2nd, 1981, along with the Flood Boundary and Floodway Map and the Flood Insurance Rate Map, hereby adopted by reference, et seq. The official Zoning Map shall be on file in the Office of the Jackson County Auditor and Land Management Director.
- 3) Establishment of Flood Plain District - The Flood Plain Zoning District (FP) is divided into three Districts: Floodway District, Flood Fringe District and General Flood Plain District. The Floodway District and the Flood Fringe District shall include those areas so designated on the Flood Boundary and Floodway Map. The General Flood Plain District shall include the areas designated as unnumbered A-Zones on the Flood Insurance Rate Map. The boundaries of these areas shall be shown on the Official Zoning Map.
- 4) Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation of no lower than one foot above the elevation of the regional (100 year) flood plus and increases in flood elevations caused by encroachments on the flood plain that result from designation of a floodway. Flood Plain limits are actual areas of inundation based on the Regulatory Flood Protection Elevation.
- 5) Interpretation - The boundaries of the Zoning Districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the districts, the Board of Adjustment and Appeals shall make the necessary interpretations based on elevations of the regional flood profile and other available technical data. Persons contesting the locations of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

#### **609.2 Permitted Uses within the Floodway, Flood Fringe and General Flood Plain Districts**

The following uses have low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodway, Flood Fringe and General Flood Plain Districts to the extent they are not prohibited by any other Ordinance and provided they do not require structures, fill or storage of materials or equipment.

- 1) General Agricultural uses such as: farming, pasture, grazing, outdoor nurseries, horticulture, truck farming, forestry, sod farming, crop harvesting and such like uses.
- 2) Industrial - commercial uses such as loading and parking areas and other open area uses.
- 3) Public and private recreational uses such as: parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature areas, game farms, fish hatcheries, target, trap and skeet ranges, provided that no permanent or temporary structure may be required.
- 4) Open space uses such as lawns, gardens, parking areas and play areas.
- 5) Uses permitted in the underlying Zoning Districts that do not require structures, fill or storage of materials or equipment in the General Flood Plain District.
- 6) Essential Service except buildings.
- 7) Small Solar Energy System

### **609.3 Conditional Uses within the General Flood Plain District**

All uses not listed in Section 609.2 above are Conditional Uses and are permissible only upon the issuance of a Conditional Use permit as provided in Section 609.7 of this Ordinance. The General Flood Plain District includes the entire flood plain and does not differentiate between those areas that are Floodway and those areas that are Flood Fringe. Because of this, the County shall determine if the proposed use is located in the Floodway or Flood Fringe using procedures established in Section 609.4 of this Ordinance. If the site location of the proposed use is found to be within the Floodway Area, the provisions of Section 609.5 shall apply. If it is determined that the proposed site is located in the Flood Fringe Area, the provisions of Section 609.6 shall apply. All uses not listed as a permitted use in 609.2 or as a conditional use in 609.5 and 609.6 are prohibited.

### **609.4 Information Required by Applicant**

Upon receiving an application for a Conditional Use permit involving the use of fill, construction of structures, or storage of materials, the County Planning Commission shall, prior to making a recommendation thereon:

- 1) Require the applicant to furnish such of the following information as is deemed necessary by the Planning Commission for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the stability of the particular site for the proposed use.

- a) Plans drawn to scale showing the nature, location, dimensions and elevation of the lots, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
  - b) A typical valley cross-section showing the channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and highwater information.
  - c) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevation of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.
  - d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five-hundred (500) feet in either direction from the proposed development.
  - e) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- 2) Transmit one copy of the information described to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is located in the Floodway and Fringe Flood areas of the Flood Plain, in determining the regulatory flood protection elevation, and in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters. Procedures consistent with Minnesota Rules 6120.5000 to 6120.6200 shall be used in this expert evaluation.

### **609.5 Conditional Uses Permitted in the Floodway Area**

- 1) Other uses are allowed only as Conditional Uses within the floodway provide they comply with the provisions of this Section, other standards established in this Ordinance, and any conditions attached by the Planning Commission to the issuance of the Conditional Use Permit. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be permitted which acting alone or in combination with existing or reasonably anticipated uses affects the efficiency or the capacity of the floodway or increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Conditional Uses include:
  - a) Uses or structures accessory to open space or Conditional Uses.
  - b) Road side stands, signs and billboards.

- c) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- d) Railroads, streets, bridges, utility transmission lines and pipelines.
- e) Storage yards for equipment, machinery and materials.
- f) Other uses similar in nature to uses described in 609.2 of this Section which are consistent with the provisions set forth in this Ordinance.

### 2) Fill

- a) Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a Conditional Use Permit. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- b) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulk heading.

### 3) Structures (temporary or permanent) Accessory to Conditional Uses Listed in 609.5

- a) Structures shall not be designed for human habitation.
- b) Structures shall have a low flood damage potential.
- c) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
  - i) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow, and
  - ii) So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.
- d) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
- e) Accessory structures shall be elevated on fill to the Regional Flood Protection Elevation as per Section 609.7 (2)e of this ordinance.

- f) Service facilities such as electrical and heating equipment shall be placed at or above regulatory flood protection elevation for the particular area or adequately flood proofed.
- 4) Storage of Materials and Equipment
  - a) The storage of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
  - b) Storage of other material or equipment may be allowed upon issuance of Conditional Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.
- 5) Garbage and Solid Waste Disposal - No Conditional Use Permits for garbage and waste disposal sites or feedlots shall be issued for floodway areas.
- 6) Structural Works for Flood Control - Structural works for flood control such as dams, levees, dikes and floodwalls shall not be allowed within the floodway except upon issuance of a Conditional Uses Permit. In addition, any proposed structural work in the beds of public waters as defined in Minnesota Statutes Chapter 103G which will change the course, current or cross-section of the waters shall be subject to the said statutes and other applicable statutes. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- 7) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
- 8) Interim Uses
- 9) A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

### **609.6 Conditional Uses Permitted in the Flood Fringe Area**

- 1) Structural or other uses shall be permitted within the flood fringe as Conditional Uses to the extent they are not prohibited by other standards found on other sections of this zoning ordinance and they meet the following applicable standards:
  - a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, including the basement floor, is at or above the Regional Flood Protection

- Elevation (RFPE). The finished fill for structures shall be no lower than one (1) foot below the RFPE and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- b) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
  - c) Commercial Uses. Commercial structure must be constructed on fill with no first floor or basement floor below the regulatory flood protection elevation. Commercial structures not elevated on fill to the regulatory flood protection elevation must be flood proofed to the regulatory flood protection elevation in accordance with the standards of the Ordinance. This flood proofing is restricted to FP-1 and FP-2 standards outlined in the U.S. Army Corps of Engineers Floodproofing Regulations dated March 31, 1992, et seq. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevation. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.
  - d) Manufacturing and Industrial Uses. Manufacturing and Industrial buildings, structures and appurtenant works shall be protected to the regulatory flood protection elevation. Manufacturing and Industrial uses that are not elevated on fill must be adequately flood proofed to the regulatory flood protection elevation. Flood proofing is restricted to FP-1 and FP-2 techniques. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations.
  - e) Utilities, Railroad Tracks, Streets and Bridges. Public utility facilities, road, railroad tracks and bridges within the flood plain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.
- 2) Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be

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investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

- 3) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
- 4) A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

### **609.61 Water Supply and Wastes Disposal in Flood Plain District**

- 1) No new construction, addition, or modification to existing waste treatment facilities or on site septic systems shall be permitted within the flood plain unless emergency plans and procedures for action to be taken in event of flooding are prepared, filed with, and approved by the Minnesota Pollution Control Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters. New waste treatment facilities shall conform to the waste controls section of this zoning ordinance.
- 2) There shall be no disposal of garbage or solid waste materials within the flood fringe areas.
- 3) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

### **609.62 Recreational Vehicles, Manufactured Homes and Manufactured Home Parks in the Flood Plain District**

- 1) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 609.6 (1) a of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 609.6 (1) b, then property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
- 2) No new Recreational Vehicle, Manufactured Homes or Manufactured Home Parks shall be allowed in the 100 Year Flood Plain.

### **609.7 Conditional Use Permits**

Any use listed in 609.5 and 609.6 requiring a Conditional Use Permit may be allowed only upon application to the Land Management Director and the issuance of a conditional use permit by the County Board.

#### 1) Factors for Consideration in the Issuance of a Conditional Use Permit

Structure accessory to permitted land uses shall be permitted by the Conditional Use only upon consideration by both the Planning Commission and the County Board of the following factors:

- a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b) The danger that materials may be swept onto other lands or downstream to the injury of others.
- c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e) The requirements of the facility for a waterfront location.
- f) The availability of alternative locations not subject to flooding for the proposed use.
- g) The compatibility of the proposed use with existing development and development anticipated in the fore-seeable future.
- h) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

#### 2) Conditions attached to Conditional Use Permits

Upon consideration of the factors listed above and the purposes of this Ordinance, the County Board may attach such conditions to the granting of Conditional Use permits as it

deems necessary to further the purposes of this Ordinance. Among such conditions without limitation because of specific enumeration may be included:

- a) Modification of waste disposal and water supply facilities.
- b) Limitations on period of use and operations.
- c) Imposition of operational controls, sureties, and deed restrictions.
- d) Requirements for construction of channel modifications, dikes and levees and other protective measures.
- e) Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular areas, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The County Board shall require that the applicant submit a plan or document certified by a Registered Professional Engineer or Architect that the finished fill and building elevations were accomplished in compliance with provisions of this Ordinance. All flood proofing measures shall be certified by a registered Professional Engineer or Architect and done in accordance with the flood proofing regulations prepared by the Army Corp of Engineers, dated March 31, 1992, et seq.
  - i) To resist flotation and lateral movement, either anchor or add mass or weight to the structure.
  - ii) Installation of watertight doors, bulkheads and shutters, or similar methods of construction to resist rupture or collapse caused by water pressure or floating debris.
  - iii) Reinforcement of walls to resist water pressures.
  - iv) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - v) Install pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement floor pressures as well as lower water levels in structures.
  - vi) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
  - vii) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.

- viii) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundated by the regional flood.
- ix) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare above the flood protection elevation or provisions of adequate flood proofing to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
- f) First floor elevations. All structures shall be constructed with their basements elevations or first floor elevations if there are no basements at or above the Regulatory Flood Protection Elevation. Any fill shall not be more than one foot below the same elevation for the particular area, and shall extend at least 15 feet beyond the limits of any structure or building erected thereon. It shall be the responsibility of the County Land Management Director to keep a record of all basement or first floor elevations on new construction within the Flood Plain District as well as maintain a record of the elevations to which structures or additions to structures are flood proofed.
- g) It is the responsibility of the applicant to obtain all necessary State and Federal approvals and permits. The applicant shall provide the Land Management Director with copies of all State and Federal approvals and permits. If the applicant fails to obtain a required State or Federal approval or permit the County Board may revoke the Conditional Use Permit.

### **609.8 Performance Standards**

#### 1) Height Regulations:

- a) The maximum height of all buildings shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
- b) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers ; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulations.
- c) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

2) Front Yard Regulations:

a) Required Setback Distance

From Road Centerline

130

130

65

33

Road Class

State Highway

County Road & State Aid

Township Road

Unclassified Road

b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

c) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.

3) Side Yard Regulations: There shall be a side yard width of not less than twenty (20) feet on each side of the building.

4) Rear Yard Regulations: Rear yard regulations for all buildings shall be fifty (50) feet.

5) Lot Area Regulations: The minimum lot size shall be five (5) acres.

6) Lot Width and Depth Regulations: Every lot or plat of land on which one family dwelling is constructed shall have a minimum width of not less than one hundred (100) feet and a minimum depth of not less than one hundred fifty (150) feet.

7) General Regulations: - Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

### **610. SHORELAND ZONING DISTRICT**

Shorelands in Jackson County have been divided into six categories for purposes of shoreland management. The three lake categories are Natural Environment Lakes, General Development and Recreational Development. Recreational Development Lakes are larger in size and potentially more suitable for all around development and recreation purposes and can thus support a higher density of residential development on the shoreland. Natural Environment Lakes are smaller, often marshy in character, and require stricter shoreland standards to protect the quality of the lake resource. General Development Lakes are generally large deep lakes and are extensively used for recreation with a heavily developed shoreline. Rivers in Jackson County are designated as transitional, agricultural or tributary. Common land uses on transitional rivers include, forested riparian strips with mixtures of cultivated cropland and pasture some seasonal and year round residential development exists. Agricultural river segments are located in intensely cultivated areas. Cultivated crops, pastures, and occasional feedlots are common. Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned as transitional or agricultural. These segments have a wide variety of existing land and recreational use characteristics.

#### **610.1 Jurisdiction**

The provisions of this section shall apply to the shorelands of the public water bodies as classified in Section 611 of this ordinance. Pursuant to Minnesota Rules 6120.2500 to 6120.3900, no lake, pond, or flowage less than 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may at the discretion of the governing body, be exempt from this ordinance.

#### **610.2 Purpose**

The major purpose of this District is to control the use of any shoreland of public waters; the size the density and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land. Compliance with the terms of this ordinance and other applicable regulations shall preserve the water quality and the natural characteristics of the shorelands and public waters in the County.

# ZONING DISTRICTS

## SHORELAND: PROTECTED WATER CLASSIFICATION ~ (SECTION 611)

### **611. THE PROTECTED WATERS SHORELAND CLASSIFICATION SYSTEM FOR WATER BODIES IN JACKSON COUNTY.**

<b>611.1 LAKES</b>				
<b>NATURAL ENVIRONMENT LAKES</b>	<b>I.D. #</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
-	32-4		ALL	-
CHANDLER	32-8		ALL	-
BOOT	32-15	141.0*	REMAINING	BELMONT 31 S ½ - NW ¼ - W ½ of NE ¼
LOWERS	32-16		REMAINING	CHRISTIANIA ALL 14 & 15
INDEPENDENCE	32-17		ALL	-
SUMMIT	32-19	1415.7	ALL	-
CLEAR	32-22	1503.5	REMAINING	DES MOINES 18 S ½, EXCEPTING E ½ of SE ¼
PLETZ MARSH	32-27		ALL	-
-	32-28		ALL	-
-	32-29		ALL	-
-	32-30		ALL	-
RUSH	32-31		REMAINING	MINNEOTA 23 N ½ of NW ¼
ANDERSONS MARSH	32-32		REMAINING	MINNEOTA 23 S ½ of NE ¼
PEARL	32-33		REMAINING	MINNEOTA 25 NW ¼; & 23 SE ¼ OF SE ¼
-	32-37		ALL	-
SANGLES SLOUGH	32-38		ALL	-
BIG INJUN SLOUGH	32-39		ALL	-
SUMMAR MARSH	32-40		ALL	-
HUSEN MARSH	32-42		ALL	-
FLAHERTY	32-45	1433.2	REMAINING	HERON LAKE 6 S ½
-	32-52		ALL	-
TEAL	32-53	1436.1	REMAINING	DELAFIELD 30 NE ¼ E ½ of NW ¼
-	32-55		ALL	-
HERON	32-57	1403.0	REMAINING	WEIMER 20, 26 SE ¼, NW ¼ 27, 28, 29, 33, 35. WEST HERON LAKE 2, 3, 10 N ½, 14 SW ¼, 15 E ½ of NE ¼ ,
SKUNK	32-59		REMAINING	SIOUX VALLEY 27 NE ¼, 23 SW ¼ of SW ¼
-	32-61		ALL	-
-	32-62		ALL	-
RUSH	32-63		ALL	-
-	32-64	1457.7	ALL	-
ROUND	32-69		REMAINING	ROUND LAKE 8 E ½ NW ¼ and N ½ OF SE ¼
PLUMB	32-71	1501.3	REMAINING	ROUND LAKE 15 NE ¼, 10 S ½ of SE ¼

# ZONING DISTRICTS

## SHORELAND: PROTECTED WATER CLASSIFICATION ~ (SECTION 611)

<b>611.1 LAKES</b>				
<b>NATURAL ENVIRONMENT LAKES</b>	<b>I.D. #</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
ILLINOIS	32-72	1500.8	REMAINING	ROUND LAKE 21 NE ¼, 16 SE ¼, 15 W ½
-	32-80		ALL	-
IOWA	32-84		REMAINING	ROUND LAKE 31 NW ¼ of NW ¼
-	32-92	1424.4	-	-

<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>I.D. #</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
FISH	32-18		ALL	-
LOON	32-20	1406.8	REMAINING	MINNEOTA 25 NE ¼; 24 SE ¼; MIDDLETOWN 19 SW ¼
LITTLE SPIRIT	32-24	1401.6	REMAINING	MINNEOTA 35 SW ¼
GROVERS	32-25		ALL	-
TIMBER	32-58	1431.2	REMAINING	DELAFIELD 7 SE ¼

<b>GENERAL DEVELOPMENT LAKES</b>	<b>I.D.#</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
SPIRIT	32-23		-	ALL

\* assumed datum not tied to MSL

The following lakes are listed in the protected waters classification for Cottonwood County but they do have shorelands in Jackson County.

COUNTY LAKE I.D. #	LAKE NAME	CLASSIFICATION
17-24	STRING	GENERAL USE – NE
17-41	SOUTH CLEAR	GENERAL USE – NE

<b>611.2 RIVERS AND STREAMS</b>		
<b>TRANSITION RIVERS</b>	<b>FROM</b>	<b>TO</b>
DES MOINES	NORTH SECTION LINE OF SEC. 17, T103N, R35W BELMONT	SOUTH SECTION LINE OF SEC. 3, T102N, R35W DES MOINES

# ZONING DISTRICTS

## SHORELAND: PROTECTED WATER CLASSIFICATION ~ (SECTION 611)

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<b>AGRICULTURAL RIVERS</b>	<b>FROM</b>	<b>TO</b>
DES MOINES	COTTONWOOD/JACKSON CO. BORDER	SOUTH SECTION LINE SEC. 8, T103N, R35W
DES MOINES	NORTH SEC. LINE SEC. 10, T102N, R. 35W DES MOINES	JACKSON COUNTY IOWA BORDER
ELM CREEK	WEST SEC. LINE, SEC. 32 T104N, R 34W KIMBALL	JACKSON COUNTY MARTIN COUNTY BORDER

### **Tributary**

All protected watercourses in Jackson County shown on the protected waters inventory map which have not been given a classification shall be considered "Tributary".

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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### **612. LAND USE DISTRICT DESCRIPTION**

#### **612.1 Criteria For Designation.**

The land use districts in Section 601, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

General Considerations and Criteria for All Land Uses:

- 1) Preservation of natural areas;
- 2) Present ownership and development of shoreland areas;
- 3) Shoreland soil types and their engineering capabilities;
- 4) Topographic characteristics;
- 5) Vegetative Cover;
- 6) In-water physical characteristics, values, and constraints;
- 7) Recreational use of the surface water;
- 8) Road and service center accessibility;
- 9) Socioeconomic development needs and plans as they involve water and related land resources;
- 10) The land requirements of industry which, by its nature, requires location in shoreland areas; and
- 11) The necessity to preserve and restore certain areas having significant historical or ecological value.

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

### 612.2 Land Use Districts for Lakes

**P - Permitted Use    C - Conditional Use    N - Prohibited Use**

<b>612.25 SPECIAL PROTECTION DISTRICT USES</b>			
	<b>GENERAL DEVELOPMENT LAKES</b>	<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>NATURAL ENVIRONMENT LAKES</b>
Forest Management	P	P	P
Sensitive Resource Management & Environmental Awareness	P	P	P
Agricultural Cropland and Pasture	P	P	P
Agricultural Structures	C	C	C
Animal Feedlots subject to Section 727	C	C	C
Nurseries and Forestry Uses except Greenhouses	P	P	P
Greenhouses	C	C	C
Public Recreation and Historic Sites without Structures	P	P	P
Public Recreation and Historic Sites with Structures	C	C	C
Non-motorized Semipublic or Private Recreation Without Structures	P	P	P
Recreational Vehicle Used for Temporary Living Quarters subject to Section 621	C	C	C
Single Family Residence	C	C	C
Essential Services except Buildings	P	P	P
Essential Services Buildings	C	C	C
Land and Buildings used for storage, administration, or providing services by units of government	C	C	C
Utility Lines	P	P	P
Planned Unit Dev.	N	N	N

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

<b>612.25 SPECIAL PROTECTION DISTRICT USES</b>			
	<b>GENERAL DEVELOPMENT LAKES</b>	<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>NATURAL ENVIRONMENT LAKES</b>
Substantial Alterations in the Shore Impact Zone as defined in sect. 507.4 and 612.9	N	N	N
Mirco-Wind Energy Conversion System	C	C	C
Large and Small Wind Energy Conversion System	N	N	N
Wineries	C	C	C
Meteorological Towers	C	C	C
Interim Uses	C	C	C
Large Solar System >100 kW	N	N	N
Small Solar System	P	P	P
Public Roads and Highways	P	P	P
Cannabis Cultivation	C	C	C

Any use not mentioned in the Special Protection District shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

<b>612.26 GENERAL USE DISTRICT</b>			
	<b>GENERAL DEVELOPMENT LAKES</b>	<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>NATURAL ENVIRONMENT LAKES</b>
Single Family Residence	P	P	P
Semipublic Or Private Recreation	C	C	C
Public Recreation and Historic Sites without Structures	P	P	P
Public Recreation and Historic Sites with Structures	C	C	C
Sensitive Resource Management	P	P	P
Duplex	P	P	C
Triplex, Quad	P	C	C
Forest Management	P	P	P
Animal Feedlots Subject To Section 727	P	P	P
Mining As Defined In Section 302	C	C	C
Essential Services except Buildings	P	P	P
Essential Services Buildings	C	C	C
Land and Buildings used for storage, administration, or providing services by units of government.	C	C	C
Agricultural Cropland and Pasture	P	P	P
Machinery, Structures or Buildings incidental to the conduct of a permitted use	P	P	P
Non-motorized Semipublic or Private Recreation with or without Structures	P	P	P
Restaurant	C	C	C

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

<b>612.26 GENERAL USE DISTRICT</b>			
	<b>GENERAL DEVELOPMENT LAKES</b>	<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>NATURAL ENVIRONMENT LAKES</b>
Places of Religious Worship and Land and Buildings used by religious organizations for events related to the purpose of the religious organization	C	C	C
Community Center	C	C	C
Dams/Diking	C	C	C
Micro-Wind Energy Conversion System	C	C	C
Large and Small Wind Energy Conversion System	N	N	N
Commercial Storage Units	C	C	C
Wineries	C	C	C
Meteorological Towers	C	C	C
Hotel Or Motel	C	C	N
Mobile Home Court	C	C	N
Retail/Trade	C	C	N
Home Occupation	C	C	C
School	C	C	C
Industry	C	C	N
Wholesale Trade	C	C	C
Nurseries and Forestry Uses except Greenhouses	P	P	P
Greenhouses	C	C	C
Land Spreading Of Contaminated Soil	N	N	N
Underground Storage Tank (See Section 717)	C	C	C
Junkyards	N	N	N
Sanitary Landfills	N	N	N

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

<b>612.26 GENERAL USE DISTRICT</b>			
	<b>GENERAL DEVELOPMENT LAKES</b>	<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>NATURAL ENVIRONMENT LAKES</b>
Bed & Breakfast	C	C	C
Resorts and Campgrounds	C	C	C
Recreational Vehicle used for Temporary Living Quarters subject to Section 621	P	P	P
Recycling Center	N	N	N
Solid Waste Transfer Station	N	N	N
Hot Mix Plant / Concrete Batch Plant	C	C	C
Public Roads and Highways	P	P	P
Planned Unit Dev.	N	N	N
Bulk Liquid Storage	C	C	C
Any Processing Of Animals Or Agricultural Products	N	N	N
Substantial Alterations In The Shore Impact Zone As Defined In Sect. 507.4 And 612.9	C	C	C
Interim Uses	C	C	C
Large Solar System >100 kW	N	N	N
Small Solar System	P	P	P
Cannabis Cultivation & Cannabis Retail	C	C	C

Any use not mentioned in the General Use District shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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### **612.3 Conditional Uses**

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

#### **612.31 Evaluation criteria.**

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- 1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- 2) The visibility of structures and other facilities as viewed from public waters is limited;
- 3) The site is adequate for water supply and on-site sewage treatment; and
- 4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

#### **612.32 Conditions attached to conditional use permits.**

The Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- 1) Increased setbacks from the ordinary high water level;
- 2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- 3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

### 612.4 Land Use District for Rivers

	TRANSITION	AGRICULTURAL	TRIBUTARY
Forest Management	P	P	P
Sensitive Resource Management & Environment Awareness	P	P	P
Agriculture Cropland and Pasture	P	P	P
Nurseries and Forestry Uses except Greenhouses	P	P	P
Greenhouses	C	C	C
Machinery, Structures or Buildings incidental to the conduct of a permitted use	P	P	P
Animal Feedlots subject to Section 727	P	P	P
Parks & Historic Sites	C	C	C
Resorts & Campgrounds	C	C	C
Public Recreation and Historic Sites without Structures	P	P	P
Public Recreation and Historic Sites with Structures	C	C	C
Golf Courses	C	C	C
Non-motorized Semipublic or Private Recreation with or without Structures	P	P	P
Recreational Vehicle used for Temporary Living Quarters subject to Section 621	P	P	P
Single Family Residence	P	P	P
Home Occupation	C	C	C

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

	TRANSITION	AGRICULTURAL	TRIBUTARY
Duplex, Tri-Plex, Quad	C	C	C
Mining Of Metallic Metals Or Gravel	C	C	C
Surface Water Oriented Commercial	C	C	C
Landspreading Of Contaminated Soil	N	N	N
Junkyards, Landfills	N	N	N
Underground Storage Tank	C	C	C
Restaurant	C	C	C
Places of Religious Worship and Land and Buildings used by religious organizations for events related to the purpose of the religious organization	C	C	C
Community Center	C	C	C
Dams\Diking	C	C	C
Large and Small Wind Energy Conversion System	N	N	N
Micro-Wind Energy Conversion System	P	P	P
Wineries	C	C	C
Essential Services except Buildings	P	P	P
Essential Services Buildings	C	C	C
Public Roads and Highways	P	P	P
Land and Buildings used for storage, administration, or providing services by units of government.	C	C	C
Meteorological Towers	C	C	C

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

	TRANSITION	AGRICULTURAL	TRIBUTARY
Hotel Or Motel	C	C	C
Mobile Home Court	C	C	C
Retail\Trade	C	C	C
School	C	C	C
Industry	N	C	C
Hot Mix Plant	C	C	C
Planned Unit Dev.	N	N	N
Wholesale Trade	C	C	C
Interim Uses	C	C	C
Large Solar System >100 kW	N	N	N
Small Solar System	P	P	P
Cannabis Cultivation & Cannabis Retail	C	C	C

Any use not mentioned in the Land Use District for Rivers shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Land Management Director.

### **612.5 Lake Lot Area and Width Standards.**

The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after July 1, 1972. Lots created prior to that time are considered lots of record. See, lots of record, Section 616 and unrecorded lakeshore policy Section 617. The lake and river/stream lot area requirements are as follows:

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

### 612.51 Unsewered Lots

A. NATURAL ENVIRONMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	80,000	200	80,000	200
DUPLEX	120,000	300	160,000	400
TRIPLEX	160,000	400	240,000	600
QUAD	200,000	500	320,000	800

B. RECREATIONAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	40,000	150	40,000	150
DUPLEX	80,000	225	80,000	265
TRIPLEX	120,000	300	120,000	375
QUAD	160,000	375	160,000	490

C. GENERAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	20,000	100	40,000	150
DUPLEX	40,000	180	80,000	265
TRIPLEX	60,000	260	120,000	375
QUAD	80,000	340	160,000	490

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

### **612.52 Sewered Lots: (Publicly Owned System With Ability To Tax)**

To utilize the smaller lot size requirements found in this section, the property must be served by a publicly owned sewer system that has the ability to tax the property it serves to allow for future operation, maintenance and replacement costs. This will ensure that waste generated on the smaller lots will be properly treated. In situations where a newly developed area does not meet the requirements for creating a Sanitary Sewer District under Minnesota Statutes Chapter 115 the County may allow the developer to construct and operate the system until such time as the new development is eligible to create a Sanitary Sewer District provided the developer and County enter in to an agreement whereby the developer agrees to transfer the system to the Sanitary Sewer District when the District is created and whereby the developer agrees to provide a performance bond in an amount to be determined by the County to insure the system is operated in compliance with all applicable standards until such time ownership is transferred to the Sanitary Sewer District.

\* Reference: Section 616 Lots of Record and Section 617 Unrecorded Lakeshore Lot Policy

A. NATURAL ENVIRONMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	40,000	125	20,000	125
DUPLEX	70,000	225	35,000	220
TRIPLEX	100,000	325	52,000	315
QUAD	130,000	425	65,000	410

B. RECREATIONAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	20,000	75	15,000	75
DUPLEX	35,000	135	26,000	135
TRIPLEX	50,000	195	38,000	190
QUAD	65,000	255	49,000	245

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

C. GENERAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	15,000	75	10,000	75
DUPLEX	26,000	135	17,000	135
TRIPLEX	38,000	195	25,000	190
QUAD	49,000	255	32,000	245

### **612.53 River/Stream Lot Width Standards.**

There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the river/stream classifications are:

	TRANSITION	AGRI-CULTURAL	URBAN & TRIBUTARY NO SEWER	URBAN & TRIBUTARY SEWER
SINGLE	250	150	100	75
DUPLEX	375	225	150	115
TRIPLEX	500	300	200	150
QUAD	625	375	250	190

### **612.54 Additional Special Provisions.**

- 1) Only land above the ordinary high water level of public waters can be used to meet lot area standards, lot width standards must be met at both the ordinary high water level and at the building line. The sewered lot area dimensions in section 612.52 can only be used if publicly owned sewer system service is available to the property and the publicly owned sewer system will be utilized by all structures on the property that require sewer.
- 2) Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
  - a) Each building must be set back at least 200 feet from the ordinary high water level;
  - b) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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- c) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - d) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- 3) One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 612.51 - 612.52, provided the following standards are met:
- a) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - b) A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
  - c) A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- 4) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
- a) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
  - b) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

### Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

- c) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- d) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

### **612.6 Placement, Design, and Height of Structures.**

#### **612.61 Placement of Structures on Lots.**

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. For non-conforming structures, refer to Section 404.

#### 1) Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level.

SETBACKS*			
CLASSES OF PUBLIC WATERS	STRUCTURES		SEWAGE TREATMENT SYSTEM
	UNSEWERED	SEWERED	
<b>LAKES</b>			
NATURAL ENVIRONMENT	150	150	150
RECREATIONAL DEVELOPMENT	100	75	75

# ZONING DISTRICTS

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SETBACKS*			
CLASSES OF PUBLIC WATERS	STRUCTURES		SEWAGE TREATMENT SYSTEM
	UNSEWERED	SEWERED	
GENERAL DEVELOPMENT	75	50	50
<b>RIVERS</b>			
FORESTED & TRANSITION	150	150	100
AGRICULTURE, URBAN, AND TRIBUTARY	100	50	75

\* One water-oriented accessory structure designed in accordance with section 612.62(B) of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

\* In no instance shall the total impervious area of any lot exceed 25% of the total lot area.

2) Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

SETBACK FROM	SETBACK (IN FT.) FROM ROAD CENTERLINE
(1) County Road	100
(2) State Road;	125
(3) Township Road;	65
(4) Unclassified Road;	33

# ZONING DISTRICTS

## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or ten (10) feet from the property line, whichever is greater.

STRUCTURE SETBACK FROM:	
(1) Top of Bluff	30
(2) Side Yard	10
(3) Rear Yard	30
(4) Unplatted Cemetery	50

\* Refer to 506.05 Variance Exceptions

- 3) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- 4) Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

### **612.62 Design Criteria for Structures.**

- 1) High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
  - a) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  - b) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high-water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

## ZONING DISTRICTS

### SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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- c) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- 2) Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 612.61 of this ordinance if this water-oriented accessory structure complies with the following provisions: This water-oriented accessory structure maybe attached to the primary structure as long as the property records indicate that the water-oriented accessory structure allowance for that property has not been previously used.
- a) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
  - b) The setback of the structure or facility from the ordinary high water level must be at least ten feet;
  - c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
  - d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
  - e) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- 3) Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties. Vegetative clearing shall not exceed six feet in width and must be generally perpendicular to the shore line.
  - b) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties.
  - c) Canopies or roofs are not allowed on stairways, lifts, or landings;

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- d) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
  - e) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
  - f) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.
- 4) Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- 5) Steep Slopes. The County Land Management Director must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

#### **612.625 Impervious Surface**

- 1) Impervious surface in the shoreland district shall not exceed 25%.
  - a) Porous pavers or porous material will be counted at a 50% rate if best management practices were followed in design, installation and maintenance as found in the MPCA Stormwater BMP manuals.

#### **612.63 Height of Structures**

- 1) No structure erected hereafter shall exceed 35 feet in height or 2 ½ stories.
- 2) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers ; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulations.

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## SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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- 3) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

### **612.7 Shoreland Alterations**

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

### **612.8 Vegetation Alterations**

- 1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 612.9 of this ordinance are exempt from the vegetation alteration standards that follow.
- 2) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 614 and 614.1, respectively, is allowed subject to the following standards:
  - a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located. Grading, and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a public body of water shall require written approval by the Planning & Zoning Office.
  - b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities. In no instance shall vegetative clearing exceed 25% of the shoreline:
    - i) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; where vegetative clearing does take place in the shore impact zone, a vegetative low ground cover shall be maintained to reduce any erosion potential.
    - ii) Along rivers, existing shading of water surfaces is preserved; and

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- iii) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

### **612.9 Topographic Alterations/Grading and Filling.**

In all cases where grading and/or filling of any land or the removal of topsoil, sand or gravel within the County would result in substantial alteration of existing ground contour, a permit shall be required. A Conditional Use Permit shall be required for substantial alteration in the Shore impact zone while a general permit may be issued beyond that area. A Conditional Use Permit application must be accompanied by a construction plan and a storm water management plan signed by a registered professional engineer. Such permits shall be obtained from the Jackson County Land Management Director.

Substantial alteration shall be defined as movements of earth or materials in excess of ten (10) cubic yards in the Shore impact zone, (50) cubic yards in the remainder of the shoreland district or five hundred (500) cubic yards in all other districts.

- 1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- 2) Public roads and parking areas are regulated by Section 612.95 of this ordinance.
- 3) Notwithstanding Items A. and B. above, a grading and filling permit will be required for:
  - a) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - b) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones in the shoreland district. The quantity amounts are considered to be cumulative project totals.
- 4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
  - a) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*: and the provision of the 1991 wetlands conservation act.
    - i) Sediment and pollutant trapping and retention;

## ZONING DISTRICTS

### SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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- ii) Storage of surface runoff to prevent or reduce flood damage;
- iii) Fish and wildlife habitat;
- iv) Recreational use;
- v) Shoreline or bank stabilization; and
- vi) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- a) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- b) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- c) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- d) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- e) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- f) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- g) Fill or excavated material must not be placed in bluff impact zones;
- h) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.
- i) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

## ZONING DISTRICTS

### SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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- j) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- 2) Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- 3) Projects subject to permits issued by the Minnesota Department of Natural Resources and/or the Jackson County Soil and Water Conservation District and/or the United States Army Corps of Engineers are exempt from the requirements of Section 612.9 provided all required Minnesota Department of Natural Resources, Jackson County Soil and Water Conservation District, and United States Army Corps of Engineer permits are obtained and the project is executed in compliance with said permits.

#### **612.95 Placement and Design of Roads, Driveways, and Parking Areas.**

- 1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 2) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- 3) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 612.9 of this ordinance must be met.

#### **612.10 Additional Standards for Commercial, Industrial, Public and Semipublic Uses**

- 1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters subject to the following additional standards:
  - a) Parking areas and structures must be designed, constructed and maintained to incorporate

## ZONING DISTRICTS

### SHORELAND: LAND USE DISTRICT DESCRIPTION ~ (SECTION 612)

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- topographic and vegetative screening;
- b) Uses that require short-term watercraft mooring must centralize the mooring facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - i) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters if authorized by a public authority or under a permit issued by the county sheriff;
    - ii) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and conformed to Section 729.
    - iii) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
  - 2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or if located on a lot or parcel with public water frontage the uses must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation and/or topography, assuming summer, leaf-on conditions.

## **ZONING DISTRICTS**

SHORELAND: RESERVED FOR FUTURE AMENDMENTS ~ (SECTION 613)

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### **613. RESERVED FOR FUTURE AMENDMENT**

## **ZONING DISTRICTS**

SHORELAND: RESERVED FOR FUTURE AMENDMENTS ~ (SECTION 614)

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### **614. RESERVED FOR FUTURE AMENDMENT**

## ZONING DISTRICTS

### SHORELAND: ONSITE SEWAGE TREATMENT SYSTEMS ~ (SECTION 615)

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#### **615. ONSITE SEWAGE TREATMENT SYSTEMS IN THE SHORELAND DISTRICT**

A sewage treatment system in the shoreland district, not meeting the requirements of section 716 of this ordinance must be upgraded any time an amendment, conditional use permit, variance or setback permit is required on the property, even though the actual residence may be outside the shoreland zone or when property transfers as per Section 716 of this ordinance. For the purpose of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the O.H.W.L.

In the situation where the ordinance requires that the septic system be brought up to code and the possibility exists that the property may have the opportunity to connect to a community system the County Land Management Director may allow a time extension for the sewer upgrade if the following exist:

- 1) Progress is being made towards the development of the community sewer system.
- 2) The property owner is willing to sign a document which states that if the community sewer system does not continue to progress to the point of construction, that a system will be installed which meets current codes.
- 3) The existing system has not been determined to be an imminent threat to public health or safety.

Jackson County will develop a system of identifying non-conforming sewage treatment systems in the shoreland district. This system will include such things as a site visit, investigation of county records, homeowner records and a possible dye test. Any deep disposal methods such as a cesspool, leach pit, seepage pit or a system with less soil separation from the groundwater than is required by this ordinance for on-site treatment systems, shall be considered non-conforming.

This process will begin by prioritizing the county lakes with those systems located on high priority lakes being evaluated first. The progress of this process will be dependent on available county funds and the results are to be evaluated 5 years from the effective date of this ordinance.

**616. LOTS OF RECORD**

Lots of Record in the office of the county recorder on the date of enactment of local shoreland controls (July, 1, 1972) that do not meet the requirements of Section 612.5 may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot was compliant with official controls in effect at the time the lot was created and current sewage treatment and setback requirements of the shoreland controls are met.

In evaluating a variance on a lot of record, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lots and shall deny the variances if adequate facilities cannot be provided. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 612.5 the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of section 612.5 as much as possible unless that parcel fits the lot description found in section 617, subp 2.

## **ZONING DISTRICTS**

### **SHORELAND: UNRECORDED LAKESHORE LOT POLICY ~ (SECTION 617)**

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#### **617. UNRECORDED LAKESHORE LOT POLICY**

- 1) Unrecorded, improved lakeshore lots will be allowed to expand improvements if all other ordinance requirements are met. If a variance is required, a legal description will be necessary to record the variance with the property.
- 2) Unrecorded lots will be allowed to be platted, recorded and transferred independently from each other if the lot complies with all of the following:
  - a) The lot is served by a publicly owned sewer system.
  - b) There is reasonable evidence that the unrecorded lot was in existence prior to the adoption date of the Jackson County Shoreland Ordinance which is July 1, 1972.
  - c) The existing dimensions, lot width and total square feet in area are equal to or exceed 60% of the standard lot requirements spelled out in section 612.5 of this ordinance.
- 3) Building permits will not be issued on unimproved, unrecorded lots.
- 4) Previously unrecorded lots that are platted, recorded and transferred in compliance with the provisions of Section 617.2 that do not comply with the minimum lot area and/or minimum lot width requirements of this Ordinance shall be allowed as building sites without variances from lot area requirements and lot width requirements provided the use is permitted in the zoning district and all setback requirements and other applicable requirements are met.

**618. SHORELAND SUBDIVISIONS**

**(REFER TO SUBDIVISION REGULATIONS)**

## ZONING DISTRICTS

### AIRPORT APPROACH DISTRICT ~ (SECTION 619)

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#### **619. AIRPORT APPROACH DISTRICT**

Building restrictions in the Airport Approach District as indicated on the County Zoning Map are subject to Jackson Municipal Airport Zoning Ordinance adopted and administered by the joint Jackson city-county Airport Zoning Board and on file at the Jackson County Recorder's Office.

# ZONING DISTRICTS

## COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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### **620. COMMUNITY SANITARY SEWER SERVICE AREA (CSSSA)**

The CSSSA shall consist of the following areas:

Fish Lake – The Shoreland District in Section 4 & Section 5 of Christiania Township

Loon Lake – The Shoreland District within Section 13 of Minneota Township and the South Half of Section 18 & North half of Section 19 of Middletown Township.

#### **620.1 Purpose of the Service Area**

The Community Sanitary Sewer Service Area has been established to insure the proper treatment of wastewater to adequately protect both surface water and groundwater of the state as well as promote public health, safety and the general welfare of the public.

#### **620.2 Sewer Connection**

##### 1) Mandatory Connection

All properties that meet the following criteria will be required to immediately connect to the community sewer system.

Property is within the Community Sanitary Sewer Service Area.

- a) Property does utilize water or generates waste.
- b) The public sewer is within 300' of the structure generating wastewater.
- c) Only properties that are within the CSSSA that have been in writing, denied access to the sewer system based on considerations such as cost or capacity, will be allowed to install an individual on-site sewage treatment system following the issuance of all proper permits and approved by Jackson County.
- d) All wastewater generated from present and future buildings on this property must be discharged to the sanitary sewer system. Jackson County shall notify the owner by written notice that the public sewer is available. Within 30 days after the date of official notice to do so, the connection shall be completed. In the event that an owner shall fail to connect to the public sewer in compliance with a written notice given, the County must undertake to have said connection made and shall assess the cost thereof against the benefited property.

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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#### 2) Delayed Connection

Property within the CSSSA that generates waste may delay connection to said sanitary sewer for up to 10 years if all of the following exist:

- a) The existing system serving the property has been declared compliant by the Land Management Director in writing.
- b) Annual inspections take place to insure continued compliance. The property owner is responsible for the scheduling of said inspections and any related minor repairs and fees that are required. Property owner is required to keep record documentation on annual inspections.
- c) Once the Owner's on-site system has failed, the 10-year delayed connection time has expired, or major repairs are required, the Owner is required to connect to the Community Sanitary Sewer System (CSSS) at the Owner's Expense unless paid previously through assessment.

#### 3) Property Owner Petition

A property owner outside of the CSSSA may petition the County to be included in the district. All petitions will be reviewed by the Planning Commission and the community sanitary sewer system operator. All map amendments will follow procedures outlined in Section 504 of this ordinance.

### **620.3 Use of Public Sewers Required**

- 1) It shall be unlawful to discharge to any natural outlet within the CSSSA, or in any area under the jurisdiction of said County, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 2) Except as hereinafter provided, it shall be unlawful within the CSSSA to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as may be permitted under 620.4, below.

### **620.4 Private Treatment Systems**

- 1) Where a public sanitary or combined sewer is not available under the provisions of 620.2, Paragraph b, the building sewer shall be connected to a compliant subsurface soil treatment system complying with the provisions of this section.
- 2) Before commencement of construction of a private treatment system, the owner shall first obtain a written permit from the Land Management Director.

# ZONING DISTRICTS

## COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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- 3) The owner shall operate and maintain the private treatment system facilities in a sanitary manner at all times, at no expense to the County.

### **620.5 Building Sewers and Connections**

#### 1) Specific Requirements:

- a) Independent System. Each building sewer and drainage system shall be independent of that of any other building.
- b) Connection to the Main Public Sewer. Before any connection is made to a public sewer, an approved permit for such connection must be obtained from the Operator. Each connection to the main sewer shall be made to the fitting designated for that property. If a fitting in the main sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Operator.
- c) Wastewater Services Agreement and Membership Fee. The Operator may require each owner of property to be connected to the public sewer to sign a "Wastewater Services Agreement" and to pay a membership fee as established at the time of requested service.
- d) The connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota plumbing code except as modified herein.
- e) A "Y," "T," or "Cleanout" fitting may be installed near the building foundation to provide for cleanout purposes.

- 2) Supervision. The Operator shall supervise all building sewer connections and excavations for the purpose of installing or repairing the same.

#### 3) Specifications:

- a) Material. Building sewers shall be constructed of polyvinyl chloride (PVC), plastic sewer pipe.
- b) Pipe, Joints, and Connections. The construction of the building sewer and its connection to the Facilities shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation manual of Practice No. 9, and the American Society for Testing and Materials (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the operator before installation.

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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- c) Size of Building Sewer. Building sewers shall be sized to meet capacity requirements, but no building sewer shall be less than four inches in diameter.
- d) Grades for Building Sewers. Unless otherwise authorized, all building sewers shall have a grade of not less than one-eighth inch per foot. A grade of one-fourth inch per foot shall be used wherever practical.
- e) Trenching and Backfilling. All excavations shall be open trench work unless otherwise authorized by the Operator. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Backfilling shall not be done until final inspection is made by the Operator. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe.

Note: Where the floor of the trench is soft or rocky material the trench shall be excavated to four inches below grade and brought back to the proper grade with fine gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line.

#### 4) Inspection

Each and every part of the building sewer shall be inspected and approved by the Operator before being concealed or backfilled.

#### **620.6 Use of Sanitary Sewers**

- 1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. No person shall engage in an act intentionally or carelessly which results in breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, appurtenances or equipment that is part of the CSSS. Closure of the shut-off valve at the User's site may be initiated to protect the integrity and safety as well as public health of the Users and the CSSS.
- 2) Storm water and all other unpolluted drainage shall not be discharged into the sanitary sewer system.
- 3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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- b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- e) Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 10 percent of the average sewage flow, shall be subject to the review of the Operator. Where necessary in the opinion of the Operator, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Operator and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- f) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Operator that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Operator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater facilities, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
  - i) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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- ii) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- iii) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Operator.
- iv) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- v) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Operator for such materials.
- vi) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Operator as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- vii) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Operator in compliance with applicable State or Federal regulations.
- viii) Any waters or wastes having a pH in excess of 9.5.
- ix) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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- (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
  - x) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - xi) Water softener recharge water.
- 4) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this 620.6 of this Article, and which in the judgment of the County or Operator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Operator may:
  - a) Reject the wastes;
  - b) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - c) Require control over the quantities and rates of discharge; and/or
  - d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
  - e) Other Agreed Upon Method. If the Operator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Operator and subject to the requirements of all applicable codes, ordinances, and laws.
- 5) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Operator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Operator and shall be located as to be readily and easily accessible for cleaning and inspection.
- 6) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- 7) When required by the Operator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation,

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Operator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- 8) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas, pH's are determined from periodic grab samples).

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Operator and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Operator for treatment, subject to payment therefore, by the industrial concern.

#### **620.7 Water Well Restrictions**

- 1) When private water wells are used by the CSSS to determine monthly sewer billings on the system, a separate water meter will need to be installed to measure the flow to each property. No private water well shall be connected to, or shall be used to provide water for, any building, structure or facility that is connected to the wastewater facilities, unless it has a meter and has been approved by Jackson County. If a private water well is so approved, the property owner must purchase, install and maintain, at their expense, an approved water meter, unless the initial construction of the CSSS included new water meters and installation as part of the overall project costs.
- 2) No private water well shall be maintained or hereafter established that is not in compliance with the "separation distance" rules established by the Minnesota Department of Health requiring specific separation distances between private wells and waste water treatment facilities.

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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#### **620.8 Protection from Damage**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.

#### **620.9 Powers and Authority of Operator's/Agents**

- 1) The Operator and other duly authorized employees of the Operator bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Operator or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- 2) The Operator and other duly authorized employees of the Operator bearing proper credentials and identification shall be permitted to enter all private properties through which the Operator or the County holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.
- 3) Entry onto private property pursuant to subparagraphs 1 and 2, above, shall be accomplished only with the consent and knowledge of the Property Owner; or shall be accomplished pursuant to an administrative warrant, unless an emergency exists that requires entry without notice or consent to protect persons or property from damage.

#### **620.10 Abatement**

- 1) The Operator shall notify the Land Management Director of any property found to be violating any provision of this ordinance and the address of the property for which the violation has occurred.
- 2) The Land Management Director or his designee shall examine, or cause to be examined, every building or structure or portion thereof, and the related real estate, reported to be in violation.
- 3) If a violation is found, the Land Management Director shall give to the property owner of such building(s), structure(s) and/or real estate a written notice to abate following the procedures found in Section 5 of the Jackson County Public Nuisance Ordinance:

## ZONING DISTRICTS

### COMMUNITY SANITARY SEWER SERVICE AREA ~ (SECTION 620)

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- 4) For purposes of this Section, the "property owner" shall mean the record holder of legal title to the property. If there is a contract purchaser, the property owner shall mean such contract purchaser.
  
- 5) If the property owner should fail, neglect or refuse to comply with the notice, the County may order the Land Management Director to utilize Section 7.0, cost of Reimbursements in the Jackson County Public Nuisance Ordinance and follow the specified procedure to collect costs incurred by the County.

### **621. CLOSED LANDFILL RESTRICTED (CLR)**

#### **621.1 Purpose**

The Closed Landfill Restricted (CLR) 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 only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

For purposes of this ordinance, the Land Management Area for the Jackson County Landfill, a qualified facility under the MPCA's Closed Landfill Program, is described as:

Beginning at a point 664 feet north and 75 feet east of the Southwest corner of Section 21, Township 102 North, Range 36 West of the Fifth Principal Meridian, thence running east a distance of 1097 feet, thence running north a distance of 970 feet, thence running west a distance of 1097 feet, thence running south a distance of 970 feet to point of beginning, and containing 24.43 acres of land.

#### **621.2 Permitted Uses**

The following uses are permitted within the CLR District:

- Agricultural (crop farming only)
- Closed Landfill Management

#### **621.3 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.

### **621.4 Conditional Uses**

Any use other than the two permitted uses are considered non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the Office of the Jackson County Land Management Director.

Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area 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 Jackson County Board of Commissioners. 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.

### **621.5 Prohibited Uses and Structures**

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

### **621.6 General Regulations**

Requirements for all other general regulations are set forth in Section 701, Performance Standards, of the Jackson County Development Code.

Any amendment to this ordinance must be approved by the Commissioner of the MPCA and also the Jackson County Board of Commissioners.

# ZONING DISTRICTS

RESERVED FOR FUTURE AMENDMENTS ~ (SECTION 622)

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## 622. RESERVED FOR FUTURE AMENDMENTS

**701. PURPOSE**

The performance standards established in this section are designed to encourage a high standard of development. All districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. The Land Management Director shall be responsible for enforcing the standards.

**702. EXTERIOR STORAGE**

In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of thirty-six (36) hours) being used on the premises, agricultural equipment and material if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up truck. Boats and unoccupied trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line. Existing uses shall comply with this provision within twelve (12) months following enactment of this Ordinance

In all districts, the County may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

## **703. REFUSE**

In all districts, all waste material, with the exception of crop residue, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

**703.1** Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days unless there is a Conditional Use Permit recorded for this property which specifically allows for that activity. Inoperative shall mean incapable of movement under their own power, in need of repairs, abandoned or junked vehicles. Vehicles stored outside, without a current license attached thereto, is to be considered a nuisance and handled accordingly. All exterior storage not included as a permitted accessory use, permitted use, or included as part of a conditional use permit, or otherwise permitted by provisions of this Ordinance shall be considered as refuse.

**703.15** It shall be unlawful in any Zoning District to allow a condition to exist on real property that is defined in Section 4.0 of the Jackson County Public Nuisance Ordinance, which meets the definition of a Public Nuisance.

### **703.2 Waste Tires**

- 1) Minnesota Rules Chapters 7001 and 9220 are hereby incorporated by reference.
- 2) No more than ten (10) waste-tires may be stored within the boundaries of any residential lot.
- 3) No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.
- 4) Exceptions to Subd. 1 and 2 may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, construction or agricultural purposes. Where they comply with the requirements of other applicable laws or sections of this Ordinance.
- 5) Waste tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.
- 6) Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreland.
- 7) The owner of the land or premises upon which waste tires are located, which is in violation

## PERFORMANCE STANDARDS

REFUSE ~ (SECTION 703)

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of this Ordinance, shall be obligated to remove them to a licensed solid waste facility, obtain the license required by this Ordinance within one (1) year of the effective date of this Ordinance, or such later date approved by the Land Management Director.

- 8) The disposal of waste tires in the land is prohibited after July 1, 1985. This does not prohibit the storage of unprocessed waste tires at a collection or processing facility.
- 9) Transfer and Collection of waste tires must meet Minnesota Pollution Control Agency rules and regulations.

**704. SCREENING**

Screening shall be required in residential zones where (a) an off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Land Management Director.

All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment presently being used for construction on the premises; (3) merchandise located on service station pump islands; (4) agricultural materials and agricultural equipment located on property used for agricultural purposes.

The screening required in this section may consist of a fence, trees, shrubs and berms not less than five (5) feet high but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty feet (20) from the street right-of-way with landscaping between the screening and pavement. The screening shall block direct vision. Planting of a type approved by the County Board may also be required in addition to or in lieu of fencing.

## **PERFORMANCE STANDARDS**

### **LANDSCAPING MAINTENANCE ~ (SECTION 705)**

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#### **705. LANDSCAPING MAINTENANCE**

In all districts, all structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

**706. GLARE**

In all districts, any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, when created by floodlights, high temperature processes, such as welding as well as any solar panel arrangements, large or small shall not be directed into any adjoining property. The source of lights shall be heeded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 feet candles (meter reading) as measured from said property.

**707. PARKING**

**707.1 Surfacing and Drainage**

Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water without damage to adjoining property. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar surfaces as approved by the County Land Management Director.

**707.2 Location**

All accessory off-street parking facilities required herein shall be located as follows:

- 1) Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
- 2) Spaces accessory to multiple-family dwellings on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
- 3) Spaces accessory to uses located in a Business, within eight hundred (800) feet of a main entrance to the principal building served.
- 4) There shall be no off-street parking space within five (5) feet of any street right-of-way.
- 5) No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or use for residential purposes.

**707.3 General Provisions**

- 1) Access drives may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than one (1) foot to any side or rear lot line.
- 2) Park spaces. Each parking space shall not be less than nine (9) feet wide and twenty feet in length exclusive of an adequately designed system of access drives.
- 3) Control of off-street parking facilities. When required accessory off-street parking facilities are provided else-where than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property is

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occupied by such principal use, and the owner of the principal use shall file a recordable document with the county requiring the owner and his or hers heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

- 4) Use of parking area. Required off-street parking space in any District shall not be utilized for open storage or goods or for the storage of vehicles which are inoperable or for sale or for rent.

**707.4 Design and Maintenance of Off-Street Parking Areas**

- 1) Parking Areas shall be designed so as to provide adequate means of access to a public alley of street. Such driveway access shall not exceed twenty-two (22) feet in width and shall be so located as to cause the least interference with traffic movement.
- 2) Signs. No signs shall be located in any parking areas except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
- 3) Curbing and Landscaping. All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than three (3) feet from the side property line or a guard of normal bumper height not less than one (1) foot from the side property line. When said area is for six (6) spaces or more, a curb or fence not over five (5) feet in height shall be erected along the front yard set-back line and grass or planting shall occupy the space between the sidewalk and curb or fence.
- 4) Parking space for six (6) or more cars. When required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a fence of adequate design, not over five (5) feet in height nor less than four (4) feet in height shall be erected along the Residential District property line.
- 5) Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences.
- 6) Determination of Areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

**707.5 Truck Parking in Residential Areas**

No motor vehicle over one (1) ton capacity bearing a commercial license and no commercial licensed trailer shall be parked or stored in a platted residential district or a public street except when loading, unloading, or rendering a service. Recreation vehicles and pick-up trucks are not

# PERFORMANCE STANDARDS

## PARKING ~ (SECTION 707)

restricted by the terms of this provision.

### **707.6 Other Parking in Residential Areas**

Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short-term parking (six (6) hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses.

### **707.7 Off-Street Spaces Required (One space equals 300 sq. feet)**

- |   |   |
|---|---|
| 1) One and Two family residences                                  | Two (2) spaces per dwelling unit.   |
| 2) Multiple dwellings   | Two (2) spaces per dwelling unit.   |
| 3) Churches, Theaters, Auditoriums, and other places of assembly. | One (1) space for each three (3) seat of each five (5) feet of pew length. Based upon maximum design capacity.  |
| 4) Business and Professional Offices                              | One (1) space for each four hundred (400) square feet of gross floor space.   |
| 5) Medical and Dental Clinics                                     | Five (5) spaces per doctor or dentist, plus one (1) space for each employee.  |
| 6) Hotel or Motel   | One (1) space per rental unit plus one (1) space for each employee.   |
| 7) Schools  | At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom.   |
| 8) Hospitals  | At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor. |
| 9) Drive-in Food Establishment                                    | At least one (1) parking space for each fifteen (15) square feet of gross   |

# PERFORMANCE STANDARDS

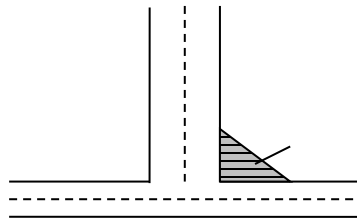
## PARKING ~ (SECTION 707)

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	floor space in building allocated to drive-in operation.
10) Bowling Alley	At least five (5) parking space for each alley, plus additional spaces as may be required herein for related uses such as restaurant, plus one (1) additional space for each employee.
11) Automobile Service Station	At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.
12) Retail Store	At least one (1) off-street parking space for each one hundred fifty (150) square feet of gross floor area.
13) Restaurants, Cafes, Bars,	At least one (1) space for each three Taverns, Night Clubs (3) seats based on capacity design.
14) Uses not specifically noted	As determined by the governing body following review by the Planning Commission.

**708. TRAFFIC CONTROL**

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic in to and out of business areas shall in all cases be forward moving with no backing into streets. On corner lots, (including rural areas) nothing shall be placed or allowed to grow with the exception of seasonal crops in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of fifty (50) feet from the intersection of the right-of-way lines.



No obstruction in shaded area of clear sight triangle.

# PERFORMANCE STANDARDS

## TREE AND WOODLAND PRESERVATION ~ (SECTION 709)

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### **709. TREE AND WOODLAND PRESERVATION**

**709.1** The following restrictions shall apply to all residential development occurring in wooded areas.

- 1) Structures shall be located in such a manner that the maximum number of trees shall be preserved.
- 2) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, he will restore the density of trees to that which existed before development but in no case shall he be compelled to raise density above ten (10) trees per acre.
- 3) Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- 4) Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half (1/2) of the crown area.

### **709.2 Forest Management Standards**

In all districts the harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

\* Refer to 612.8 for additional vegetative alteration restrictions in the shoreland district.

# PERFORMANCE STANDARDS

## SOIL EROSION AND SEDIMENT CONTROL ~ (SECTION 710)

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### 710. SOIL EROSION AND SEDIMENT CONTROL

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling or exposure of soils. In addition the applicant shall comply with the MPCA Stormwater Permit Program.

#### 710.1 General Standards

- 1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- 2) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- 3) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- 4) The drainage system shall be constructed and operational as quickly as possible during construction.
- 5) Whenever possible, natural vegetation shall be retained and protected.
- 6) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- 7) When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed 60 days. Said time period may be extended only if the Planning Department is satisfied that adequate measures have been established and will remain in place.
- 8) The natural drainage system shall be used as far as is feasible for the storage and flow run-off. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flows, erosion damage and construction costs.

\* Refer to 612.9 for additional requirements for grading and filling in shoreland areas.

**711. EXPLOSIVES**

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except by conditional use permit. Fireworks displays approved by a unit of government are exempt from the conditional use permit requirements.

## **PERFORMANCE STANDARDS**

### **REC. VEHICLES FOR TEMP. LIVING QUARTERS ~ (SECTION 712)**

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#### **712. RECREATION VEHICLES USED FOR TEMPORARY LIVING QUARTERS**

- 1) The Recreational Vehicle may not use a water or sanitary system or it must have an approved sanitary disposal system.
- 2) Except for Recreational Vehicles located in licensed campgrounds, a Recreational Vehicle located in an area zoned Shoreland must be removed from the property for a time period equal to or greater than 90 consecutive days per calendar year. The property owner must provide the Land Management Director documentation verifying the time period the Recreational Vehicle was absent from the property upon request by the Land Management Director.
- 3) A setback permit is not required for a recreational vehicle.

# PERFORMANCE STANDARDS

## DRIVE-IN BUSINESS DEVELOPMENT STANDARDS ~ (SECTION 713)

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### 713. DRIVE-IN BUSINESS DEVELOPMENT STANDARDS

The following standards shall apply to drive-in businesses in all districts.

- 1) The entire area of any drive-in business shall have a drainage system approved by the county engineer.
- 2) The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.
- 3) A fence or screen of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line.

#### 713.1 General

- 1) Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, in-door food and beverage service seating area.
- 2) The hours of operation shall be set forth as a condition of any building permit for drive-in business.
- 3) Each drive-in business serving food may have outside seating.
- 4) Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.

#### 713.2 Locations

- 1) No drive-in business shall be located within four hundred (400) feet of a public or parochial school, church, public recreation area, or any residential district.
- 2) No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.
- 3) No drive-in shall be located on any street other than one designed as a thoroughfare or business service road in the Policies Plan.

## **PERFORMANCE STANDARDS**

### **DRIVE-IN BUSINESS DEVELOPMENT STANDARDS ~ (SECTION 713)**

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#### **713.3 Site Plan**

- 1) The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
- 2) A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.
- 3) Adequate area shall be designed for snow storage such that clear visibility shall be maintained from the property to any public street.
- 4) The design of any structure shall be compatible with other structures in the surrounding area.
- 5) Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district.
- 6) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked on the sides and/or rear of the principal structure.
- 7) No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.
- 8) No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.

**713.4** In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

**713.5** The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

**714. NUISANCES**

**714.1** All nuisances are subject to the provisions of the Jackson County Public Nuisance Ordinance.

# PERFORMANCE STANDARDS

## AUTO SERVICE STATIONS ~ (SECTION 715)

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### **715. AUTO SERVICE STATIONS**

The following standards shall be applicable to auto and truck service stations in all districts.

- 715.1** A drainage system, subject to approval by the county engineer, shall be installed. The entire site other than that taken up by a structure or planting, shall be surfaced with concrete or other materials approved by the Governing Body. Pump islands shall not be placed in the required yards. The area around the pump island to a distance of eight feet on each side shall be concrete. A box curb not less than six inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty feet from the intersection of two street right-of-way lines. Each service station shall have at least two driveways with a minimum distance of one hundred seventy feet between centerlines when located on the same street.
- 715.2** No vehicle shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (15) days. Existing service stations shall comply with this requirement within forty-five (45) days of the effective date of this Ordinance.
- 715.3** Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise. Existing service stations shall comply with this requirement within three (3) months of the effective date of this Ordinance.
- 715.4** All areas utilized for the storage, disposal, or burning of trash debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner. Existing service stations shall comply with this requirement within nine (9) months of the effective date of this Ordinance.
- 715.5** Business activities not listed in the definition of service stations in this Ordinance are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: (a) automatic car and truck wash; (b) rental of vehicles, equipment, or trailers; and (c) general retail sales.

# PERFORMANCE STANDARDS

## SEWAGE DISPOSAL STANDARDS ~ (SECTION 716)

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### 716. SEWAGE DISPOSAL STANDARDS

#### 716.1 Administration

##### 1) Purpose

The purpose of the Sewage and Wastewater Treatment Ordinance shall be to provide minimum standards for the regulation of subsurface sewage treatment systems (SSTS) and septage disposal including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minn. Stat. Chapters 115 and 145A and Minnesota Rules Chapter 7080, 7081, 7082 and 7083 and as amended that may pertain to sewage and wastewater treatment.

##### 2) Objective

The principal objectives of this Ordinance shall include the following:

- The protection of the County's lakes, wetlands, rivers and streams and supplies of groundwater essential to the promotion of public health, safety and welfare.
- The protection of the County's environment and its socioeconomic growth and development of the County in perpetuity.
- Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.
- The provision of establishing minimum standards for SSTS placement, design, construction, re-construction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
- The provision of establishing minimum standards for septage removal, transport, treatment and disposal.
- The utilization of privy vaults and other non-water carried SSTS.
- The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, SSTS surveys and complaint investigations, as well as through technical assistance and education.

##### 3) Scope

This Ordinance shall regulate the design, construction and repair of SSTS in Jackson County, including but not necessarily limited to individual on-site and cluster or community SSTS privy vaults and other non-water carried SSTS, repair and/or replacement of failing SSTS and septage

# PERFORMANCE STANDARDS

## SEWAGE DISPOSAL STANDARDS ~ (SECTION 716)

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disposal. All sewage generated in unsewered areas of the county shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

### **4) Standard Adopted by Reference**

This Ordinance hereby adopts by reference Minnesota Rules Chapter 7080 and 7081 in their entirety as now constituted and from time to time amended.

The original Minnesota Rules Chapter 7080, “Individual Sewage Treatment Systems”, was replaced with four chapters:

- Minnesota Rules Chapter 7080, “Design Standards for Individual Subsurface Sewage Treatment Systems”,
- Minnesota Rules Chapter 7081, “Midsized Subsurface Sewage Treatment Systems”,
- Minnesota Rules Chapter 7082, “Requirements for Local SSTS Programs, and
- Minnesota Rules Chapter 7083, Subsurface Sewage Treatment Systems Licensing and Certification Program, Product Registration Program and Advisory Committee.

All Minnesota counties are required by MPCA to adopt, administer, and enforce these environmental protection standards through county ordinances as directed in Minnesota Rules Chapter 7082, the ordinances adopted by counties shall govern both individual subsurface sewage treatment systems (ISSTS) and mid-size subsurface sewage treatment systems (MSSTS) as defined in Minnesota Rules Chapters 7080 and 7081. These ordinances must be updated to the minimum standards of Minnesota Rules Chapter 7080 and 7081 in accordance with 7082. All statutory references contained herein assume that they may be amended from time to time and such amendments are adopted by reference.

This adoption does not supersede the County’s right or ability to adopt local standards that are compliant with Minnesota Statute 115.55. This ordinance applies within the incorporated and unincorporated areas of Jackson County excepting incorporated areas which have adopted standards that comply with Minnesota Statutes, section 115.55 and are at least as strict as this ordinance.

### **5) Administration by State Agencies**

Where a single SSTS (or group of SSTS under single ownership within one-half mile of each other) has a design flow greater than 10,000 gallons per day, the owner(s) shall make application for and obtain a State Disposal System (SDS) permit from MPCA. All SDS permits shall comply with MN Rules Chapter 7081.0040, as amended from time to time.

SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.

Plans and specifications must receive appropriate state and local approval before construction is

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initiated.

### **6) Administration by Jackson County**

The Land Management Office shall regulate SSTS and septage disposal in Jackson County pursuant to this Ordinance. The Land Management Office shall have the following duties and responsibilities:

- a) To review all applications for SSTS.
- b) To issue all permits required by this Ordinance for the installation of a Subsurface Sewage Treatment System.
- c) To inspect work in progress and to perform the necessary tests to determine its conformance with this Ordinance.
- d) To investigate complaints regarding SSTS and septage disposal.
- e) To perform compliance inspections.
- f) To issue certificates of compliance or notices of non-compliance where appropriate.
- g) To issue Stop Work Orders and Notices of Violation for violations of the Sewage Disposal Standards of this Ordinance.
- h) To maintain proper records for SSTS and septage disposal including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts.
- i) To submit annual reports to the MPCA to demonstrate enforcement of the local Ordinance per Minnesota Rules 7082.0500 and 7082.0600.
- j) To take complaints to the County Attorney for violations of the Ordinance.
- k) Arbitrate any disputes between SSTS professional, SSTS owners, or any combination thereof.

### **7) No Guarantee or Warranty by County**

Neither the issuance of permits, certificates of compliance, nor notices of non-compliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates, notices or permits, signify that the system in question is or has been designed and installed in compliance or noncompliance with the provisions of these standards and regulations.

## **716.2 Permitting**

### **1) Permits Required**

- a) For installation of a new SSTS or replacement of an existing SSTS.
- b) For any replacement of components that will alter the original function of the system.
- c) For any change to the treatment capacity of the system.
- d) For any change to the location of the system, or otherwise change the original system's design, layout, or function.
- e) Installation, replacement, alteration, repair, or extension of an SSTS shall not begin

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- without first obtaining an approved permit for that specific system.
- f) An approved permit shall not be required for the maintenance work identified under 716.2, subpart 2 of this Ordinance.
- g) Such permit is not transferable as to person or place.
- h) Approved permit shall expire 12 months after date of issuance.

### 2) **Permits shall not be required for the following:**

- a) Minor Repair – The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its original operable condition. Systems installed prior to April 1, 1996, must meet the standards set forth in Section 716.3, subpart 4.
- b) Repair or replacement of pumps, floats, or other electrical devices of the pump or baffles in a septic tank.
- c) Maintenance of septic tanks, pump tanks, or effluent filters.
- d) Repair or replacement of manholes and/or risers on septic tanks, and pump tanks.
- e) Repair actions upon approval by the County that meets Minnesota Rules Chapter 7080 and Minnesota Rules Chapter 7081.

### 3) **Property Owner Doing Own Work**

Property owners are allowed to do their own work if they meet **all** of the following:

- a) The system was designed by a licensed business with a valid license issued by the MPCA in accordance with Minnesota Rules Chapter 7083.
- b) The owner complies with 716.2 regarding all permitting.
- c) The permittee shall provide a signed Indemnification Agreement to the County which indemnifies and saves the County, holding it harmless from all losses, damages, costs and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provisions of this ordinance.
- d) The designed system is a gravity system and does not require the use of a pump to pressurize the distribution system.

### 4) **Permit Application Requirements**

SSTS application shall be made on forms provided by the County and signed by the applicant and/or the appropriately certified practitioner. All applications for an approved SSTS permit shall include the following information:

- a) Name and address of property owner.
- b) Legal description of the property including parcel number.
- c) SSTS Designer Name, address, phone number and State SSTS License number.
- d) Site Evaluation report as described in Minnesota Rules, Chapter 7080.1730.
- e) Design Report as described in Minnesota Rules, Chapter 7080.2430.

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- f) A Management Plan as described in Section 716.4, subpart 5b.
- g) Any other information requested pertinent to the process.
- h) A signed certified statement from the person(s) who conducted the work.
- i) Proposals to alter the approved permit shall be submitted by the licensed designer for review and the proposed change accepted by the County prior to construction of the SSTS.

### 5) **Application Review and Approval**

If, after consideration of the application, a qualified employee or authorized licensee of the County shall be satisfied that the work completed conforms to and complies with provisions of this Ordinance, the County shall give notice granting preliminary approval authorizing initiation of construction of the system as designed.

### 6) **Incomplete Application Information**

If after consideration of the application, the County shall be satisfied that the work contemplated will not conform to or comply with the provisions of this Ordinance; the County shall deny the design approval. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The submitted design may be revised or corrected and resubmitted to the County at any reasonable time for reconsideration.

### 7) **Fees**

The County Board shall establish fees for permits required by this Ordinance.

- a) Fees shall be due and payable at the time the design is submitted.
- b) The County Board shall establish, by resolution, fees for permits required by this Ordinance.
- c) Fees are non-refundable either in whole or in part unless otherwise authorized by the Jackson County Land Management Office.

### 8) **Variances**

A property owner may request a variance from the horizontal setbacks from property lines, rights of way, structures, or building standards. Variance applications shall be processed as provided in Section 506. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance where there are practical difficulties or particular hardship in meeting the strict letter of this Ordinance.

### 9) **SSTS Abandonment**

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules Chapter 7080.2500 and 7081.0300.

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### 716.3 Inspections and Property Transactions

#### 1) **Inspection General Requirements**

- a) Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions must be assessed or verified:
  - i. Water tightness assessment of all treatment tanks.
  - ii. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation verification report.
  - iii. Sewage backup, surface seepage, or surface discharge including a hydraulic function report.
- b) The certificate of compliance must include a certified statement by a qualified employee or licensed inspection business, indicating whether the SSTS is compliant with the ordinance requirements. If the SSTS is determined not to be compliant with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions which the SSTS does not comply.
- c) The certificate of compliance or notice of noncompliance must be submitted to the Land Management Office and the property owner no later than 15 calendar days after the inspection is completed.
- d) Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the County finds evidence of noncompliance.
- e) *Access to Premises and Records.* Upon the request of the County, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance.
- f) *Interference Prohibited.* No person shall hinder or otherwise interfere with the County in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the County shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

#### 2) **New Construction Inspections**

The final SSTS construction inspection shall be conducted by the qualified employee of the County. The permittee shall notify the County prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the approved permit. If any SSTS component is covered before being inspected and approved by the County, it shall be uncovered upon the direction of the County to assure that the system has been constructed per submitted and approved permit.

- a) Notifications for Inspections:

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- i. It shall be the duty of the property owner or licensed contractor to notify the County on the workday preceding the day inspection is desired.
  - ii. If the property owner or licensed contractor provides proper notice as described above and the County does not appear for an inspection within two (2) hours after time set, the contractor shall take pictures and complete the installation.
  - iii. The installer of an SSTS shall file a signed As-Built, including photographs of the system prior to covering, with the County within 30 days of a completed system installation. The As-Built shall include a certified statement that the work was installed in accordance with submitted permit conditions and that it was free from defects.
  - iv. Failure of the County to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, installing, or repairing any SSTS.
- b) When required by the County, holding, septic, or dosing tanks shall be filled with liquid to discharge invert level for sufficient period of time to demonstrate they are water tight. This shall be done by the installer.
- c) *Inspection Report.* A Certificate of Compliance or Notice of Noncompliance shall be prepared by the County following the final inspection or review of as-built plans submitted in accordance with 716.3, subpart 2a. A Certificate of Compliance or Notice of Noncompliance must include:
- i. A vertical separation report described in Minnesota Rules, Chapter 7082.0700, subpart 4, item B, subitem (2) and the management plan developed per Section 716.4, subpart 5b.
  - ii. Property and property owner identification, date of inspection, system components, system location (dimensioned or drawn to scale), well setback distance, field check of soil conditions, SWF, as defined under part 7080.1100, subpart 84, designations as applicable, and Class V designation as applicable.
  - iii. Must be signed by a licensed inspection business or by a qualified employee certified as an inspector who is authorized by Jackson County as well as a certified statement from the certified individual or qualified employee who conducted the compliance inspection and indicate whether the SSTS is compliant with local ordinance requirements.
  - iv. If a compliance inspection for new construction and replacement indicates that the system is not in compliance with applicable requirements, the notice must contain a statement to this effect and specify the reason for noncompliance.
  - v. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within thirty (15) days of the compliance inspection and a copy kept on file in the County.
  - vi. Certificates of Compliance for new or replacement system construction inspections remain valid for five years from the date of issuance provided the

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system does not fail or become an imminent public health threat or other cause as deemed appropriate by the County.

### 3) Stop Work Orders

Whenever any work is being done contrary to the provisions of this Ordinance, the County may order the work stopped by verbal or written notice personally served upon the installer or owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the County.

### 4) Mandatory Compliance Inspections of Existing Systems

An SSTS shall require a compliance inspection when any one of the following conditions occur:

- a) No owner of a tract of land on which a dwelling is located, or a tract of land on which a structure which is required to have a subsurface sewage treatment system, shall sell or transfer to another party said tract of land unless requirements as stated in 716.3 of this Ordinance are met.
- b) Any repair or replacement of an existing damaged or faulty component/part of an SSTS installed prior to April 1, 1996.
- c) Any time the County deems appropriate such as upon receiving a complaint or other information of system failure.
- d) If in the permitted construction, there is space for a bedroom either immediately or in the future or if the proposed addition will equal an additional 800 square feet or more of living space. For the purpose of this section of the ordinance, the converted use of other bedrooms in the residence will not be considered.
- e) If a request for a construction permit requiring a compliance inspection is received between December 1 and April 1 the County may issue a permit with the requirement that a compliance inspection be completed by the following June 15. If the SSTS is determined to be non-compliant it must be brought into compliance within one (1) year of the permit issuance or within ten (10) months if it is determined to be an imminent public health threat.
- f) The issuance of a permit of any type with all or a portion of the parcel located in the shoreland district, even though the actual residence may be outside the shoreland zone.
- g) For the purpose of this provision, a sewage treatment system shall not be considered non-complying if the only deficiency is the improper setback from the ordinary high-water level as long as it is not affecting the water body.
- h) SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under Minnesota Rules 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15% reduction in this separation distance (a separation distance no less than 30.6 inches) to account for

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settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

SSTS built before April 1, 1996, in areas that are not in a wellhead protection area, serving food, beverage, or lodging establishment or in shoreland as defined in Minnesota Rules 7080.1100, Subp. 84, must have at least two feet of separation.

#### 5) **Noncompliant Septic Systems**

A Notice of Noncompliance shall be issued and copies provided to the property owner and the County within 15 days under the following conditions:

- a) A SSTS failing to protect groundwater shall be upgraded, replaced, repaired or discontinued (abandoned) in compliance with Minnesota Rules Chapter 7080 and 7081, as applicable within one (1) year upon receiving a Notice of Non-Compliance. The County will consider weather conditions as compliance dates are established.
- b) A SSTS posing an imminent threat to public health or safety will be upgraded, replaced, repaired or discontinued (abandoned) in compliance with Minnesota Rules Chapter 7080 and 7081, as applicable within 10 months upon receiving a Notice of Noncompliance.
- c) In the situation where the ordinance requires that the septic system be brought up to current Minnesota rules and the possibility exists that the property may have the opportunity to connect to a community system the Land Management Director may allow a time extension for the sewer upgrade if the following exist:
  - i. Progress is being made towards the development of the community sewer system.
  - ii. The property owner is willing to sign a document which states that if the community sewer system does not continue to progress to the point of construction, that a system will be installed which meets current codes.
  - iii. The existing system has not been determined to be an imminent threat to public health or safety.
- d) Discharge of sewage to the surface without NPDES permit issued by the MPCA will be considered an ITPHS and is prohibited.

#### 6) **Sale or Transfer of Property**

- a) Property Sale – means the sale of property which requires the filing of a Certificate of Real Estate Value (CRV), or transfers due to foreclosure or gifting of property to heirs or assigns, or the execution of a contract for deed for purchase of real property. For contract for deed transactions, if a compliance inspection was completed at the time the contract was executed and recorded, no compliance inspections will be required at the time of filing a document to satisfy the contract, unless the Certificate

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- of Compliance has expired. However, if one was not done at the time the contract was executed, a compliance inspection will be required at the time the contract is satisfied.
- b) Property Transfer – include transfers due to foreclosure or gifting of the property to heirs or assigns. It does not include the following:
- i. Typographical corrections on deeds to names or legal descriptions
  - ii. Affidavits of survivorship
  - iii. Divorce decrees
  - iv. Tax forfeitures
  - v. Establishment of a trust
- c) Any property transfer, after the date of February 1, 2009, that has a dwelling or any other building with water using devices located on the property shall be required to have a complying SSTS determined by but not limited to one of the following:
- i. A current SSTS Certificate of Compliance on file with the County.
  - ii. Compliance Inspection for an existing SSTS done by a licensed SSTS inspector.
- d) No conveyance of land shall be made unless the seller and buyer shall have certified on a notarized form prescribed by the County that one of the following situations exists:
- i. The tract of land is without buildings or contains no dwelling or other building with water using devices.
  - ii. The sale or transfer completes a contract for deed entered into prior to February 1, 2009. This applies only to the original vendor and vendee on such a contract.
  - iii. Any dwellings or other buildings with plumbing fixtures have been disconnected or are connected to a municipal wastewater treatment system.
  - iv. A transfer that does not require a certificate of Real Estate Value such as typographical corrections on deeds, affidavits of survivorship, divorce decrees, refinancing of the property, tax forfeitures or the establishment of a trust.
  - v. The property owner and prospective buyer have signed an agreement to install a complying septic system within twelve (12) months of the property transfer. If the existing system has been designated as an Imminent Public Health Threat (IPHT), it shall be upgraded within ten (10) months of the property transfer. A copy of the agreement to install a complying septic system shall be given to the County.

#### **7) Transactions Occurring Between December 1 and April 1**

If the transaction occurs between December 1 and April 1 and the inspection cannot be completed, the transfer may occur with a stipulation that a compliance inspection (as certified by a licensed inspector) be completed and filed with the County by June 15 following the closing date. Any required construction shall follow the schedule found in Section 716.3.

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### 8) **Prohibition Against Transfer of Property; Enforcement**

No real property in Jackson County shall be transferred unless the parties to the transaction have complied with the requirements in this Ordinance.

### 716.4 **General Regulations**

#### 1) **Additional Standards for Health and Environmental Protection**

- a) **Septic tank - Septic tank capacity shall comply to 7080.1930**
  - i. All maintenance hole risers must extend through the tank cover, above final grade. The cover must be locked, bolted, screwed or weigh at least 95 pounds.
  - ii. The top of the sewage tank must not be buried deeper than four feet from final grade for new dwellings. Tanks installed deeper than four feet for new dwellings must provide documentation from the tank manufacturer indicating that it has been engineered for the final depth.
- b) **Separation Distances**
  - i. The separation distance from a well to an SSTS shall be as specified in Minnesota Rules Chapter 4725, as amended.
  - ii. The separation distances from SSTS to designated lakes and rivers shall be identified in the Jackson County Zoning Ordinance.
  - iii. The separation distance from an SSTS to a Type 3, 4, 5, or 6 wetland shall be seventy-five (75) feet.
  - iv. Existing system compliance inspections see 716.3 subpart 4.f.
- c) **Loading Rates**
  - i. The loading rate shall be as specified in Minnesota Rules 7080.2150 subpart 3, Tables IX or IXa.
  - ii. The County will make the determination whether a backhoe pit will be required for soil verification for an ISTS. A backhoe pit will be required for all systems with 5,000 gallons or more per day design flow.
- d) All designs and inspections must comply with Minnesota Rules Chapter 7080 and 7081 requirements. Any outside costs for consulting services to aid the County in making its decision on a submitted design shall be paid by the applicant.
- e) Lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, at-grade systems and rapidly permeable soils as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in Minnesota Rules 7081.0270, Subp. 3 through 7.
- f) Owners of new or replacement Class V injection wells, as defined in Code of Federal Regulations, title 40, part 144, shall submit inventory information to the Environmental Protection Agency and MPCA. All Class V wells shall be identified as such in property transfer disclosures.

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### 2) Maintenance

- a) For systems not operated under a management plan or operating permit, the owner of a SSTS or the owner's agent shall regularly, but in no case less frequently than every 3 years, measure or remove the accumulations of scum and sludge in the septic tank and is responsible for full maintenance of the SSTS as indicated by Minnesota Rules Chapter 7080.2450.
- b) All solids and liquids must be removed through the maintenance hole, from all tanks in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Total sludge and scum volume must not be greater than 25% of the tank's liquid capacity.
- c) Pumping records must be maintained by the owner of the system.
- d) Repairs are not allowed on Non-Compliant SSTS.

### 3) System Types

- a) **Type I Systems.** Type I Systems must be designed according to Minnesota Rules Chapter 7080 parts 7080.2200 to 7080.2240 and include:
  - i. Trenches & Seepage Beds
  - ii. Mounds
  - iii. At Grade Systems
  - iv. Graywater Systems
- b) **Type II Systems.** Type II Systems must be designed according to Minnesota Rules Chapter 7080 parts 7080.2270 to 7080.2290 and include:
  - i. Floodplain areas
  - ii. Privies
  - iii. Holding Tanks
    - (1) All tanks used as holding tanks must be tested for watertightness as specified in Minnesota Rules Chapter 7080, part 7080.2010.
    - (2) A cleanout pipe of at least six inches in diameter must extend to the ground surface and be provided with seals to prevent odor emissions and exclude insects and vermin. A maintenance hole of at least 20 inches in least dimension must extend through the cover to a point within 12 inches, but no closer than six inches, below final grade.
    - (3) For a dwelling, the minimum septic tank size is 1,000 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum capacity shall be at least five times the design flow. Tank sizing for floodplain areas must be calculated according to part 7080.2270 subpart 10.
    - (4) Holding Tanks must be located in an area readily accessible to the pump truck under all weather conditions and where accidental spillage during pumping will not create a nuisance and must meet the setback requirements as specified in Table VII in part 7080.2150, subpart 2, item

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- F.
  - (5) Holding Tanks must have an alarm device to minimize the chance of accidental sewage overflows. The alarm device shall indicate when the holding tank is 75% capacity.
  - (6) A Management Plan and monitoring and disposal contract signed by the owner and a licensed maintenance business is required unless the owner is a farmer exempt from licensing under Minnesota Statutes, section 115.6, subdivision 2, paragraph (b), clause (3). Farmers must comply with U.S. Environmental Protection Agency rules as found in 40 CFR part 503. The homeowner is responsible for ensuring that the plan guarantees the removal of the tank contents before overflow or any discharge.
- v. Type II systems, including holding tanks, are allowed only in areas where a Type I system cannot be installed, or a Type I system has been determined by the County to not be economically feasible.
- c) **Type III Systems.** Type III Systems must be designed according to Minnesota Rules Chapter 7080 in part 7080.2300.
- d) **Type IV Systems.** Type IV Systems must be designed according to Minnesota Rules Chapter 7080 in part 7080.2350.
- e) **Type V Systems.** Type V Systems must be designed according to Minnesota Rules Chapter 7080 in part 7080.2400. Type V systems may be used in areas where a Type I system cannot be installed or if a system is considered new technology with limited data on reliability.

#### 4) Performance Standards

- a) This subdivision hereby adopts by Reference Minnesota Rules Chapter 7081.0080, Performance.
- b) Each system under this part must be operated under the permit requirements of 716.4, subpart 5 of this Ordinance. Reasonable assurance of performance of the system must be submitted to the county. The design of the system must be submitted and approved by the county.
- c) Systems designed, constructed, and operated under this part shall meet or exceed the following requirements:
  - i. Only sewage may be discharged into the system.
  - ii. Treatment processes and devices shall not allow bodily contact with sewage or sewage effluent.
  - iii. Disposal of sewage effluent shall be below final grade, with the effluent remaining below final grade until reaching a groundwater discharge area. The sewage shall not discharge to a drain tile, ground surface, surface water or back up into the dwelling.
  - iv. The treatment and disposal of sewage or sewage effluent shall be in a safe manner that adequately protects the public; including protection from physical injury and harm.

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- v. All methods and devices used to treat and dispose of sewage shall conform to all applicable federal, state and local requirements.
- vi. All devices shall be operated and maintained in accordance with manufacturer's requirements.
- d) Groundwater and surface water protection as defined in 7081.0080 Subpart 4.
- e) Design flow shall be determined in accordance with Minnesota Rules Chapter 7080.1850 and 7080.1860 for dwellings or with Minnesota Rules Chapter 7080.1880, 7080.1885 and 7081.0110 for groups of dwellings or other establishments.
- f) Systems designed and constructed under this part shall be considered in compliance if they meet the conditions of the approved permit.
- g) SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

### 5) Operating Permit/Management Plans

This subdivision hereby adopts by reference Minnesota Rules Chapter 7082.0600.

- a) **Operating Permit.** An operating permit is required for all Type IV and Type V Systems and MSTs.
  - i. At a minimum, the operating permit shall include:
    - (1) Maintenance requirements.
    - (2) Monitoring locations, procedures and recording requirements.
    - (3) Compliance limits and compliance boundaries.
    - (4) Reporting frequency, not less than annually.
    - (5) Requirements that the permittee notify the permitting authority when monitoring plan requirements are not met.
    - (6) System performance requirements.
    - (7) System operating requirements.
    - (8) Valid contract between the owner and a licensed maintenance business.
    - (9) Disclosure, location and condition of acceptable soil treatment and dispersal system site.
    - (10) Descriptions of acceptable and prohibited discharges.
  - ii. If item A is not complied with, the system is in violation of its operating permit.
- b) **Management Plans.** Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the County with the system design for review and approval. At a minimum, the management plan shall include:
  - i. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform.
  - ii. Monitoring requirements.
  - iii. Maintenance requirements including maintenance procedures and a schedule for routine maintenance.

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- iv. Statement that the owner is required to notify the County when the management plan requirements are not being met.
- v. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owners residence.
- vi. Other requirements as determined by Jackson County.

### 6) **Septage Disposal**

Septage or any waste mixed with septage must be disposed of in accordance with state, federal, and local requirements for septage and other wastes. If septage is disposed of into a sewage or septage treatment facility, a written agreement must be provided between the accepting facility and the maintenance business.

### 716.5 **Licensing and Enforcement**

#### 1) **Licensing Requirements**

- a) SSTS Inspectors, Designers, Installers, Service Providers and Maintainers. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of on-site sewage treatment systems in Jackson County without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency.
- b) License Exemptions. As per MN Rule 7083.0700 and MN Statutes 115.56.

#### 2) **Enforcement and Notice of Violations**

- a) *Cause to Issue a Notice of Violation.* Unresolved and with separate, recurrent, or continuing violations of this Ordinance by an applicant, permittee, installer, or other person, as determined by inspections, re-inspection, or investigations shall constitute nonconformance or noncompliance with this Ordinance.
- b) *Serving a Notice of Violation.* A Notice of Violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of the Ordinance.
- c) *Contents of a Notice of Violation.* A Notice of Violation shall contain the following:
  - i. A statement documenting the findings of fact through inspections, re-inspection or investigations
  - ii. A list of specific violations of this Ordinance.
  - iii. The specific requirements for correction or removal of said violations.
  - iv. A mandatory time schedule for correction, removal and compliance with this Ordinance.
  - v. Specific enforcement actions that will be taken if corrective action is not completed.

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- d) *State Notification of Violations.* Any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed person or any pumping and disposal of septage by a licensed pumper or hauler done in violation of the provisions of this Ordinance shall be cause for notification to the Minnesota Pollution Control Agency.
- e) *Enforcement.* Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance, or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law. In the event of a violation of this Ordinance, in addition to other remedies, the County Attorney may institute appropriate actions of proceedings to prevent, restrain, correct or abate such violation.

### 3) Liability

Any liability or responsibility shall not be imposed upon the County or agency or any of its officials, employees or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements or inspections authorized hereunder.

### 4) Appeals

Disputes between SSTS professionals will be resolved by the following:

- a) Meet on-site with the septic contractor and at least one county staff member.
- b) If dispute is not resolved through this meeting, obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by both parties. The soil scientist is hired at the expense of the property owner. The decision of the licensed professional soil scientist is final.
- c) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to Jackson County and all other parties involved.

## **PERFORMANCE STANDARDS**

### **BULK STORAGE (LIQUID OR GAS) ~ (SECTION 717)**

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#### **717. BULK STORAGE (LIQUID OR GAS)**

All above ground bulk storage tanks and containment structures containing oil, gasoline, liquid fertilizer, chemicals and similar liquids will be required to meet all County setback requirements but will not require a setback permit. The landowner must demonstrate that all state and federal regulations are being met upon request of the Land Management Office. All below ground tanks in excess of 1100 gallons per tank of oil, gasoline, liquid fertilizer, chemicals and similar liquids will require a conditional use permit in order that the governing body may have assurance that fire, explosion, or water and soil contamination hazards are not present which would be detrimental to the public health, safety and general welfare of Jackson County Citizens. Any existing storage tank in excess of 1100 gallons that, in the opinion of the governing body, constitutes a hazard to the public health and safety shall discontinue operations within (5) five years following the enactment of this ordinance.

**718. SUBDIVISION OF LAND**

**718.1 Purpose**

It is the purpose of this section to safeguard the best interest of the citizens of Jackson County; to assist the sub-divider in harmonizing his interests with those of the County at large, as well as with those of the local municipalities; to increase accuracy of property records for fair taxation; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork pattern, and poor circulation of traffic; to correlate land subdivisions with the County Comprehensive Plan; to secure the right of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to encourage proper monumentation of property boundaries; to discourage inferior development which might adversely affect property values; and to establish subdivision development at standards compatible with affected municipalities.

**718.2 Conveyance by Metes and Bounds**

No conveyance of land shall be made unless such parcel meets the following requirements:

- a) Parcel is an Existing Parcel of record; or
- b) The parcel described in the conveyance document submitted for recording is fully described using the process described in the Public Lands Survey System (PLSS) enacted by Congress for determining “aliquot” parcels within surveyed sections of land’ this process is described as “midpoint protraction and intersection” and is the method whereby sections of land are subdivided into halves and quarters, with those halve and quarters being further subdivided into halves and quarters using the same process (i.e. the description only includes government fractions) and said described parcel is at least ten (10) acres in size assuming the section in question is a perfect square being 5,280 feet on each side and such description can be located within the section with certainty; or

Acceptable Examples (not requiring a survey, Examples based in NW ¼):

See next page:

# PERFORMANCE STANDARDS

SUBDIVISION OF LAND ~ (SECTION) 718

<u>160 acres</u>	<u>20 acres continued</u>	<u>10 acres continued</u>
NW1/4	W1/2 of NW1/4 of NW1/4	NW1/4 of NE1/4 of NW1/4 NE1/4 of NE1/4 of NW1/4 SW1/4 of NE1/4 of NW1/4 SE1/4 of NE1/4 of NW1/4
80 Acres	E1/2 of NE1/4 of NW1/4	
N1/2 of NW1/4	W1/2 of NE1/4 of NW1/4	NW1/4 of SW1/4 of NW1/4 NE1/4 of SW1/4 of NW1/4 SW1/4 of SW1/4 of NW1/4 SE1/4 of SW1/4 of NW1/4
S1/2 of NW1/4		
E1/2 of NW1/4	N1/2 of SW1/4 of NW1/4	
W1/2 of NW1/4	S1/2 of SW1/4 of NW1/4	
	E1/2 of SW1/4 of NW1/4	
	W1/2 of SW1/4 of NW1/4	NW1/4 of SE1/4 of NW1/4 NE1/4 of SE1/4 of NW1/4 SW1/4 of SE1/4 of NW1/4 SE1/4 of SE1/4 of NW1/4
40 Acres	N1/2 of SE1/4 of NW1/4	
NW1/4 of NW1/4	S1/2 of SE1/4 of NW1/4	
NE1/4 of NW1/4	E1/2 of SE1/4 of NW1/4	
SW1/4 of NW1/4	W1/2 of SE1/4 of NW1/4	
SE1/4 of NW1/4		
	10 acres	
20 acres	NW1/4 of NW1/4 of NW1/4	
N1/2 of NW1/4 of NW1/4	NE1/4 of NW1/4 of NW1/4	
	SW1/4 of NW1/4 of NW1/4	
S1/2 of NW1/4 of NW1/4	NW1/4	
E1/2 of NW1/4 of NW1/4	SE1/4 of NW1/4 of NW1/4	

Other acceptable examples (not requiring surveys):

- The N ½ NE ¼ NE ¼ excepting therefrom [a building site already of record or previously surveyed with the survey approved] is acceptable without an additional survey IF the remaining parcel not excepted is at least 10 acres in size.

Unacceptable Examples (would require a survey):

- South 20 acres of the NW ¼ NW ¼ as it does not use the midpoint protraction and intersection process.
- N 1/3 SE ¼ is not acceptable because the line for the 1/3rd cannot be determined using

midpoint protraction and intersection.

- That part of the SW ¼ lying east of [landmark or natural or manmade feature described] is not acceptable because the description does not exclusively using the process above to describe the parcel.
- c) Conveyancing document is accompanied by a certificate of survey and a certificate of Approval from the County GIS Technician.

**718.3 Procedure for Obtaining Certificate of Approval**

Proposed Certificate of Survey shall be submitted to the Jackson County Recorder’s Office, who shall then submit to the County GIS Technician and have ten (10) days from receipt of said certificate to review the survey for conformity with applicable provisions of the County Zoning Ordinance.

- a) Proposed Certificate of Survey shall include the proposed metes and bounds description.
- b) Proposed Certificate of Survey shall be stamped and signed by a Minnesota Licensed Land Surveyor.
- c) Distances of the proposed Certificate of Survey, both in drawing and the legal description, shall be stated to either the tenth or hundredth of the foot. Angles to be stated to either minutes or seconds.
- d) Proposed Certificate of Survey shall be submitted to the GIS Technician in an AutoCAD Microstation (.dwg) or GIS shapefile (.shp) format along with an accompanying paper copy.
- e) Proposed Certificate of Survey shall utilize MN Counties - Jackson County Coordinate System (alternative coordinate system must be approved by GIS Technician – assumed coordinates systems are not acceptable).
- f) Proposed Certificate of Survey shall conform to the guidelines set forth in the Minnesota Society of Professional Surveyors – Recommended Guidelines for the Practice of Land Surveying and U.S. Department of Interior Bureau of Land Management – Manual of Surveying Instructions.
- g) Other Information deemed necessary by the GIS Technician to adequately review the proposed conveyance of land.

**718.4 Timing of Application of Subdivision of Land Requirements**

## PERFORMANCE STANDARDS

### SUBDIVISION OF LAND ~ (SECTION) 718

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The above requirements shall be met prior to a conveyance document being filed with the County Recorder's Office which causes the legal primary ownership of the described property to be changed and the property described to be split or subdivided from a larger pre-existing parcel.

Examples: if a parcel is being subdivided by a deed (including but not limited to warranty deed, quit claim deed, deed reserving life estate) or any other conveyance the above requirements must be met. For a Transfer on Death Deed the ownership is not transferred until the death of the grantor; therefore, upon the death of the grantor the receiving parties will be responsible for meeting the above requirements before the subdivision of the parcel may occur.

#### **718.5 Compliance Refusal**

The County Auditor shall refuse to transfer any land where these requirements are not met. Setback permits shall not be issued for construction on tracts conveyed in contravention of this ordinance and the County and Township may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

# PERFORMANCE STANDARDS

## SHELTERBELTS AND FIELD WINDBREAKS ~ (SECTION 719)

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### **719. SHELTERBELTS AND FIELD WINDBREAKS**

#### **719.01 New Shelterbelts and Field Windbreaks**

For all Shelterbelts and Field Windbreaks planted after December 31, 2012, these shall be a minimum setback of one hundred (100) feet from the centerline of any public road.

#### **719.02 Nonconforming Existing Shelterbelts**

- 1) Nonconforming Shelterbelts and Field Windbreaks that exist as of December 31, 2012, shall be permitted to continue. Trees or shrubs within the Shelterbelt that become damaged or diseased may be replaced; however, such replacements shall not expand the footprint of the nonconforming portion of the Shelterbelt.
- 2) The Land Management Director may waive the limitation on expansion of the footprint of a non-conforming existing Shelterbelt upon receiving a written recommendation for approval of the requested waiver from the Jackson County Soil and Water District and either: (1) the Minnesota Department of Transportation if the waiver is for the setback from a State Road; or (2) the Highway Engineer if the waiver is for the setback from a County Road or County State Aid Highway; or (3) the Township Board if the waiver is for the setback from a Township Road or Unclassified Road. The written recommendation shall state that waiver of the setback requirement will not create a snow deposition hazard or create a safety hazard by obstructing traffic sight lines.
- 3) No part of any nonconforming existing Shelterbelt may be located within the public road right-of-way or any public road easement. Trees and vegetation located within a public road right-of-way or public road easement shall be removed by the landowner at the request of the applicable road authority.

## **PERFORMANCE STANDARDS**

### **DWELLING UNITS PROHIBITED ~ (SECTION 720)**

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#### **720. DWELLING UNITS PROHIBITED**

No garage, tent, trailer, or accessory building shall at any time be used as a permanent residence.

# PERFORMANCE STANDARDS

## STORMWATER MANAGEMENT ~ (SECTION 721)

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### **721. STORMWATER MANAGEMENT**

**721.05** A Stormwater plan which addresses the standards listed in this section must be filed along with all building permit applications in the shoreland district if requested by the Land Management Director.

The following general and specific standards shall apply:

#### **721.1 General Standards:**

- 1) When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- 2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- 3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

#### **721.2 Specific Standards:**

- 1) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- 2) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

## PERFORMANCE STANDARDS

### AGRICULTURE USE STANDARDS ~ (SECTION 722)

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#### 722. AGRICULTURE USE STANDARDS

- 1) The shore impact zone for parcels with permitted agricultural land uses is an area with a 50 ft. average width and a 30 ft. minimum width, as measured from the ordinary high water level if identified, or the top or crown of bank or normal water level as provided by Minnesota Statutes, Section 103F.48, subd. 3(c), whichever is applicable.
- 2) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service Field Office Technical Guide (FOTG), practices approved by the Board of Water and Soil Resources (BWSR), or practices based on local conditions approved by the local Soil and Water Conservation District that are consistent with the FOTG.
- 3) Animals – Any building in which farm animals are kept shall be a distance of one hundred (100) feet or more from any occupied building. Any open air roofed enclosure in which animals are kept shall be a distance of two hundred (200) feet or more from any occupied building. The Jackson County Board may order the owner of any property where animals are kept to apply for a conditional waste permit if it is deemed to be in the interest of the public health, safety or general welfare. These separation distances shall not apply to farm outbuildings if the outbuilding is located on property owned by the owner of the livestock building or open air roofed enclosure. These separation distances shall not apply to farm residences if the farm residence is located on property owned by the owner of the livestock building or open air roofed enclosure.

**723. VACATED STREETS**

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

**724. PLATTING**

All buildings hereafter erected upon on unplatted land shall be so placed that they will not obstruct proper street extensions or other features or proper subdivision and land planning.

# PERFORMANCE STANDARDS

## PERMITTED ENCROACHMENTS ~ (SECTION 725)

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### 725. PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements:

- 1) In any yard: Posts, off-street open parking spaces, flues, belt course, leaders, sills, pilasters, lintel, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter provided.
- 2) In side and rear yards: Bays not to extend a depth of three (3) feet or contain an area of more than thirty (30) square feet, fire escape not to exceed a width of three (3) feet. Balconies eight (8) feet above grade may extend into yards to within five (5) feet of a lot line provided said balconies do not extend over driveways. Breezeways, detached outdoor picnic shelters, open arbors, trellises, and detached outdoor living rooms may extend to within five (5) feet of a side or rear lot line except that no such structure shall exceed five hundred (500) square feet. Covered porches may extend twenty (20) feet into the rear yard but not closer than ten (10) feet from the rear lot line.
- 3) Height limitations shall not apply to barns, silos and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulations.

Except the owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Land Management Director that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER) system.

- 4) In no event shall off-street parking space, structures of any type, buildings, or other features cover more than seventy-five (75) percent of the lot area resulting in less than twenty-five (25) percent landscaped area in Residential Districts.
- 5) Refer to Variance Exceptions, Section 506.05.

# PERFORMANCE STANDARDS

## ACCESS DRIVES AND ACCESS ~ (SECTION 726)

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### **726. ACCESS DRIVES AND ACCESS**

**726.1** Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two family residence, no closer than five (5) feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

**726.2** Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

**726.3** Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Land Management Director shall review all access drives (driveways) for compliance with accepted county access drive standards.

### **726.4 Driveway Standards**

All driveways shall have a minimum width of ten (10) feet with a pavement strength capable of supporting emergency and fire vehicles.

**726.5** All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the Governing Body.

**727. ANIMAL FEEDLOTS**

**Purpose and Intent**

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

However, livestock, poultry and other animals produce manure which may, where improperly stored, transported, or disposed of, cause a negative effect on Jackson County's environment. Jackson County residents must realize that in agricultural areas of the county there will be periods of time when there are Ag related noise dust and odors. The producers must also realize that it is their responsibility to manage the operation using the most environmentally sound best management practices available to them.

The following ordinance for the control of livestock, poultry and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals, and to protect the general health wealth and safety of its residents.

All feedlots within Jackson County as defined in Minnesota Rules, Chapter 7020 shall comply with minimum standards set forth within those rules and this Ordinance.

Feedlot, new- Where a feedlot did not previously exist or where an animal feedlot existed previously which has been abandoned or unused for a period of five or more years. A feedlot shall be considered a new feedlot when the application meets two or all of the following:

- 1) The site is on its own separate parcel of land.
- 2) The site has its own water supply.
- 3) The site has its own electrical service.

**727.1 Permits and Registration of Feedlots**

Registration and permitting will be in accordance with the Minnesota Rules Chapter 7020, which is herewith adopted by reference in its entirety and without change except as may be amended by the State.

### Additional County Requirements:

- 1) All proposed and existing animal feedlots with more than 10 animal units are required to register or submit an application for the appropriate permit dependent on the size of the facility to the County Feedlot Pollution Control Officer and to the Pollution Control Agency for review. Jackson County has entered into an agreement with MPCA to assist producers in meeting the requirements of state regulations. Under this agreement Jackson County will issue registrations, construction short form permit and interim permits for qualifying feedlots. For the purpose of these regulations, animal units refer to the cumulative animal unit capacity of an individual farm at any one time.
- 2) Feedlots established and/or operating in Jackson County, including the handling of animal manure either generated in or outside the county and transported into the county for use as a domestic fertilizer shall conform with the standards contained herein and in any other Section of the Jackson County Ordinance and the State of Minnesota Statutes or Rules that apply to animal feedlots and/or manure management.
- 3) All feedlots which require county zoning permits as set forth by this Development Code shall submit an application to the Land Management Director for review.
- 4) Prior to restocking an existing feedlot or manure storage area which has been abandoned for five or more years the site shall be re-evaluated to determine if the site meets current zoning requirements.
- 5) Prior to using a structure for storing manure or process wastewaters which has been unused for a period of three years or more shall have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to Minnesota Rule 7020.0405.

Manure storage areas that have been abandoned or unused for five years must have nine (9) months of storage capacity. Exception to this would be if there are acres available for manure application during the crop growing season that meets Minnesota Rule 7020.2225 and this Ordinance.

- 6) All feedlots or manure storage areas required to be registered in Jackson County will need to have sufficient land available for manure application. Registration applications will require the owner to submit locations of available acres for manure and process wastewater application. Sufficient, available acres for application must be kept current.
- 7) All feedlots shall be operated in a nuisance free manner, consistent with the permit or registration conditions.
- 8) Jackson County Board of Commissioners will establish appropriate fees for County issued Registration, Construction Short Form Permits and Interim Permits and for County

# PERFORMANCE STANDARDS

## ANIMAL FEEDLOTS ~ (SECTION 727)

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assistance to NPDES, State Disposal System permits and Interim Permits issued by Minnesota Pollution Control Agency.

### **PERMIT PROGRAM**

#### **Interim Permit**

Can be issued by MPCA or County Feedlot Pollution Control Officer

- A potential pollution hazard has been identified but has not been corrected.
- $\geq 300$  animal units and land application of manure or process wastewater.
- Where phosphorous levels  $>75$  ppm Bray/ $60$  ppm Olsen in Special Protection Areas and  $>150$  ppm Bray/ $120$  ppm Olsen outside of Special protection Areas.
- Special protection areas with slopes  $>6\%$ .
- Vulnerable drinking water supply management areas.
- Pollution Hazard and expanding to  $\geq 300$  animal units. Expansions shall not be stocked until pollution hazard, for which permit was issued, has been corrected.
- May be issued at sites in the 2005/2010 Open Lot Agreement for pollution problems not related to open lot runoff.
- Liquid manure storage area that has been unused for  $\geq 3$  years, must submit a permit application with an engineer evaluation of condition of storage area liner.

#### **Construction Short Form Permit**

Can be issued by MPCA or County Feedlot Pollution Control Officer

- Issued to sites with 300 – 999 animal units for construction or expansion where no pollution hazard exists.
- 24 month duration. If work for which CSF Permit was issued is not complete upon expiration date, CSF Permits may be extended an additional 24 months. Extensions require MPCA or County Feedlot Pollution Control Officer notification 90 days prior to expiration of CSF Permit.

### **State Disposal System Permit**

Issued by MPCA.

- $\geq 1,000$  animal units and not a CAFO.
- Pollution hazard that cannot be fixed with an Interim Permit.
- New technology not specified in Minnesota Rules Chapter 7020.
- As required by an EAW.

### **National Pollutant Discharge Elimination System (NPDES) Permit**

Issued by MPCA

- CAFO -  $\geq 1000$  animal units or meeting EPA CAFO definition or as designated by MPCA.
- A livestock facility has the potential to discharge manure and/or polluted runoff to surface or ground waters.

(This permit contains requirements, conditions and compliance schedules relating to the discharge of animal manure pollutants.)

### **Registration**

Issued by MPCA or County Feedlot Pollution Control Officer.

- Facilities in the 2005/2010 Open Lot Agreement.
- Change of ownership, assumes no changes in operation.
- Facilities located in county fairgrounds.
- Short-term stockpiles or compost site if owner is only owner of short-term stockpile of compost site.
- Construction at sites with  $< 300$  animal units and no pollution hazard. Plans and specs must be submitted to MPCA or CFO for review and notifications made to MPCA or CFO 30 days prior to construction start.

### **727.15 Other Permits and Notifications**

- 1) Environmental Quality Board's Environmental Assessment Worksheet Rules for Animal Feedlots is herewith adopted by reference in its entirety without change except as may be amended.
- 2) Minnesota Statutes, section 116.07 requires applicants for feedlot permits with an accumulative total of over 500 animal units to notify each resident and owner of real property within 5000' of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper or general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot.
- 3) A Department of Natural Resources Water Appropriation Permit may also be required and should be investigated.

### **727.2 Setback Requirements**

Location restrictions and expansion limitations will be in accordance with Minnesota Rules Chapter 7020 and is herewith adopted by reference in its entirety and without change except as may be amended by the State.

#### **Additional County Requirements:**

- 1) New Feedlots shall not be located within one thousand (1,000) feet of a public park.
- 2) New feedlots shall not be located within one-half (½) mile of a church or residence other than the owner or within one-half (½) mile of a municipal boundary.
- 3) An existing animal feedlot which has been abandoned or unused for a period of five-years or more in the Ag-District located within one-half mile of a residence will need to apply for a Variance to restock.
- 4) All existing feedlots may not expand closer than 500 feet to the nearest existing neighboring residence, a church or 500 feet of a municipal boundary.
- 5) For the purpose of the Feedlot Section of this Ordinance setback requirements are to be measured from the closest foundation of the residence or church to the closest foundation of the building to house livestock animals or manure storage area. In the case of municipal boundaries and public parks setback requirements are to be measured from the closest foundation of the building to house livestock animals or manure storage area to the closest boundary or property line.

### **727.3 Other Requirements**

The following are herewith adopted by reference in its entirety and without change except as may be amended by the State: Livestock Access to Waters Restriction, Water Quality Discharge Standards, Ambient Air Quality Standard Applicability and Poultry Barn Floors.

### **727.4 Dead Animal Disposal**

All handling and disposal of dead livestock shall meet the minimum standards required by the Board of Animal Health, University of Minnesota and the MPCA, such as, but not limited to:

Provide Jackson County a Dead Animal Disposal Plan indicating the type of disposal practice.

Burial may not be conducted in Shoreland, Floodplain, gravel pits, within 150 feet up-slope of a well or 1,000 feet up-slope of a community water system. Burial trench may not contain water.

### **727.5 Manure Storage Area**

Animal Feedlot or Manure Storage Area Closure, Liquid Manure Storage Areas, Un-permitted or Non-certified Liquid Manure Storage Areas, Manure Stockpiling and Composting Sites requirements will be in accordance to Minnesota Rules, Chapter 7020 and is herewith adopted by reference in its entirety and without change except as may be amended by the State.

### **Additional County Requirements:**

#### **Manure Stockpiling and Compost sites**

- 1) All manure stockpiles must meet MN Rule 7020.2125.
- 2) Permanent manure stockpile sites and manure compost sites will be considered a feedlot for this Ordinance and shall meet the appropriate setbacks for a new or expanded feedlot.
- 3) All short-term manure stockpiling sites must meet the following setbacks:

# PERFORMANCE STANDARDS

## ANIMAL FEEDLOTS ~ (SECTION 727)

Short-term manure stockpiling setbacks for all sites				
Feature	Setback Distance		Feature	Setback Distance
Watercourse, streams, wetlands, public or private ditches	300'		Lakes	1000'
Public Road Right-of-way	300'		Open Tile Intake	300'
Private Well	200'		100-year floodplain	Prohibited
Municipal Well	1000'			

The following are additional setbacks required to be met when short-term manure stockpiles are created away from the feedlot site				
Feature	Setback Distance		Feature	Setback Distance
Residential Area (10 or more homes) or municipality	2,640'		Neighboring Residence	1320'
Church	2,640'		Property Line	10'

### Concrete-lined Manure Storage Area

- 1) All below or above ground manure storage facilities must be constructed in a manner which does not create a pollution hazard.
- 2) The perimeter tile shall be installed with an inspection riser sized properly to allow a water sample to be taken as requested by the Planning and Environmental Office. The inspection riser must be rigid PVC with 6" diameter or greater. The producer will be responsible for all testing expenses.

### Earthen Storage Basins

- 1) New earthen storage basins for liquid swine manure shall be prohibited.
- 2) Earthen storage basins require a conditional use permit.
- 3) The perimeter tile shall be installed with an inspection riser sized properly to allow a water sample to be taken as requested by the Planning and Environmental Office. The inspection riser must be rigid PVC with 6" diameter or greater. The producer will be responsible for all testing expenses.

## PERFORMANCE STANDARDS

### ANIMAL FEEDLOTS ~ (SECTION 727)

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- 4) Deep rooted plants such as alfalfa, cattails, shrubs and trees cannot be allowed to grow on the banks since the roots may penetrate the clay lining material, allowing liquid in the basin to seep into groundwater.
- 5) The basin must be appropriately fenced to prevent access by animals and children. Earthen basins are a very serious hazard to both, because the steep sides make a basin difficult to climb out of.
- 6) There must be provisions for protection of applied or constructed liners from agitation or pumping of manure, e.g. through a construction of concrete pads for these activities.
- 7) Basin Maintenance
  - a. Basin dikes shall be kept mowed and maintained.
  - b. Basin shall be fenced in.
  - c. Deep rooted perennials shall not be used as vegetative cover on basin slopes.
  - d. Woody plants, cattails and/or other aquatic plants with the potential to permeate the clay liner shall be controlled.
  - e. Post signs warning of the danger on all sides of the basin.
  - f. Control burrowing rodents within basin slopes.

#### **727.6 Manure Application**

Transportation of Manure, Land application of manure, manure and soil testing, record keeping and management plans will be in accordance to Minnesota Rules Chapter 7020 and is herewith adopted by reference in its entirety and without change except as may be amended by the State.

- 1) The mixing of domestic waste generated in the livestock facility with the waste in a manure storage pit is an acceptable practice. Except there shall be no mixing of domestic waste with dairy.
- 2) Co-mixed waste or domestic waste generated in the livestock facility with the waste in a liquid manure storage area cannot be applied to crop ground being used to raise edible crops.
- 3) The use of manure irrigation guns (new or existing) shall not be allowed. For the purpose of this ordinance, irrigation of water from the top of the earthen basins will be allowed if the nutrient value in the water being irrigated does not exceed 5# of Nitrogen per 1,000

# PERFORMANCE STANDARDS

## ANIMAL FEEDLOTS ~ (SECTION 727)

gallons. Tests shall be taken at any time as requested by the Land Management Office.

- 4) All manure from liquid manure storage pits or holding areas shall be immediately incorporated when removed if it will create an odor problem for any adjacent residential building.
- 5) Winter application of liquid manure shall be prohibited unless authorized by the Jackson County Feedlot Pollution Control Officer and meets the following standards:
  - The land where manure is being applied is outside of Special Protection Areas as defined by Minnesota Rules 7020.0300, Subp. 23 and 300 feet from open tile intakes, mines, quarries, and water supply wells.
  - The land where the manure will be applied has a slope of < 2%.
  - The application will not create an odor problem for any adjacent residential building.
  - The application is not prohibited by a Conditional Use Permit that applies to that operation.
- 6) Minimum setback requirements for application of animal waste to prevent odor nuisance and potential non-point pollution.

	Surface or Irrigation Applied	Immediate Incorporation or Injection Required
Watercourse, streams, rivers, lakes, wetlands, public or private drainage ditches	300'	100'OHWL
Municipal well	1,000'	1,000'
Private well	200'	200'
Public road right-of-way	100'	-0-
Residential area (10 or more homes) or municipality	300'	200'
Residence, church, cemetery or neighboring resident	300'	200'
Property line	10'	-0-
10 year floodplain	Prohibited	Prohibited
Field tile intakes	300'	10'
Where appropriate topography exists (sloping away from watercourse) the application of animal manure may be closer than required setbacks by approval of the County Feedlot Pollution Control Officer but not to exceed MPCA guidelines.		
Shall use proper etiquette when applying animal manure.		

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### **727.7 Feedlots of over 1,000 Animal Units in Size:**

- 1) Agricultural Preservation District (AG)
  - a) Feedlots shall be a permitted use; however, those of over 1,000 animal units in size, shall be subject to the following additional procedures:
    - i) The County Feedlot Pollution Control Officer shall investigate the proposed site for the feedlot in terms of potential pollution and nuisance problems and contact the landowners within a one-mile radius of the site with the basic details of the proposed project. Those landowners shall have 15 days to make comments to the Land Management Director. The Land Management Director shall provide a form that must be filled out in its entirety in order to be considered a valid comment, concern, or negative response. The form must be returned within the fifteen day timeframe. If the form is returned and is deemed complete it will require the applicant to go through the Conditional Use Permit process.
    - ii) In the event that there is any opposition by the contacted landowners a conditional use permit shall be required.
      - (1) If the Land Management Director does not receive any negative response, the applicant will be notified by letter. If construction on this project does not begin within eighteen (18) months of the date of that letter the process must be repeated.
      - (2) The applicant may choose to bypass this process by completing the Conditional Use Permit Application.
    - iii) All liquid manure from feedlots which are larger than 1000 animal units shall be injected or immediately incorporated. During time periods when extreme weather conditions do not allow this to be done, and immediate incorporation or injection is not a condition of a Conditional Use Permit or Variance the feedlot owner must first obtain written approval from the Jackson County Board of Commissioners prior to land spreading this manure. Liquid manure is manure with no more than nine (9) percent solids.
- 2) Urban/Rural Residential District
  - a) All new and expanding feedlots and manure storage areas shall require a Conditional Use Permit.

**728. IRRIGATION SYSTEMS**

**728.1 Permits**

All proposed irrigation systems shall require a conditional use permit from the County Board as well as a permit from the Department of Natural Resources (DNR). The County Soil and Water Conservation District shall also review any proposed irrigation system. As part of the application for a conditional use permit from the County, the applicant shall submit a permit from the DNR.

### **729. SIGN REGULATIONS**

All signs hereafter erected or maintained, except official, public, traffic and street signs, shall conform with the provisions of this Subdivision and any other ordinances or regulations of Jackson County. In the event that a state department of transportation permit is required, a county permit will not be required.

#### **729.1 General Provisions**

- 1) The following regulations shall apply to all signs hereinafter permitted in all Districts:
  - a) Signs shall not be permitted within the public right-of-way or easements.
  - b) Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
  - c) Signs painted on a building shall be governed by the square footage limitation specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when, in the opinion of the Board of County Commissioners, they are so maintained.
  - d) No sign shall be placed that resembles any official marker erected by a governmental agency or shall display such words as "stop" or "danger".
  - e) No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
  - f) The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
  - g) Advertising signs, business signs and name plate signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the signs stands upon notice of the Board of County Commissioners.
  - h) Where a sign is illuminated, the source of light shall not shine upon any part of a residence or into any Residence District.
  - i) See, Minnesota Statutes, Chapter 173 regarding advertising devices along State Trunk and the Interstate System of highways further regulate the size and location of signs. These Minnesota standards do not replace but are in addition to the above regulations.

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**729.2 Signs in AG-Agriculture Preservation Districts, C-Conservancy District, and U/R-Residence Districts, and MFU-Multi-Family Urban District**

- 1) In AG, C, U/R and MFU Districts, no sign, advertising sign or business sign shall be erected except:
  - a) A name plate sign or professional name plate sign identifying the owner or occupant of a building or dwelling unit, provided the surface area does not exceed two (2) square feet. Such sign may be illuminated.
  - b) A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
  - c) Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:
    - i) One (1) sign located in the development not to exceed ninety-six (96) square feet in surface area, nor more than fifteen (15) feet in height.
    - ii) Directional signs not to exceed four (4) square feet in surface area, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
  - d) A temporary un-illuminated sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign shall not to exceed ninety-six (96) square feet in surface and are no more than fifteen (15) feet in height.
  - e) One (1) identification sign, not to exceed thirty-five (35) square feet in area, for the following uses: church, school, hospital, parks and recreation areas or similar uses. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.
  - f) No advertising signs and billboards except agricultural crop demonstration signs, shall be permitted within six hundred sixty (660) feet of the centerline of any routes designated as scenic routes or parkways on the adopted Jackson County Highway Plan.
  - g) Advertising signs and billboards, subject to the following provisions:
    - i) Advertising structures shall be limited to no more than two (2) signs per facing, a total of no more than four (4) signs per structure.

- ii) Advertising structures shall be limited to not more than fifty-five (55) feet in total length.
  - iii) No advertising sign shall project higher than twenty (20) feet above average grade.
  - iv) No advertising sign structure shall be located within a radius of six hundred sixty (660) feet of any existing structure.
  - v) No advertising sign structure shall be located within one hundred (100) feet of a dwelling, at grade inter-section of two (2) or more roads, or at grade inter-section of any road and a railroad.
  - vi) No advertising sign shall be permitted within ten (10) feet of road or highway right-of-way. The 10 foot setback is a horizontal measurement to any portion of the sign.
- h) Business signs allowed conditional uses, subject to the following provisions:
- i) No more than one (1) freestanding or pylon sign of not more than thirty-five (35) square feet in surface area and no more than twenty (20) feet in height above the average grade.
  - ii) No more than one (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.

**729.3 Signs in GB-General Business Districts and GI-General Industry Districts**

- 1) In GB -General Business Districts and GI-General Industry Districts, no sign, advertising sign or business shall be erected, except for the following:
  - a) Signs as permitted and regulated in Agriculture and Residence Districts.
  - b) Advertising signs and billboards subject to the following provisions:
    - i) Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of lot frontage.
    - ii) Such advertising structures may not contain more than two (2) signs per facing in total of no more than four (4) signs per structure.
- 2) Advertising structures shall be limited to no more than fifty-five (55) feet in total length.

- 3) Advertising structures shall not exceed twenty (20) feet in height above average grade.
- 4) No advertising sign shall be erected within fifty (50) feet of any adjoining Residence District.
- 5) No advertising sign shall be permitted within ten (10) feet of road or highway right-of-way. The 10 foot setback is a horizontal measurement to any portion of the sign.
  - a) Business signs subject to the following provisions:
    - i) No more than one (1) freestanding or pylon sign of not more than thirty-five (35) square feet in surface area.
    - ii) The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the front building face area or three hundred (300) square feet in area, whichever is greater.
    - iii) No business sign shall project above the permitted building height.

**729.4 Licenses and Permit Fees**

- 1) From and after the effective date of this Ordinance, the owner or other person having control of any sign, except residential, professional and institutional name plate signs, and state permitted signs shall file an application for a permit to maintain, and an annual inspection of such sign. Application for such permits shall be accompanied by detailed plans and other necessary information to determine the location and compliance with all applicable regulations, and a permit may be issued upon payment of the required permit fee. If the sign is located in an area where a State Department of transportation sign permit is required, a County permit is not needed.
- 2) The permit and inspection fee for the advertising signs shall be established by resolution of the Board of County Commissioners.
- 3) All permits shall be renewed by January 1 of each year.

### 730. MINING AND EXTRACTION

#### 730.1 Purpose

Modern life styles create a continuing demand for the various subsurface resources used throughout this country. These resources are unevenly and sometimes sparsely distributed, thus creating a continual shortage of some materials. Unfortunately, excavation of these resources not only present conflicts with adjacent land uses but have often, in the past, left unsightly scars upon the landscape. This provision is designed to minimize the conflicts and eliminate the scars as far as feasible.

#### 730.2 Administration

**Permit Review** - A Conditional Use Permit shall be required for all commercial mining operations. Said permit shall be valid for a three (3) year period; after which a permit renewal shall be required. The County Board may also require a performance bond from the landowner.

#### 730.3 Information Required

The following information shall be provided by the person requesting the permit:

- 1) Name and address of person requesting the mining permit.
- 2) The exact legal property description and acreage of area to be mined.
- 3) The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below:

Map A- Existing conditions to include:

- a. Contour lines at five (5) foot intervals.
- b. Existing vegetation.
- c. Existing drainage and permanent water areas.
- d. Existing structures.
- e. Existing wells.

Map B- Proposed operations to include:

- a. Structures to be erected.
- b. Location of sites to be mined showing depth of proposed excavation.

# PERFORMANCE STANDARDS

## MINING AND EXTRACTION ~ (SECTION 730)

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- c. Location of tailings deposits showing maximum height of deposit.
- d. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
- e. Location of storage of mined materials, showing height of storage deposits.
- f. Location of vehicle parking.
- g. Location of storage of explosives.
- h. Erosion and sediment control structures.

Map C- End use plan to include:

- b. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
  - c. Location and species of vegetation to be replanted.
  - d. Location and nature of any structures to be erected in relation to the end use plan.
- 4) Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- 5) Any other information requested by the Planning Commission or governing body.

### **730.4 Renewal of Mining Permits**

All property owners and residents within one thousand (1,000) feet of the mining operation shall be notified of a mining permit renewal request.

A public hearing shall be conducted for renewal permit approval if seventy-five (75) percent of the property owners or residents of voting age within one thousand (1,000) feet of the mining operations request such a hearing in writing.

### **730.5 Use Restrictions**

The crushing, washing, refining or processing other than the initial removal of material shall be considered a Conditional Use.

In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstones, hearthstones, paving stone and similar architectural or structural stone and the storing or stock-

## PERFORMANCE STANDARDS

### MINING AND EXTRACTION ~ (SECTION 730)

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piling of such products on the site shall be considered a Conditional Use.

The manufacturing of concrete building blocks or other similar block, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation shall be considered as a Conditional Use.

The governing body may impose additional performance standards as part of the Conditional Use Permit.

#### **730.6 Performance Standards**

- 1) **General Provisions** - Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

No sand and gravel operations shall be conducted on parcels of less than twenty (20) acres in size. This limitation shall not apply when the tract of land is contiguous to an active mining operation, provided that both tracts are being operated by the same sand and gravel producer.

All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noise and vibrations which are injurious or substantially annoying to persons living in the vicinity.

- 2) **Water Resources** - The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

The mining operation shall not adversely affect the quality of surface or subsurface water resources.

Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

- 3) **Safety Fencing** - Any mining operation adjacent to a residential zone or within 300 feet of 2 or more residential structures shall be bound by the following standards:
  - a) Where collections of water occur that are 1 1/2 feet or more in depth existing for any period of at least 1 month, and occupy an area of 700 square feet or more, all access to

## PERFORMANCE STANDARDS

### MINING AND EXTRACTION ~ (SECTION 730)

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such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least 4 feet in height.

- b) In locations where slopes occur that are steeper than 1 foot vertical to 3 feet horizontal existing for a period of 1 month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence of at least 4 feet in height.
- 4) **Mining Access Roads** - The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of the public road in view so that any turn on to the public road can be completed with a margin of safety.
- 5) **Screening Barrier** - To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be maintained between the mining site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the mining site and any public road within 500 feet of any mining or processing operations. The screening barrier shall be planted with a species of fast growing trees such as green ash.

Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented), for the depth of the roadside setback except where traffic safety requires cutting and trimming.

- 6) **Setback** - Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures.

Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing.

Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

- 7) **Appearance** - All buildings, structures and plants used for the production of processing of

## PERFORMANCE STANDARDS

### MINING AND EXTRACTION ~ (SECTION 730)

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sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

- 8) **Hours of Operation** - All mining operations shall be conducted between the hours of 7:00 A.M. and 7:00 P.M. Any operations not conducted between the hours of 7:00 A.M. and 7:00 P.M. shall require a Conditional Use Permit. Such permits shall be granted for public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.
- 9) **Dust and Dirt** - All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

All access roads from mining operations to public highways, roads or streets or to adjoining property shall be laved or surfaced with gravel to minimize dust conditions.

These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to another zone other than an industrial zone.

#### **730.7 Land Rehabilitation**

All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within 1 year. The following standards shall apply:

- 1) Within a period of 3 months after the termination of a mining operation, or within 3 months after abandonment of such operation for a period of 6 months, or within 3 months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only 1 year, after which said buildings, structures, machinery and plants shall be removed.
- 2) The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed 18 percent in grade.
- 3) Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least 3 inches.

## PERFORMANCE STANDARDS

### MINING AND EXTRACTION ~ (SECTION 730)

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Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.

- 4) Excavation completed to a water producing depth need not be back-filled if the water depth is at least 10 feet and if banks shall be sloped to the water line at a slope no greater than 3 feet horizontal to 1 foot vertical.

The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

# PERFORMANCE STANDARDS

## EXPLORATORY BORING REQUIREMENTS ~ (SECTION 731)

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### 731. EXPLORATORY BORING REQUIREMENTS

The following shall be required and considered by the Jackson County Planning Commission when accepting Conditional Use permit applications for each exploratory boring. See Minnesota Statutes, Chapter 103I.

The applicant shall provide:

- 1) A description of the mineral or minerals which are the subject of the exploration.
- 2) A copy of the lease arrangement with the landowner shall be provided. This lease shall be recorded in the County Recorder's Office prior to granting the permit. The time limit and location of the Conditional Use permit shall be identical to that of the lease arrangement.
- 3) A Jackson County Highway Department map (scale 1/2" to 1 mile), indicating the location of the proposed exploratory boring in the nearest 40 acre parcel.
- 4) A copy of the license provided by the Minnesota State Health Department for Exploratory Boring.
- 5) The applicant shall deposit with the Jackson County Treasurer a certified check in the amount of \$10,000. The Treasurer shall deposit such check in a liquid, interest bearing account with interest on the unused balance to be paid to the applicant at least annually. The principal \$10,000 may be used by Jackson County for expenses incurred by the County as a result of the boring applied for. This may include testing water wells in the area as well as expenses involved in the inspection of the boring, such as the inspectors time and mileage and reasonable administrative expenses. These funds may also be used to restore project area as well as carry out any reclamation and decontamination off affected ground and surface waters if not taken care of by the applicant. If it becomes necessary to restore the project area or to carry out any such reclamation or decontamination, further applications by such applicant shall be denied.

In the case of a non-producing boring and upon the acceptance of an abandonment report by the Jackson County Board of Commissioners the corresponding account shall be audited and within two (2) years of this acceptance the unused portion of the principal \$10,000 along with any unpaid interest shall be remitted to the applicant. In the case of capped or producing well the account shall remain open.

- 6) An exact, technical description of the exploration process, types of equipment to be used and an estimated timetable for each phase of work and for final completion of the program.
- 7) A general description of the regional environmental conditions to include: surface land use and vegetation, as well as a general description of the area's geologic formations and

# PERFORMANCE STANDARDS

## EXPLORATORY BORING REQUIREMENTS ~ (SECTION 731)

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hydrology.

- 8) A general description of the major environmental impacts that exploration will create as well as a proposed plan to mitigate those impacts including such things as soil erosion, air and water contamination as well as related hazards to public life and safety.
- 9) A plan shall be provided for the reclamation of the land after exploration is completed. Surface reclamation shall take into account the impact on adjacent land uses, natural resources and the proposed future use of the lands explored.

The plan shall include:

- a) A reclamation schedule.
- b) Method used to plug drill holes.
- c) Method of grading, back-filling and contouring of exploration sites and access roads.
- d) Methods of waste management and disposal, including liquid and solid wastes such as tailings.
- e) Method of revegetation.

### **731.1 Exploratory Boring Construction Requirements**

- 1) At least 10 days prior to commencement of exploratory boring the explorer shall submit to the Minnesota Department of Natural Resources a County Road map (scale 1/2" to 1 mile) as prepared by the Jackson County Highway Department, indicating the location of the proposed exploratory boring to the nearest 40 acre parcel. A copy of this map shall be submitted to the Jackson County Zoning Office and the Minnesota Department of Health. The explorer shall notify the Zoning Office on the day drilling begins and allow State and County Officials access to the drill site.
- 2) All test boring shall be constructed in accordance with Minnesota Department of Health Rules and Regulations and shall be constructed in a manner as to prevent all known sources of contamination from entering the boring at any time.
  - a) Drilling mud additives shall be stored in a clean container and shall be free of material that may adversely affect the aquifer.
  - b) Water used for cooling parts of engines, air compressors, or other equipment may not be returned into the boring.
  - c) Drilling mud, cuttings and discharge water shall not be disposed in a manner so as to

## PERFORMANCE STANDARDS

### EXPLORATORY BORING REQUIREMENTS ~ (SECTION 731)

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- create damage to public or private property.
- d) Exploratory Boring encountering flowing artesian conditions should be constructed to prevent erosion of the aquifer or the overlying confining mantle.
  - e) Any boring which encounters a cavernous limestone formation shall be cased and grouted to prevent the introduction of surface water into the ground water and to prevent the passage of water from aquifer to another.
  - f) In the case of an unexpected emergency, including but not limited to any act or condition that would affect the health, welfare and property of area residents, the explorer shall have the ability to cap the boring at any time. In this instance the explorer shall immediately notify the Jackson County Zoning Office and proper State Agencies of such emergency. In case of such emergency all costs shall be borne by the explorer.
  - g) No test hole shall be used as a water well unless a water sample is taken by the Land Management Director, tested for radiation and approved by the Minnesota Department of Health. Expenses for all related tests shall be paid for by the explorer.

#### **731.2 Exploratory Boring Setbacks**

The following setbacks for the drilling site shall apply:

- 1) Required setbacks from Road Centerline:
  - 125' State Highway
  - 100' County and State Aid Road
  - 83' Township Road
- 2) 200 feet to adjoining property line.
- 3) 500 feet to nearest occupied residence.
- 4) 100 feet to any overhead or underground electric line.
- 5) 15 feet to any gas line.
- 6) 150 feet to a preparation or storage area of spray materials, commercial fertilizers or chemicals that may result in pollution of the soil or ground water.
- 7) 100 feet from a below grade manure storage area if in conformance with the Minnesota Pollution Control Regulations.

## PERFORMANCE STANDARDS

### EXPLORATORY BORING REQUIREMENTS ~ (SECTION 731)

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- 8) 100 feet from a buried sewer, septic tank, subsurface disposal field, or privy.
- 9) 200 feet from existing water wells.
- 10) 200 feet from any lake or stream.

#### **731.3 Abandonment of Exploratory Borings**

- 1) Abandonment of all Exploratory Borings shall be carried out in accordance with the following provisions:
  - a) Abandonment, whether temporary or permanent, shall be undertaken immediately upon completion of drilling activities. When the test hole is to be abandoned the Jackson County Zoning Office shall be notified so that the abandonment process may be inspected.
  - b) Within thirty (30) days of the completion of drilling or the drilling equipment leaving the site, whichever occurs first, an abandonment report shall be completed by the explorer and filed with the Jackson County Zoning Office on forms provided by that Office. The report shall include but not be limited to such things as water bearing formations encountered, methods of construction used and method of abandonment. The abandonment report shall specify whether the boring is being temporarily or permanently abandoned.
  - c) The site of the exploratory boring shall be returned as near as possible to its original condition.
- 2) Temporary Abandonment - A boring which is temporarily abandoned shall be constructed to prevent the introduction of surface contaminants into the boring and to prevent passage of water from one aquifer to another.
  - a) At the minimum, a temporary abandoned boring shall be case from bedrock or from the bottom of the boring if the boring terminates in unconsolidated materials, to a point one foot above the ground surface, or if in a flood plain, at least two feet above the level of the highest flood on record.
  - b) Any boring which is temporarily abandoned shall be marked and protected with four steel posts (schedule 40 pipe) of at least 4"-diameter at equal distance from each other, 2 feet from the center of the casing. Such posts shall be installed to a minimum depth of three (3) feet into solid ground.
  - c) A boring shall not be temporarily abandoned for more than two (2) years.

## PERFORMANCE STANDARDS

### EXPLORATORY BORING REQUIREMENTS ~ (SECTION 731)

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#### 3) Permanent Abandonment

- a) Whenever the explorer determines that a boring need not remain open any longer, or whenever he is about to lose the right to explore, the explorer shall permanently abandon the boring. The boring shall be filled with grout to prevent contaminating materials from entering the water bearing ground formations.
- b) All materials, debris and obstructions that may interfere with sealing operations shall be removed from the boring.
- c) All casing and screen may be salvaged except casing that has been cemented in place.
- d) The top of the hole shall be filled with 10 feet of cement or concrete grout to within 6 feet of the land surface. Casing remaining in the hole shall be cut off at least six (6) feet below land surface. The remaining top six (6) feet of the hole shall be filled with native top soil.
- e) When concrete, cement or heavy drilling fluid is used as a grout material, it shall be inserted in the boring through a grout pipe from the bottom of the boring upward to the surface under pressure.
- f) A permanently abandoned boring shall be filled and sealed using one or more of the following substances in accordance with geological materials penetrated.
  - i) The section of a boring in unconsolidated deposits shall be filled with neat cement, concrete, or heavy drilling fluid to provide a permeability no greater than the natural condition.
  - ii) The section of a boring in a rock formation shall be filled with neat cement or concrete.
  - iii) The section of a boring in a cavernous or crevice rock, such as cavernous limestone or crevice granite shall be filled with concrete or neat cement or alternate layers of concrete or neat cement and gravel or stone aggregate. At the top of the cavernous or crevice formation, the filling shall be completed by a layer of neat cement or concrete extending at least ten (10) feet into the above laying formation and finished as provided in these rules.
  - iv) When a temporarily abandoned boring is permanently abandoned a separate abandonment report shall be filed.

# PERFORMANCE STANDARDS

## LAND TREATMENT OF PETROLEUM CONTAMINATED SOILS ~ (SECTION 732)

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### 732. LAND TREATMENT OF PETROLEUM CONTAMINATED SOILS

Purpose - Petroleum contaminated soils

The two acceptable methods of treating petroleum - contaminated soil include the following:

Heat treated - Heat is used to remove petroleum from the soil, which can then be re-used in asphalt or as fill material.

Land Farming - Involves the incorporation petroleum contaminated soil into the top four to six inches of native soil which can provide effective treatment. This method takes advantage of naturally occurring soil microorganisms to biodegrade the petroleum as well as volatilizing the petroleum hydrocarbons.

This ordinance will deal only with the land farming method of treating petroleum contaminated soil.

#### 732.1 Single Application Sites

(Those sites receiving no more than 1500 cubic yards per one-quarter section of land and are not closer than one-quarter mile of any other land treatment site). Sites which exceed these limits are considered to be multiple application sites and will require a conditional use permit.

#### 732.2 Multiple Application Sites

These are sites which exceed the single application site limits. A conditional use permit is required for all multiple application sites.

#### 732.3 Administration Application Requirements

The applicant shall furnish the following information regarding the proposed application site -

- 1) Site and soil characteristics including the following: (slope, distance to surface water, water table level, soil characteristics, distance to adjoining buildings, wells, location and depth of county and private tile)
- 2) Land application procedure - (time table, spreading thickness, incorporation procedures)
- 3) Soil sampling information - (contamination levels, follow up monitoring)
- 4) A statement which is signed by the property owner of record which indicates that this owner has full knowledge of the proposed application.

## **PERFORMANCE STANDARDS**

### **LAND TREATMENT OF PETROLEUM CONTAMINATED SOILS ~ (SECTION 732)**

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- 5) Application and Approval Process - The County Zoning Office shall review the completed application; this information shall be sent to the County Board of Commissioners along with a recommendation for approval or denial. The county board members may review the application and recommendation for a period of 10 days at which time the Land Management Director will execute the recommendation. This application may proceed simultaneously with the application submitted to the Minnesota Pollution Control Agency.

## **PERFORMANCE STANDARDS**

### **WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS ~ (SECTION 733)**

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#### **733. WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS**

- 1) Purpose: In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the County finds that these regulations are necessary in order to: 1) facilitate provision of wireless communications services to the residents and businesses of the county; 2) minimize adverse visual effects of towers through careful design and siting standards, 3) avoid potential damage to adjacent properties from tower failure through structural standards and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- 2) Telecommunication towers shall require a Conditional Use Permit.
- 3) In making siting decisions for new towers applicants should:
  - a) Be sensitive to location of tower near a densely settled residential area.
  - b) Consider locations for towers on parcels that have current conditional use permits for nonfarm uses, in zoning districts that are primarily devoted to commercial or industrial uses, or on public lands where permissible and practical.
- 4) Co-location requirements - All commercial wireless telecommunication towers erected, constructed, or located within the county shall comply with the following requirements:
  - a) Provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location. A narrative describing a search ring of not less than one mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
  - b) Provide documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
    - i) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional radio frequency engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost, or
    - ii) The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency engineer, and the interference cannot be prevented as a reasonable cost, or
    - iii) No existing or approved towers or commercial/industrial buildings within a one mile

## PERFORMANCE STANDARDS

### WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS ~ (SECTION 733)

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- radius meet the radio frequency design criteria, or
- iv) Existing or approved towers and commercial/industrial buildings within a one mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency engineer.
  - v) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- c) The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one mile radius was made, but an agreement could not be reached.
  - d) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicants antennas and comparable antennas for a least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.
  - e) An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and county policy. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.
- 5) Minimum conditions on an antenna tower permit should include, but not be limited to the following:
- a) An agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit.
  - b) The tower shall be set back a distance equal to the tower height from all property lines. All accessory structures shall be setback a minimum of fifty (50) feet from all side yard and rear yard property lines. All anchoring structures shall be setback at least 10 feet from all property lines.
  - c) Zoning Permits shall be applied for and issued before any construction is started.
  - d) Prior to application for a conditional use permit, applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
  - e) Applicant must obtain FCC licensure and approval as required for various

## PERFORMANCE STANDARDS

### WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS ~ (SECTION 733)

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communications applications. No interference with local television and radio reception will be allowed.

- f) Applicant must submit proof of liability and Worker's compensation Insurance.
- g) Proof that towers and their antennas have been designed by, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expenses) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.
- h) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- i) The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval. An amendment to a conditional use permit shall not be required.
- j) All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet chain link fence with a locked gate. A minimum of three (3) strands of barbed or razor wire shall be installed on top of the chain link fencing.
- k) All towers and their antennas shall utilize building materials; colors, textures; screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environmentally to the greatest extent possible.
- l) No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.
- m) Towers and their antennas shall not be illuminated by artificial means, except for camouflage purposes or the illumination is specifically required by the Federal Aviation Administration or other authority.
- n) No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk, without approval by the County through the zoning permit approval process.
- o) All obsolete or unused towers and accompanying accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the County Board. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers. Failure to remove the structure shall

## **PERFORMANCE STANDARDS**

### **WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS ~ (SECTION 733)**

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be cause for the County to remove the tower and associated equipment and assess the cost against the property for collection with the real estate taxes.

# PERFORMANCE STANDARDS

## WINDPOWER MANAGEMENT ~ (SECTION 734)

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### **734. WINDPOWER MANAGEMENT**

#### **Purpose**

The purpose of this Section is to set forth a process for permitting wind energy facilities with a rated capacity of less than 25 megawatts. Minnesota Statutes, Chapter 216F allows counties by resolution and upon written notice to the Public Utilities Commission to assume responsibility for processing application for permits required under this chapter for LWECS with a combined nameplate capacity of less than 25 megawatts. Projects that are determined to be larger than 25 megawatts in combined nameplate capacity will be processed by the MN Public Utilities Commission.

#### **734.05 Meteorological Tower**

For the purposes of this Wind Energy Conservation System (WECS) Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS.

- 1) Temporary meteorological towers which will be in place for three years or less will require a building permit which will require setbacks equal to setbacks found in Section 734.5
- 2) Meteorological Towers which will be in place for more than three years will require a Conditional Use Permit prior to the issuance of a building permit.

#### **734.06 Meteorological Tower Permit Application Requirements**

- 1) Latitude/Longitude location.
- 2) Elevation of the site.
- 3) Structures height above the ground level.
- 4) Plan showing the location and required setbacks from property lines and R.O.W.

#### **734.07 Construction Standards**

All Meteorological Towers must be:

- 1) Painted in alternating bands of aviation white and orange.
- 2) Tower and anchor areas must be maintained free of vegetation.

# PERFORMANCE STANDARDS

## WINDPOWER MANAGEMENT ~ (SECTION 734)

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- 3) Guyed towers shall have 4 marker balls near the top of the tower and four marker balls located above the crop canopy line to insure that they are visible.

### **734.1 Permit Application**

All proposed wind energy facilities that require a Conditional Use Permit as per Section 6 of this Development Code must fill out a Conditional Use Permit application provided by the Jackson County Planning and Zoning Department. The application shall include the following:

- 1) Name of project applicant and name of project owner.
- 2) Evidence of a signed power purchase agreement or documentation that indicates that it is in process.
- 3) Application shall include a project size determination provided by the Minnesota Department of Commerce.
- 4) Site Plan shall be submitted showing the location of all turbines, the latitude and longitude of the individual wind turbines, topography, wetlands, protected waters, roads, electrical equipment, property lines, area residences including measurements to them and other accessory structures. Location of all known communication towers within two miles shall be included in the site plan. Location of all known public or private airports or heliports within six (6) miles of the proposed WECS.
- 5) Project description including the number of turbines, height and diameter of turbine motors, turbine color and rotor direction.
- 6) Discontinuing and Decommissioning Plan. A WECS shall be considered a discontinued use after 2 years without energy production, unless a plan is developed and submitted to the Jackson County Land Management Director outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed four feet below ground level within 90 days of the discontinuation of use.

Each Commercial WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. This plan shall describe in detail what steps would be taken to restore the site to its original condition in the event that the operation of the wind tower should cease. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and

## PERFORMANCE STANDARDS

### WINDPOWER MANAGEMENT ~ (SECTION 734)

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accessory facilities.

- 7) Engineering certification of the tower and foundation design.
- 8) Evidence of signed wind easements for the project area.
- 9) The applicant shall identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, materials, and /or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- 10) Location and site plans for all temporary, non-residential construction sites and staging areas.
- 11) MWECS may be exempt from the general application data required. The setback requirements will apply to the MWECS.

#### **734.2 Compliance with Codes and Standards**

All wind turbines shall be in compliance with all applicable state and federal regulatory standards including:

- 1) Uniform Building Code as adopted by the State of Minnesota.
- 2) The National Electrical Code as adopted by the State of Minnesota.
- 3) FAA requirements.
- 4) MPCA/ EPA regulation (hazardous waste, construction, storm water, etc.).
- 5) MN Rule 7030 regarding Noise.
- 6) All requirements stated in Minnesota Statutes, Chapter 216.F as well as the Public Utilities Commission Order Establishing General Wind Permit Standards, Docket No. E, G-999/M-07-1102 dated January 11, 2008.

#### **734.3 Certifications**

Equipment shall conform to applicable industry standards including the American Wind Energy Association standard for wind turbine design and related standards adopted by the American Standards Institute (ANSI). The applicant must provide certification from the equipment manufacturer certifying that the equipment is manufactured in compliance with industry

# PERFORMANCE STANDARDS

## WINDPOWER MANAGEMENT ~ (SECTION 734)

standards. The certification must be included with the application for County zoning permits.

### 734.4 Overspeed Controls

All turbines to be installed shall be equipped with a redundant braking system. This includes both aerodynamic (including variable pitch) overspeed controls, and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of load loss on the generator. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

### 734.5 Setback Requirements

SETBACKS	MWECS <75 kw	SWECS >75 kw; <5,000 kw	LWECS >5,000 kw; <25,000 kw	MET TOWERS
Participating Project Boundaries	= to height of structure including blades	= to height of structure including blades	= to height of structure including blades	Property line setback = to height of structure with a 250' minimum
Non-participating Project Boundaries	= to height of structure including blades	3 RD on non prevailing wind axis and 5 RD on prevailing wind axis	3 RD on non prevailing wind axis and 5 RD on prevailing wind axis	Property line setback = to height of structure with a 250' minimum
Dwellings	None	750' and sufficient distance to meet State noise standards	750' and sufficient distance to meet State noise standards	500' other than owner or applicant
Road ROW including Public Trails	= to height of structure including blades	= to height of structure including blades	= to height of structure including blades with a 250' minimum	= to height of structure with a 250' minimum
Other Structures	None	1.25 times their height	1.25 times their height	1.25 times their height
Noise Standard	MN Rule 7030	MN Rule 7030	MN Rule 7030	None
Other existing WECS and internal spacing	None	3 RD on non prevailing wind axis and 5 RD on prevailing wind axis	3 RD on non prevailing wind axis and 5 RD on prevailing wind axis	None
Wetlands (Cowardin classification), Types III, IV and V (If listed on PWI map shoreland setbacks apply)	= to height of structure including blades	= to height of structure including blades	= to height of structure including blades	= to height of structure
Protected Waters	See Shoreland Section 610			

# PERFORMANCE STANDARDS

## WINDPOWER MANAGEMENT ~ (SECTION 734)

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### **734.6 Noise Standards**

Noise is regulated by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum night and daytime noise levels that effectively limit wind turbine noise to 50-dB (A) at farm residences. In addition the County may impose limits relative to impulsive and pure tone noises.

### **734.7 Decommissioning**

**734.71** Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 4 feet; restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required.

**734.72** Provisions shall include a decommissioning plan. This plan will identify:

- 1) When and how a facility is to be decommissioned.
- 2) Estimated cost of decommissioning.
- 3) Financial resources to be used to accomplish decommissioning.

**734.73** The County may require the developer/owner to create and fund an escrow account to fund decommissioning. An agreement between the developer/owner and the County may be required whereby the County is granted access to the escrow account for the explicit purpose of decommissioning. The County Board shall determine the minimum amount of funds to be held in the escrow account. The minimum amount shall be consistent with the estimated cost of decommissioning. The County Board may change the minimum amount to be held in escrow if the estimated costs of decommissioning changes.

### **734.80 Tower Type**

Micro-WECS of 75 kilowatts or less are exempt from this rule and may use lattice construction towers but must meet all other standards.

All commercial installed wind turbines must utilize self-supporting, tubular towers. Such towers provide several benefits:

- 1) Improved aesthetics, including intra and inter project visual consistency.

## PERFORMANCE STANDARDS

### WINDPOWER MANAGEMENT ~ (SECTION 734)

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- 2) Minimized impact on farming activities.
- 3) Reduced potential for unauthorized climbing.
- 4) Improved maintenance access increasing the total turbine operating availability.
- 5) Reduced need for ancillary structures to house control equipment.
- 6) Any guy wires on related structures shall be marked with safety shields.

#### **734.90 Signage**

Signs warning of high voltage must be posted at least at the entrances of all structures where high voltage may exist.

#### **734.91 Aesthetics**

The following items are recommended standards to mitigate visual impacts:

- 1) Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.
- 2) Signage: including anything on the tower or nacelle shall be consistent with other county ordinances pertaining to signage.
- 3) Turbine Consistency: To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in design, color and direction with nearby facilities.
- 4) Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA. It may be appropriate for permits to allow for some infrared lights of heat lamps to prevent icing of sensors.
- 5) Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines, and all communication lines shall be buried underground.

#### **734.92 Public Services**

## **PERFORMANCE STANDARDS**

### **WINDPOWER MANAGEMENT ~ (SECTION 734)**

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#### **734.93 Roads**

If the construction is large enough or during spring restrictions, roads can sustain severe damage. Enforcement of road limits may make construction impossible. The local unit of government may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits.

#### **734.94 Fire and Safety**

The following permit standards shall be followed to reduce risk of fire:

- 1) Adherence to electrical codes and standards.
- 2) Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections.
- 3) Utilization of twistable cables on turbines.
- 4) The permittee shall obtain emergency response, 911 rural addresses for each tower or access road serving the project.

#### **734.95 Orderly and Efficient Use of the Resource**

The Jackson County Zoning Ordinance calls for the orderly and efficient use of the wind resource. Applications shall be reviewed to ensure that the project area does not adversely impact wind development potential on adjacent lands.

**735. SOLAR ENERGY**

**735.1 Purpose**

This ordinance is established to set forth the processes for permitting Solar Energy from eligible energy technology as described in Minnesota Statutes 216B.1691, to promote the health, safety, and general welfare of the citizens of Jackson County, and shall include large and small Solar Energy Systems, and to regulate the installation and operation of a Solar Energy System within Jackson County pursuant to Minnesota Statutes Chapters 216C.25, 500.30, and Minnesota Rules Chapter 1325.1100, as amended.

**735.2 Permit Application**

Land Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in the Jackson County Development Code and Minnesota Statutes Chapter 394, except where noted below. An application to the County for a permit under this section is not complete unless it contains the following information:

- 1) A site plan of existing conditions showing the following:
  - a) Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
  - b) Existing public and private roads, showing widths of the roads and any associated easements.
  - c) Location and size of any abandoned wells, sewage treatment systems and dumps.
  - d) Existing public and private field drainage tile location and size. This portion must also include the proposed method of repair for tiles damaged during and after construction.
  - e) Existing buildings and any impervious surface.
  - f) Topography at 2' intervals and source of contour interval. A contour map of the surrounding properties may also be required.
  - g) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
  - h) Waterways, watercourses, lakes and public water wetlands.
  - i) Delineated wetland boundaries.

- j) The 100-year flood elevation and Regulatory Flood Protection Elevation, if available.
  - k) Floodway, flood fringe, and/or general flood plain district boundary, if applicable.
  - l) The shoreland district boundary, if any portion of the project is located in a shoreland district.
  - m) In the shoreland district, the ordinary high water level and the highest known water level.
  - n) In the shoreland district, the toe and top of any bluffs within the project boundaries.
  - o) Mapped soils according to the Jackson County Soil Survey.
  - p) Surface water drainage patterns.
- 2) Site Plan of Proposed Conditions showing the following:
- a) Location and spacing of solar panels.
  - b) Location of access roads.
  - c) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.
  - d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
  - e) Proposed erosion and sediment control measures.
  - f) Proposed stormwater management measures.
  - g) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
- 3) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
- 4) The number of panels to be installed.
- 5) A description of the method of connecting the array to a building or substation.
- 6) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.

# PERFORMANCE STANDARDS

## SOLAR ENERGY ~ (SECTION 735)

### **735.21 Decommissioning**

Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 4 feet; restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required.

Provisions shall include a decommissioning plan. This plan will identify:

- 1) When and how a facility is to be decommissioned.
- 2) Estimated cost of decommissioning.
- 3) Financial resources to be used to accomplish decommissioning.

The County may require the developer/owner to create and fund an escrow account to fund decommissioning. An agreement between the developer/owner and the County may be required whereby the County is granted access to the escrow account for the explicit purpose of decommissioning. The County Board shall determine the minimum amount of funds to be held in the escrow account. The minimum amount shall be consistent with the estimated cost of decommissioning. The County Board may change the minimum amount to be held in escrow if the estimated costs of decommissioning changes. The decommissioning plan should be included as part of the permit application.

### **735.3 Permitted and Conditional Uses**

Solar Farms will be permitted, conditionally permitted or prohibited based on the generating capacity and land use district as established in the table below (P=Permitted, C=Conditionally Permitted, and N=Prohibited):

District	Large Solar Energy System >100 kW	Small Solar Energy System
1. Conservancy	C	P
2. Agricultural Preservation	C	P
3. Urban/Rural Residential	C	P
4. Multi-Family Urban	C	C
5. General Business	C	P
6. General Industry	C	P
7. Floodplain Management	N	P
8. Shoreland	N	P
9. Airport Approach	N	C
10. Closed Landfill Restricted	N	C

### **735.4 Setbacks and Standards**

#### **735.41 Standards for Large Solar Farms**

Large Solar farms are the primary land use for the parcel on which the array is located and are distinguished from solar arrays that are a secondary or accessory use. Large Solar farms require a Conditional Use Permit. Large Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a Direct Current (DC) rated capacity greater than 100 kilowatts.

- 1) *Setbacks.* All large solar farms shall be setback a minimum of 150 feet from all property lines and 200 feet from the centerline of all roads.
- 2) *Stormwater Management and Erosion/Sediment Control.* The Stormwater Management and Erosion/Sediment Control shall meet the requirements of the Jackson County Land Management Office and the MPCA Construction Stormwater Permit requirements.
- 3) *Foundations.* The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- 4) *Other standards and codes.* All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- 5) *Power and communication lines.* Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
- 6) *Liability Insurance.* There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate.

#### **735.42 Standards for Small Solar Energy Systems**

Small Solar energy systems are a permitted or a conditional accessory use in all zoning districts, subject to the following standards:

- 1) *Accessory Building Limit.* Solar systems, either roof or ground-mounted, are considered an accessory structure and must be permitted separately from buildings.
- 2) *Height.* Active solar systems are subject to the following height requirements:

- a) Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.
  - b) Ground- or pole- mounted solar systems shall not exceed 15 feet in height when oriented at maximum tilt.
- 3) *Location within Lot.* Small solar systems must meet the structure setback for the zoning district in which they are proposed.
- a) *Roof-mounted Solar Systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least 2 feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
  - b) *Ground-mounted Solar Systems.* Ground-mounted solar energy systems may not extend into the side-yard, rear, or road right-of-way setback when oriented at minimum design tilt.
  - c) *Large Ground-mounted Systems.* Ground-mounted solar systems that result in the creation of one or more acres of impervious surface, must comply with the MPCA Construction Stormwater Permit Requirements.
- 4) *Maximum Coverage.* Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted. The total collector surface area of pole or ground mount systems in non-agricultural districts shall not exceed one percent of the lot area.
- 5) *Approved Solar Components.* Electric solar system components must have an Underwriters Laboratory (UL) listing.
- 6) *Compliance with State Electric Code.* All photovoltaic systems shall comply with the Minnesota State Electric Code.
- 7) *Utility Notification.* No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

### **735.5 Other Applicable Standards**

- 1) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.
- 2) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- 3) Any public or private drainage tile system that is damaged during the construction of the project is to be repaired at the project owner's expense. This includes but is not limited to damage that is found during and after construction is complete.
- 4) A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

### **735.6 Public Services**

- 1) *Roads.* If the project and/or construction are large enough that roads can sustain severe damage or if construction is taking place during spring load restrictions enforcement of road limits may make construction impossible. The local unit of government may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits.
- 2) *Fire, Safety and Security.* The following permit standards shall be followed to reduce risk of fire and to provide adequate safety and security measures on each site:
  - a) Adherence to electrical codes and standards.
  - b) Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections.
  - c) The permittee shall obtain emergency response, 911 rural addresses for each driveway or access road serving the project.
  - d) A fence constructed to a minimum height of 8 feet with locking gates on all site entrances.
  - e) All applicable warning signs are to be displayed and maintained.
  - f) All requirements of Section 706 of the Jackson County Development Code.

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### **BUFFER REGULATIONS**

Definitions for the terms used in buffer regulations are included in Section 302 of the Jackson County Development Code.

#### **1.0 STATUTORY AUTHORIZATION AND POLICY**

1.1 **Statutory authorization.** This buffer ordinance is adopted pursuant to the authorization and policies contained in Minn. Stat. §103F.48, the Buffer Law, and the County planning and zoning enabling legislation in Minn. Stat. chapter 394.

1.2 **Purpose and intent.** It is the purpose and intent of the County to:

- a) Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:
  - 1) Protect state water resources from erosion and runoff pollution
  - 2) Stabilize soils, shores and banks
  - 3) Protect or provide riparian corridors
- b) Coordinate the implementation and enforcement of the water resources riparian protection requirements of Minn. Stat. §103F.48 with the shoreland management rules and ordinances adopted under the authority of Minn. Stat. §103F.201 to 103F.227 and the management of public drainage systems established under Minn. Stat. chapter 103E where applicable.
- c) Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.

#### **2.0 GENERAL PROVISIONS**

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

2.2 **Data Sharing/Management.**

- 2.2.1 The County may enter into arrangements with an SWCD, a watershed district if applicable, BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this ordinance.
- 2.2.2 The County will manage all such data in accordance with the Minnesota Data Practices Act and any other applicable laws.

#### **3.0 JURISDICTION**

3.1 **Jurisdiction.** The provisions of this ordinance apply to all waters, including public drainage systems for which the County is not the drainage authority under Minn. Stat.

chapter 103E, shown on the buffer protection map.

**4.0 BUFFER REQUIREMENTS**

**4.1 Buffer width.** Except as provided in subsection 4.4 and 4.5, a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer area as follows:

- a) For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 4.2
- b) For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 4.2

**4.2 Measurement.**

- a) The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width and a thirty (30) foot minimum width buffer shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in Minn. Stat. §103F.48, subd. 3(c).
- b) The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot minimum width buffer shall be measured in the same manner as for measuring the vegetated grass strip under Minn. Stat. §103E.021, subd. 6 as provided in Minn. Stat. §103F.48, subd. 3(c).

**4.3 Use of buffer area.** Except as provided in sections 4.4 and 4.5 a buffer as defined in this ordinance may not be put to any use, included but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.

**4.4 Exemptions.** The requirement of section 4.1 does not apply to land that is exempted from the water resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.

**4.5 Alternative practices.** As provided in Minn. Stat. §103F.48, subd. 3(b) an owner of land that is used for cultivation farming may demonstrate compliance with subsection 4.1 by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required buffer as defined in sections 4.1 to 4.3. The adequacy of any alternative practice allowed under this section shall be based on:

- a) The Natural Resources Conservation Service (NRCS) Field Office Technical Guide

(FOTG)

- b) Common alternative practices adopted and published by BWSR
- c) Practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG)
- d) Other practices adopted by BWSR.

4.6 **Nonconformity.** Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this ordinance, the provisions of such shall be controlling. The continuation of nonconformities provided for by Minn. Stat. §394 and §462 shall not apply to compliance with this ordinance and Minn. Stat. §103F.48.

**5.0 COMPLIANCE DETERMINATIONS**

5.1 **Compliance determinations.** Compliance with the buffer requirements set forth in section 4 will be determined by the SWCD on a parcel by parcel basis. The compliance status of each bank, or edge of a waterbody on an individual parcel will be determined independently.

5.2 **Investigation and notification of noncompliance.** When the County identifies a potential noncompliance with the buffer requirements or receives a third party complaint from a private individual or entity, or from another public agency, it will consult with the SWCD to determine the appropriate course of action to document compliance status. This may include communication with the landowner, inspection or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of the evidence gathered in this process, the SWCD may issue a Notification of Noncompliance to the County. If the SWCD does not issue such a Notification, the County will not pursue a compliance or enforcement action under Minnesota Statutes §103F.48 and subsection 6.2.

At any time during process set forth in 5.2 and 5.3, the landowner may provide documentation of compliance to the SWCD.

5.2.1 **Compliance determination.** The SWCD will evaluate the available documentation, and/or evaluate and/or inspect the buffer and/or alternative practices to determine if the parcel is in compliance. Upon completion of the evaluation and/or inspection the SWCD shall issue a written compliance determination to the landowner, the County and BWSR. The SWCD may also issue a Validation of Compliance if applicable and requested by the landowner.

5.3 **Corrective Action Notice.** On receipt of an SWCD Notification of Noncompliance, the County will issue the landowner a Corrective Action Notice that will:

- a) Include a list of corrective actions needed to come into compliance with the requirements of Minn. Stat. §103F.48
- b) Provide a timeline for complying with the corrective action notice
- c) Provide a compliance standard against which the County will judge the corrective action
- d) Include a statement that failure to respond to this Notice may result in the assessment of criminal, civil or administrative penalties.

The County may send the landowner a combined Corrective Action Notice and APO as provided in section 6.2 so long as the combined Notice/APO includes all the required elements of both.

The County shall transmit the corrective action notice by either personal service to the landowner or by depositing the same in the U.S. Mail. If service is made by U.S. mail, the document is deemed received three business days after the notice was placed in the U.S. mail. Failure of actual receipt of a corrective action notice that has either been personally served or served by depositing the same in the U.S. Mail shall not be deemed a defense in an enforcement proceeding under section 6.0. The County shall also send a copy of the Notice to the SWCD and BWSR.

Counties may modify the corrective actions and timeline for compliance, in accordance with section 5.2, to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.

- 5.3.1 At any time after receipt of a corrective action notice, the landowner may provide documentation of compliance to the County. In addition, the landowner may supply information to the County or the SWCD in support of a request to modify a corrective action or the timeline for compliance. On the basis of any such submittal or at its own discretion, the County may make a written modification to the Corrective Action Notice or timeline for compliance. The County should also make a written determination documenting whether the noncompliance has been fully corrected. Any such modification of a compliance determination will be served on the landowner in the manner provided for in section 5.3. The County shall provide the SWCD and BWSR a written copy of any modification made pursuant to this provision.
- 5.3.2 The SWCD may, after an evaluation of the evidence documenting compliance submitted by the landowner, issue a written Validation of Compliance if requested by the landowner. Upon receipt by the County of a written compliance determination issued by the SWCD, the Corrective Action Notice will be deemed

withdrawn for the purpose of section 6.0, and the subject property will not be subject to enforcement under that section.

**6.0 ENFORCEMENT**

Failure to comply with a corrective action notice issued under section 5.

The County may, at its own discretion, elect to pursue the failure to comply with a corrective action notice either criminally or through an administrative penalty order as set forth herein

**6.1 Criminal Prosecution**

- a) Failure to comply with a corrective action notice issued under section 5 constitutes a misdemeanor and shall be punishable as defined by law.
- b) The County may issue an APO as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101, subdivision 12a to a landowner who has failed to take the corrective action set forth in the corrective action notice. For the APO to be effective it must be served on the landowner together with a copy of the corrective action notice or alternatively the County may serve the landowner with a combined Corrective Action Notice and APO so long as the combined Notice/APO includes all the elements of both. Service is effective either by personal service or by depositing the documents set forth herein in the U.S. Mail. Any penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO.

**6.2 Administrative Penalty Order (APO)**

- a) Initial violation. The penalty for a landowner on a single parcel that has not previously been the subject of an APO issued by the County shall be:
  - i) \$0 for 11 months after issuance of the Corrective Action Notice
  - ii) \$50 per parcel per month for the first six (6) months (180 days) following the time period in i
  - iii) \$250 per parcel per month after six (6) months (180 days) following the time period in ii.
- b) Repeat violation. The penalty for a landowner on a single parcel that has previously been the subject of an APO issued by the County shall be:
  - i) \$100 per parcel per day for 180 days after issuance of the Corrective Action Notice

- ii) \$350 per parcel per day for after 180 days following the time period in i.
- c) Ongoing penalty assessment. Any penalty assessed under this section shall continue until the corrective action notice has been satisfied.

6.2.1 To be valid the APO shall include, at a minimum:

- i. The facts constituting the violation of the riparian protection and water quality practices requirements set forth in this section 4.0 of this ordinance or Minn. Stat. §103F.48
- ii. The specific statute and/or ordinance section(s) that has/have been violated
- iii. A written description of prior efforts to work with the landowner to resolve the violation
- iv. The amount of the penalty to be imposed
- v. The date the penalty will begin to accrue
- vi. The date that payment of the penalty is due
- vii. The date by which all or part of the penalty may be forgiven if the landowner has/have complied with the Corrective Action Notice
- viii. A statement of the landowner's right to appeal the APO

6.2.2 All or part of the penalty may be forgiven based on the correction of the noncompliance by the date specified in the APO by the landowner as provided in Minn. Stat. §103F.48, subd. 7(d).

6.2.3 A copy of the APO must be sent to the SWCD and BWSR.

6.2.4 An APO issued under this section may be appealed to the BWSR within 30 days of receipt by the landowner in accordance with the requirements set for the in Minn. Stat. §103F.48, subd. 9. Any APO that is not appealed within the 30 day period shall be deemed final.

**6.3 Administrative Penalty Order Procedures**

6.3.1 *Statute of limitations.* Any criminal enforcement action undertaken pursuant to section 6.1 of this ordinance must be undertaken within two years after the alleged violation was discovered or reasonably should have been discovered by the County. Any administrative enforcement proceeding including the issuance of an APO should be undertaken within three years after the alleged violations was discovered or reasonably should have been discovered by the County. According to Minn. Stat. §541.07, the County has two years in which to commence an APO action after the date the violation is discovered. The goal is to complete the action as soon as reasonably practical, recognizing that situations for which data must be gathered, field investigations must be completed and/or modeling must be performed will require adequate time to complete the work and communicate with the landowner

involved.

6.3.2 *Compliance verification.* Once a landowner has submitted written evidence of correction of the violation set forth in the notice of compliance, compliance must be verified. The County will:

- i. Review and evaluate all information related to the APO to determine if the violation has been corrected
- ii. Verify compliance by site visit, re-inspection, examination of documentation, or other means as may be reasonable under the facts of the case
- iii. Document compliance verification.

The County may consult with the SWCD when conducting a compliance verification.

6.3.3 *Right to appeal.* Within 30 days after receipt of the APO, a landowner may appeal the terms and conditions of an APO issued by a County to BWSR as provided in Minn. Stat. §103F.48, subd. 9. The appeal must be in writing and must include a copy of the APO that is being appealed, the basis for the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically, to the Executive Director of BWSR.

6.3.4 *Penalty due.* Unless the landowner appeals the APO as provided in section 6.3.3 the penalty specified in the APO becomes immediately due and payable to the County as set forth in the APO. If, however, the landowner submits written documentation that the violations has been corrected prior to the time the penalty becomes due and payable the County shall verify compliance and adjust the penalty to an amount the landowner would have owed had the penalty been paid on the date the landowner submitted written documentation of compliance. Written documentation of compliance may include a written validation of compliance issued by the SWCD.

However, if the County determines the violation was not fully corrected, the County shall notify the landowner by issuing a written letter of determination and depositing it in the U.S. Mail. Any determination sent by U.S. Mail shall be deemed received three business days after the letter of determination has been deposited in the U.S. Mail. The landowner shall have an additional 20 days after receipt of the letter of determination to pay the penalty or the time period specified in the APO as issued, whichever is later. The penalty will continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO.

6.3.5 *Referral for collection of penalty.* All penalties and interest assessed under an APO must be paid by the landowner within the time specified in this section. All

payments shall be made payable to the County. Any penalty or interest not received in the specified time may be collected by the County using any lawful means.

6.3.6 *Reporting and documentation.* The County shall maintain the following records for any potential violation of the riparian protection and water quality practices requirements. Said records shall include but are not limited to the following:

- i. The cause of the violation
- ii. The magnitude and duration of the violation
- iii. Documentation showing whether the violation presents an actual or imminent risk to public health and safety
- iv. Documentation showing whether the violation has the potential to harm to the natural resources of the state
- v. A record of past violations
- vi. Efforts by the SWCD, County, Watershed District or BWSR to assist the responsible party or parties to become compliant, including written and oral communications with the responsible party or parties
- vii. Past and present corrective action efforts by the responsible party or parties.

**737 CANNABIS BUSINESSES**

**737.1 Purpose and Statutory Authority**

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Jackson County to protect the public health, safety, welfare of county residents by regulating cannabis businesses within the legal boundaries of Jackson County.

The Jackson County Board of Commissioners has the authority to adopt this ordinance pursuant to Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses; AND Minn. Stat. 394.21, regarding the authority to carry on county planning and zoning ordinances.

**737.2 Minimum Buffer Requirements**

Buffer measurements provided for in this section shall be measured at the shortest distance between lot lines of the two properties being measured.

- a. Jackson County shall prohibit the operation of a cannabis business within 1,000 feet of a school.
- b. Jackson County shall prohibit the operation of a cannabis business within 500 feet of a daycare.
- c. Jackson County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
- d. Jackson County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.357 subd 1e, nothing in Section 737.2 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

**737.3 Hours of Operation**

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

**737.4 Advertising**

Advertising signs for Cannabis businesses are permitted as allowed by Section 729, Sign Regulations of the Jackson County Development Code.

**737.5 Temporary Cannabis Events**

1. An interim use permit is required prior to holding a temporary cannabis event.
2. Temporary cannabis events can last no more than four days and require a license from the Minnesota Office of Cannabis Management.

**801    TITLE**

This ordinance shall be known as the Jackson County Enhanced 9-1-1 (E-911) Signing Ordinance. When referred to herein, it shall be known as “ordinance”.

**802 PURPOSE**

The purpose of this ordinance is to provide signing/signage for effective and rapid location of properties in Jackson County. It is expected that many will benefit by new signage that provides a logical and systematic numbering/naming approach to identify roads and residences throughout the unincorporated areas of the County.

**803    ADMINISTRATION**

This ordinance shall be administered jointly by the Jackson County Land Management Director, Jackson County Sheriff's Department and Jackson County Public Works Department and coordinated with other units of government or county departments as necessary. The Public Works Department shall assign location numbers to all structures/properties on existing and proposed roads in accordance with the criteria contained in Sections 804 and 805, of this ordinance.

Jackson County shall be responsible for maintaining and updating the following records:

1. A Jackson County Official Highway Map showing all road numbers.
2. An alphabetical list of all property owners as identified by current assessment records, last names, and assigned numbers.
3. A numerical list of all addresses.

# ENHANCED 911 SIGNING

## NUMBERING SYSTEM FOR RURAL ROADS ~ (SECTION 804)

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### **804 NUMBERING SYSTEM FOR RURAL ROADS**

All roads shall be numbered/named, regardless of whether the ownership of the road is public or private. A “road” refers to any highway, road, street avenue, or similar paved, gravel or dirt thoroughfare. Private driveways or field approaches are not considered roads.

“Property” refers to any property on which a permanent structure is served by one or more of the following utilities:

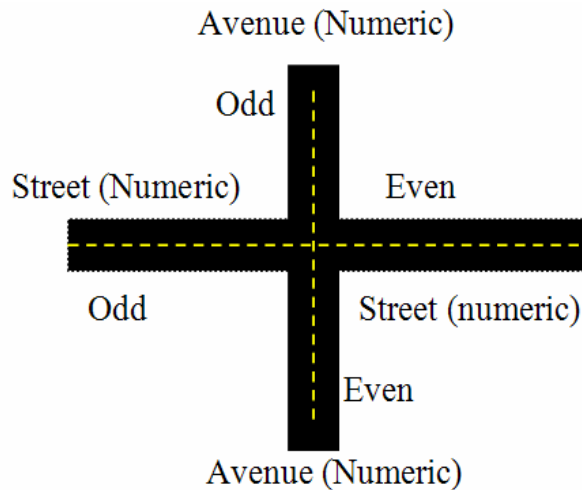
1. Electricity
2. Municipal Water (rural water)
3. Telephone Service

A road number/name assigned by Jackson County shall not constitute or imply acceptance of the road as public.

The following criteria shall govern the numbering/naming system:

1. No two roads shall be given the same number/name.
2. All roads shall have the same number/name throughout its entire length.
3. Although additional E-911 signage will be added the traditional State and Federal road numbers will not be changed or the existing signage will remain in place. This will apply to most traditional Jackson County road numbers as well.

**805 E-911 ADDRESSING SYSTEM**



Roads identified as avenues will run North/South and are numeric. The numbers assigned to avenues will increase as you travel to the East. The West/East numbering of the avenues will start at 310<sup>th</sup>/Zeh Ave to 610<sup>th</sup>/10<sup>th</sup> Ave in the eastern area of the County.

Roads identified as streets will run East/West and are numeric. The numbers assigned to streets will increase as you travel to the North. The South/North numbering of streets will start at 700<sup>th</sup> St and increases to 940<sup>th</sup> St in the northern area of the County.

There are 100 potential addresses per road in a section. Residence numbers starts at 31000 and increase from West to East on streets and will increase South to North on avenues starting with 70000. No two properties shall have the same address.

**806 ROAD SIGN PLACEMENT**

Road signs shall be placed at the corner of all intersections in what is normally accepted as the right-of-way line. Generally, this will be at the Northeast corner of the intersection unless the design of the intersection warrants an alternative placement. Street signs shall conform to the more restrictive of Federal DOT guidelines or the criteria established by the County. For uniformity, visibility and maintenance, all road intersection signs shall be fabricated and installed consistent with the County Road Intersection Sign Standards as determined by the County Engineer.

**807 PROPERTY SIGN PLACEMENT**

Each owner of parcel(s) requiring signage shall be required to display and maintain the respective property sign. Each property sign shall be placed near the mailbox location. If there is no mailbox at the property then the property sign shall be placed as close to the road and driveway as to not constitute a hazard. Signs shall be placed so that they can be seen from each direction of travel on the road adjoined by the driveway. Any existing numbering that is not in conformance with this ordinance shall be removed by the owner.

Multiple structures: One address post may be used for sites with multiple structures as long as those structures are accessed with a common driveway. When one driveway is shared by more than one parcel, signs may be placed on one post with the parcel nearest to the address post located on top of the post.

## ENHANCED 911 SIGNING

### NEW CONSTRUCTION OR SUBDIVISION ~ (SECTION 808)

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#### **808    NEW CONSTRUCTION OR SUBDIVISIONS**

All new construction and subdivisions shall be named and numbered as provided below.

- 1) New Construction: Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Jackson County Public Works Department. The new owner shall pay a fee as set by the Jackson County Fee Schedule for the cost and installation of the sign at the time of the issuance of the setback permit.
  
- 2) New Subdivisions: Road numbers/names shall conform to the adopted street numbering of this Ordinance. New addresses will be assigned to the newly sub-divided properties at the time a setback permit is applied for.

## **ENHANCED 911 SIGNING**

### **PENALTY FOR VIOLATING ORDINANCE ~ (SECTION 809)**

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#### **809 PENALTY FOR VIOLATING ORDINANCE**

Whoever violates any of the provisions of this ordinance is guilty of a misdemeanor and may be punished by a fine and/or imprisonment as provided by Minnesota law. Each day that a violation continues shall constitute a separate offense. Nothing in this section prohibits Jackson County from installing a sign consistent with the provisions this ordinance upon notice of non-compliance by a property owner or township. Any and all costs of installation, including labor, shall be assessed against the property owner or township.

**810 SIGN MAINTENANCE**

It will be the responsibility of the property owner to maintain the original sign location and to maintain the visual sight of the 911 sign in all directions. The sign must remain clear of weeds, brush, trees etc.

The cost and installation of the individual property signs will be assessed to the property owner. Maintenance and ownership of road signs at the intersections of the township roads will revert to the individual townships once the initial installation is complete.

**811 RISK ACCEPTANCE**

If for any reason, a property owner or resident fails or refuses to comply with the ordinance, they shall be deemed to have assumed any and all risk including the potential of receiving delayed emergency assistance. Jackson County assumes no liability for a property owner's or residence's refusal to comply with the provisions of this ordinance.

**812 SEVERABILITY**

In the event that any portion of this ordinance is found by a Court to be invalid, the remaining provisions shall continue in full force and effect.

**813 FEE SCHEDULE**

A fee schedule shall be established by the Jackson County Board of Commissioners to implement the provisions of this ordinance. The fee set for erecting or replacing a property sign shall, at a minimum, cover the cost of the sign, post, and labor for its installation.

### **901 VIOLATIONS AND PENALTIES**

Penal Offense (Minnesota Statutes, section 375.51-55)

Jackson County is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 5 of this ordinance.

**901.15** Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

**901.16** In responding to a suspected ordinance violation, the Land Management Director and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures, civil fines, or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.

**901.17** When an ordinance violation is either discovered by or brought to the attention of the Land Management Director, the Land Management Director shall immediately investigate the situation and document the nature and extent of the violation of the official control. In flood plain and shoreland areas the Land Management Director as soon as is reasonably possible, shall submit information to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

**901.18** The Land Management Director shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Land Management Director may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Land Management Director may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

**901.19** If the responsible party does not appropriately respond to the Land Management Director within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Land

# ENFORCEMENT

## VIOLATIONS AND PENALTIES ~ (SECTION 901)

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Management Director shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

### **901.2 Penalties**

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

### **901.3 Application to Community Personnel**

The failure of any officer or employee of the community to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless penalty is specifically provided for such failure.

### **901.4 Equitable Release**

In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the community in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

## SEPARABILITY, SUPREMACY & EFF. DATE

SEPARABILITY ~ (SECTION 1001)

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### **1001 SEPARABILITY**

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.



## SEPARABILITY, SUPREMACY & EFF. DATE

SUPREMACY ~ (SECTION 1002)

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### **1002 SUPREMACY**

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other county ordinance or regulation, the more restrictive conditions shall prevail.

## **SEPARABILITY, SUPREMACY & EFF. DATE**

EFFECTIVE DATE ~ (SECTION 1003)

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### **1003 EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after April 12, 1993 or the date of its passage and publication according to law, whichever occurs first.

**CHART**

SYMBOL	USE DISTRICT	LOT AREA	LOT WIDTH	FRONT YARD SETBACK FROM CENTERLINE	SIDE YARD	REAR YARD	HEIGHT
AG	Agricultural Preservation	a. 2½ acres at a density of 1 per 80 acres b. 5 acres on non-tillable land	200 ft.	125 ft.-State Highway 100 ft.-County Road 83 ft.-Township Road 33 ft.-Unclassified Road > 8,000 sq. ft. +50% setback	20 ft.	30 ft.	2½ stories 35 ft.
C	Conservancy	10 acres	200 ft.	same as above	20 ft.	30 ft.	2½ stories 35 ft.
UR	Urban Rural Residential	a. 1½ acre without central sewer b. 15,000 sq. ft. with sewer	a. 200 ft. b. 85 ft.	same as above	20 ft.	30 ft.	2½ stories
MFU	Multi-family Urban	8 units per acre	70 ft.	same as above	15 ft. or ¾ of height of building	30 ft.	2½ stories 35 ft.
GB	General Business		100 ft.	125 ft. - State Highway 100 ft. - County Road 83 ft. - Local Street	20 ft.	35 ft.	2½ stories 35 ft.
GI	General Industry		100 ft.	200 ft. - State Highway 150 ft. - County Road 125 ft. - Local Road	20 ft.	40 ft.	2½ stories 35 ft.
FP	Floodplain	5 acres	100 ft.	135 ft. - State Highway 130 ft. - County Road 65 ft. - Township Road 33 ft. - Unclassified Road	20 ft.	50 ft.	2½ stories 35 ft.

SHORE- LAND	a. General Dev.	20,000 sq. ft.	100 ft.	125 ft. - State Highway	10 ft.	30 ft.	2½ stories 35 ft.
	b. Recreation	40,000 sq. ft.	150 ft.	100 ft. - County Road	10 ft.	30 ft.	
	c. Natural Env.	80,000 sq. ft.	200 ft.	65 ft. - Township Road 33 ft. - Unclassified Road	10 ft.	30 ft.	

JACKSON COUNTY  
SUBDIVISION REGULATIONS

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THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE JACKSON  
COUNTY SUBDIVISION REGULATIONS.

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**201.** All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- 1) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- 2) Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- 3) Place the cost of improvements against those benefiting from their construction.
- 4) Secure the rights of the public with respect to public lands and waters.

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**301.** The rules and regulations governing plats and subdivision of land contained herein shall apply within the county and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this county and the other municipality or municipalities concerned. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control

**302. AMENDMENTS**

The provisions of this Ordinance may be amended by the Jackson County Board.

**303. VALIDITY**

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decision shall not affect the validity of the remainder.

**304. ADMINISTRATION**

This Ordinance shall be administered by the Jackson County Land Management Director.

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**401. RULES**

- 1) Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive.
- 2) In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

**402. DEFINITIONS**

For the purpose of these regulations, certain terms and words are hereby defined as follows:

Attorney	The attorney employed by the county unless otherwise stated.
Block	The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.
Boulevard	The portion of the street right-of-way between the curb line and the property line.
Butt Lot	A lot at the end of a block and located between two corner lots.
Cluster Development	A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.
Community	Jackson County
Comprehensive Policies Plan	A comprehensive policies plan prepared by the county including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the county and includes any plan or parts thereof.
Contour Map	A map on which irregularities of land surfaces are shown by lines connecting points of equal

elevations. Contour interval is the vertical height between contour lines.

Copy	A print or reproduction made from a tracing.
Corner Lot	A lot bordered on at least two (2) sides by streets.
County	Jackson County, Minnesota
County Board	The Jackson County Board of Commissioners
Development	The act of building structures and installing site improvements.
Double Frontage Lots	Lots which have a front line abutting on one street and a back or rear line abutting on another street.
Drainage Course	A water course or indenture for the drainage of surface water.
Easement	A grant by an Owner of land for a specific use by persons other than the Owner.
Engineer	The registered engineer employed by the community unless otherwise stated.
Final Plat	The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder.
Governing Body	Jackson County
Key Map	A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.
Lot	A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
Metes and Bounds Description	A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point

and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Minimum Subdivisions Design Standards

The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Natural Waterway

A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Owner

An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Pedestrian Way

A public right-of-way across or within a block, to be used by pedestrians.

Person

Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Plat

A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

Preliminary Plat

The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

Private Street

A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Protective Covenants

Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Right-of-Way

The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

Sketch Plan

A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Streets and Alleys

- 1) Street: A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.
- 2) Collector Street: A Street which carries traffic from local streets to arterials.
- 3) Cul-de-sac: A minor street with only one outlet and having a turn-around.
- 4) Service Street: Marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provided access to abutting properties and protection from through traffic.
- 5) Local Street: A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
- 6) Alley: A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
- 7) Arterial Street: A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.



**403. LAND SUITABILITY IN SHORELAND OR FLOODPLAIN DISTRICT**

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-base recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents, of the proposed subdivision or of the community.

Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.

Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.

**404. CONSISTENCY WITH OTHER CONTROLS**

Subdivisions must conform to all other official controls of the Jackson County Development Code. Local governments must not approve subdivisions that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. A lot shall meet the minimum lot size in part 612.5 including at least a minimum contiguous lawn area, that is free of limiting factors (location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential, and other limiting factors), sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

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Before dividing any tract of land into two or more lots or parcels within Jackson County, the following procedures should be followed:

**501. PRE-APPLICATION MEETING**

Prior to the preparation of a preliminary plat, the subdividers or owners may meet with the Jackson County Planning Commission the Jackson County Land Management Director, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provisions of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing county facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site.

The subdivider is urged to avail himself of the advice and assistance of the local planning commission and county planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

**502. PRELIMINARY PLAT**

- 1) After the pre-application meeting, the subdividers or owners shall file with the Land Management Director five (5) copies of a preliminary plat and the fee as set by the Jackson County Fee Schedule. This fee will be used for the expenses of the County in connection with the review of said plat.
- 2) The Land Management Director shall refer two copies to the County Planning Commission for their review and report.
- 3) Within forty-five (45) days after the plat was filed and after reports and certifications have been received as requested, the County Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least then (10) days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law. Within thirty (30) days of the date of the public hearing, the Planning Commission shall make its report to the Jackson County Board.

Written notice of public hearings on the proposed subdivision shall be sent to the governing bodies of all towns and municipalities located within the county. In unincorporated areas, property owners of record within one-half mile of the property in questions shall be notified in writing of the proposed subdivision. In incorporated areas, property owners within 500 feet of the property in questions shall be notified in writing of the proposed subdivision.

Copies of all notices of Public Hearings in Shoreland or Floodplain Districts shall be sent to the DNR Commissioner or his designated representative and postmarked at least ten (10) days prior to the hearing. This notice shall include a copy of the proposed subdivision/plat.

- 4) The County Planning commission and the County Land Management Director may forward to the County Board a favorable, conditional or unfavorable report and said reports shall contain a statement or findings and recommendations.
- 5) The Jackson County Board shall act to approve or disapprove. If the County Board disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the Minutes of the Board meeting and reported to the owners or subdividers.
- 6) The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of the ordinance.
- 7) During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.
- 8) In the case of all subdivisions, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary or final plat if it makes any of the following findings:
  - a) That the proposed subdivision is in conflict with adopted applicable general and specific plans of Jackson County.
  - b) That the design or improvement of the proposed subdivision is in conflict with any adopted component of the comprehensive plan of Jackson County.
  - c) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated.
  - d) That the site is not physically suitable for the proposed density of development.
  - e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
  - f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
  - g) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

- h) Any lot or parcel designated as an “outlot” shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of the lot or parcel.

### **503. FINAL PLAT**

- 1) The owners or subdividers shall file five (5) copies of the final plat with the Land Management Director. In addition the applicant shall provide one copy of the Final Plat in electronic form, preferably an Auto Cad file. If this is not done within ninety (90) days, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the Board. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.
- 2) The final plat shall have incorporated all changes recommended by the County Land Management Director, the County Board and the County Engineer regarding county roads as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this Ordinance.
- 3) The Land Management Director shall refer two copies of the final plat to the Planning Commission for its review and report. The report of these agencies and persons shall be submitted to the County board within thirty (30) day of the date of submission of the plat and the County board shall act on the final plat within sixty (60) days of submission of the plat.
- 4) Upon approval of the final plat by the Jackson County Board the subdivider shall record such final plat with the County Recorder, as provided for by that office, within (120) days after the approval. Otherwise the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the Land Management Director with three black line prints and a reproducible print of the final plat showing evidence of the recording.
- 5) A copy of the approved plats in the Shoreland or Floodplain District must be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of the final action.
- 6) All plats which are larger than 10 lots need to be registered with the State Department of Commerce.

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**601. DATA FOR PRELIMINARY PLAT****1) Identification and Description**

- a) Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore in the County.
- b) Location by section, township, range, and by legal description.
- c) Name of municipality or township.
- d) Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.
- e) Graphic scale not less than one (1) inch to one hundred (100) feet.
- f) North point.
- g) Key map including area within one (1) mile radius of plat.
- h) Date of preparation.
- i) A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the Subdivider's attorney.
- j) Surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.
- k) General drainage plan and erosion and sediment control plan.

**2) Existing Conditions**

- a) Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.
- b) Existing zoning classifications for land within and abutting the subdivision.
- c) A general statement on the approximate acreage and dimensions of the lots.
- d) Location, right-of-way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the plan and to a distance one hundred fifty (150 feet) beyond shall also be indicated.

- e) Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  - f) Topographic data, including contours at vertical intervals of ten (10) feet, water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. USGS datum shall be used for all topographic mapping where feasible. The County Board may require two foot contours if conditions warrant it.
  - g) An accurate soil survey of the subdivision prepared by a qualified person. Soil percolation tests may also be required if conditions warrant it.
  - h) A central water and sewer system feasibility study to be completed by a qualified engineer, if a central water and sewer system is determined to be feasible. Where a central sewer system is found to be unfeasible, a qualified soil scientist shall report on the feasibility of individual home sewer systems according to MPCA standards and shall include soils borings and percolation tests as needed to verify conclusions. All lots created after January 23, 1996 shall show a primary and secondary site where a standard soil treatment area can be constructed. Lots that would require use of holding tanks must not be approved.
  - i) The surface water features required in Minnesota statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.
  - j) Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depth, type of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
  - k) Location of the 100 year flood plain areas from existing regional flood maps.
  - l) Letter from the local SWCD indicating that the subdivision is in compliance with the Minnesota Wetland Conservation Act.
- 3) Subdivision Design Features
- a) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. All streets and roads shall be consistent with the County Emergency 911 system.
  - b) Locations and widths of proposed alleys and pedestrian ways.
  - c) Layout, numbers and preliminary dimensions of lots and blocks.

- d) Minimum front and side street buildings setback lines.
- e) When lots are located on a curve, the width of the lot at the building setback line.
- f) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public uses, including the size of such areas in acres.

4) Other Information

- a) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- b) Provision of surface water and sanitary sewage disposal, drainage and flood control.
- c) If any zoning changes are contemplated, the proposed zoning plan for the area.
- d) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivision shall be shown to relate well with existing or potential adjacent subdivisions.
- e) Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.
- f) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, designs of velocity and erosion control measures, and landscaping of the erosion and sediment control system.
- g) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.
- h) A water feasibility study shall also be required to determine if water is readily available.
- i) Such other information as may be requested by the County Land Management Director or County Planning Commission.

**602. DATA FOR FINAL PLAT**

- 1) General - The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this regulation.
- 2) Surveying requirements of the final plat shall be under the regulation of the County Surveyor.
- 3) The subdivider or owner shall provide a map showing location and sizes of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred fifty (150) feet beyond. Such data as grade, invert elevations, and locations of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.
- 4) The subdivider or owner shall prepare a map showing all existing and proposed private restrictions.
- 5) Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the Jackson County Recorder for the lands included within the plat and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.
- 6) Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the County of sufficient easements to accommodate utility services in such form as shall be approved by the County Attorney.
- 7) On the final plat, the lowest floor elevation of a building shall be shown for all lots abutting a water body. The elevation shall be at least three feet above the 100-year flood elevation for rivers and streams and at least three feet above the ordinary high water level for lakes. A durable benchmark shall be established and shown on the map.

**Certifications**

1) Form for approval by signature of county officials concerned with the recording of the plat.

a) Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Jackson County Engineer

b) No delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Jackson County Auditor

c) Document Number \_\_\_\_\_.

I hereby certify this instrument was filed in the office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., and was duly recorded in Book \_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_.

\_\_\_\_\_  
County Recorder,  
Jackson County

d) Checked and approved as in compliance with the Jackson County Zoning Ordinance and Subdivision Regulations.

\_\_\_\_\_  
Planning Commission,  
Jackson County

\_\_\_\_\_  
County Board,  
Jackson County

\_\_\_\_\_  
Township Board Chairman

2) Form for approval by the County Attorney:

I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Jackson County Attorney

**701. GENERAL REQUIREMENTS**

- 1) The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided.
- 2) The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

**702. STREETS**

- 1) Widths - Street right-of-way widths shall be as determined in the policies plan and official map and, where applicable, shall conform to county and state standards for trunk highways. If there is no such plan or standard, right-of-way widths shall conform to the following minimum dimensions:

<u>Street</u>	<u>Right-of Way Width</u>
Major Arterial	250 feet
Minor Arterial	150 feet
Collectors	60-80 feet
Local	50 feet
Marginal Access Roads	30 feet
Cul-de-sac streets	60 feet
Cul-de-sac Turnaround Radius	60 feet

- 2) Street Intersections - Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.
- 3) Tangents - A tangent of least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
- 4) Deflections - When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterial, three hundred (300) feet for collectors, one hundred (100) feet for all other streets.

- 5) Street Jogs - Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets.
- 6) Local Streets - Minor streets shall be laid out so that their use by through traffic is discouraged.
- 7) Cul-de-sac - The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.
- 8) Centerline Gradients - All centerline gradients shall be at least 0.5 percent and shall not exceed the following: arterial and collector streets - 5 percent, minor streets and marginal access streets - 8 percent.
- 9) Access to Arterial Streets - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterial shall be at intervals of not less than ¼ mile and through existing and established cross roads where possible.
- 10) Platting of small tracts - In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrances and where access from such plat would be closer than ¼ mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, such temporary entrance permits shall become void.
- 11) Half Streets - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.
- 12) Private Streets - Private streets may be permitted, however, they must conform to the same standards as public streets.
- 13) Hardship to Owners of Adjoining Property - The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

### **703. BLOCKS**

- 1) The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1300 feet or shorter than 300 feet only if the County Land Management Director and Highway Engineer agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles.

Pedestrian ways may be required on blocks longer than 900 feet or in other areas to provide access to schools, parks and other destinations. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

**704. LOTS**

- 1) Size - The lot dimensions shall be such as to comply with the minimum lot areas specified in the zoning ordinance.
- 2) Side lot lines - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
- 3) Lots - Shall be graded so as to provide drainage away from building locations.
- 4) Natural Features - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- 5) Lot remnants - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
- 6) Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.
- 7) On large lots (1 acre or more) septic tanks and drainfields shall be located in such a way as to allow future subdivision of the land.

**705. SEWAGE DISPOSAL**

- 1) This ordinance adopts Minnesota Pollution Control Agency Chapter 7080 and 7081.
- 2) Publicly owned sewer systems must be used where available. Refer to chapter 716 for additional details.

**706. TREE REMOVAL AND CONSERVATION OF VEGETATION**

All subdivisions shall be planned, designed, constructed and maintained so that:

- 1) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.

- 2) Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of a tentative map.
- 3) Following construction, vegetation suitable to the site is planted. The type or species of tree planted shall be approved by the county. Trees with root structures that are less likely to interfere with utility lines, break-up sidewalks, and cause other nuisance damage are desirable. Trees shall have a trunk diameter (measured 12 inches above ground level) of not less than 1 3/4 inches and shall be planted in not less than one cubic yard of good growing soil with a suitable amount of fertilizer. Approved multiple varieties shall be used alternately. Trees shall be planted at intervals of at least one every sixteen feet and at a distance of at least six feet outside of the road right-of-way. No tree shall be planted within the road right-of-way. Hedges shall be set back at least 100 feet from the centerline of any highway in order to prevent snow build-up.
- 4) Existing trees shall be preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- 5) No slash, dead trees, or uprooted stumps shall remain after development. Refer to 612.8 for additional vegetation alterations considerations.

**707. EROSION AND SEDIMENT CONTROL**

The following guidelines shall be applied in the subdivision and construction of land areas:

- 1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- 2) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- 3) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- 4) When soil is exposed, the exposure shall be for the shortest feasible period of time.
- 5) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development. Refer to 612.9 for additional grading and filling considerations.

**708. DRAINAGE**

The natural drainage system shall be used as far as is feasible for the storage and flow of runoff.

The following requirements shall also apply:

- 1) Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.
- 2) No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, rerouted or filled without written permission from the Jackson County Board.
- 3) Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.
- 4) The drainage system shall be constructed and operational as quickly as possible during construction. Refer to 613 for additional stormwater standards.

**709. EASEMENTS**

All easements shall be dedicated by appropriate language on the plat as required by M.S.A. Section 505.02, Subd. 2.

- 1) Provided for Utilities - Easements at least twelve (12) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. They shall have continuity of alignment for block to block.
- 2) Drainage - Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot line shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.

**710. STEEP SLOPES**

Subdivision design shall be consistent with limitations presented by steep slopes. Subdivision shall be designed so that no construction or grading will be conducted on slopes steeper than 18% in grade.

**711 FLOOD PLAIN SUBDIVISIONS**

No land shall be subdivided which is held unsuitable by the Jackson County Planning Commission for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this Ordinance and have road access both to the subdivisions and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation.

In the General Flood Plain District, applicants shall provide the information required in Section 609 of the Jackson County Development Code. The Jackson County Planning Commission shall evaluate the subdivision in accordance with procedures established in Section 609 of the Jackson County Development Code.

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**801. IMPROVEMENTS LISTED AND DESCRIBED**

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

- 1) Monuments - Monuments of a permanent character, as required by M.S.A. Section 505.02, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerlines.
- 2) Streets - The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the County. Except in areas where lot widths exceed one hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks at some future date.
- 3) Paving - The County Board may require that all streets and alleys be improved with a concrete or bituminous surface. Paving shall be required if central sewer and water services are provided. If central sewer and water services will not be provided for at least ten (10) years, paving may be required. If central sewer and water services are to be provided within ten (10) years, paving should not be required until after the central sewer and water services are installed. The County may require a cash deposit to be used for paving the streets after central sewer and water services are provided. Streets to be paved shall be surfaces for five-ton axle weight capacity.
- 4) Concrete Curb and Gutter - Concrete curb and gutter may be required for all paved streets.
- 5) Sidewalks - Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
- 6) Water Supply - Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

Where a municipal connection is determined to be unfeasible, the following standards shall apply:

In all subdivisions the subdivider shall either:

- a) Install a system providing each lot with an adequate supply of potable water or,

- b) State on his final plat that purchasers of individual lots will be required to install their own approved wells.
- 7) Street Lighting - Street lighting of a type approved by the community may be required at all intersections within the subdivision.
- 8) Sewage Disposal - Sanitary sewer mains and service connections shall be installed to serve all the lots in the subdivision and shall be connected to the public system. When a subdivision cannot be connected immediately to a trunk line of the community system, but in the opinion of the County and County Engineer, a trunk line will be extended to serve the area within five years through the community disposal system, the County may require that sewer mains and service connections be installed within the subdivision and the entire system connected to a temporary, package sewage treatment plant.

In areas being platted for residential development with large lots, shall have two designated soil treatment areas which can support a standard soil treatment system. On-site sewage disposal systems shall be so located as to permit easy and the least expensive connection to the sewer when it becomes available and useable. Where such on-site units are installed, the subdivider shall provide underground plumbing to extend three (3) feet beyond the footing which plumbing shall be plugged. The area around the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the public sanitary sewer system.

When an individual sewage system is used and the septic tank is placed on a side other than that from which the public sewer would connect, it shall be required that a capped sewage disposal line shall be extended from the point of ground entrance of basement or house to a point five (5) feet beyond and to the side from which the future sewer connection will be made. Inside the basement the elbow shall be set up to be easily reversed for connection to the capped line.

There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way or roadside ditch.

The subdivider or owner shall be required to provide appropriate soils borings and percolation tests in order to determine proper sewage system design. Where home sewer systems are to be installed, the standards in Section 7 of the Zoning Ordinance shall be applicable.

- 9) Drainage - A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.

## **IMPROVEMENTS REQUIRED**

Section 8-3

- 10) Street Signs - Street signs of standard design approved by the County Board shall be installed at each street intersection.
- 11) Public Utilities - All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

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**901. GENERAL**

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public, provided, however, that in the case of an improvement, the cost of which would be general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the County Board may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the subdivider. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the County Board may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same; and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

**902. REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLMENT OF IMPROVEMENTS**

When requested by the County and prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the County requiring the subdivider to furnish and construct said improvements at his sole cost in accordance with the plans and specifications and usual contract conditions all approved by the County Board which shall include provisions for supervision of details of construction by the County Land Management Director and grant to the Administrator the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there-under and with any other work being done or contracted by the County in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in 903 which follows.

The amount of the deposit and the penal amount of the bond shall equal the Administrator's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the County. The time for completion of work and the several parts thereof shall be determined by the County Board upon recommendation of the County Land Management Director after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

**903. FINANCIAL GUARANTEE**

The contract, provided by 902, above, shall require the subdivider to make an escrow deposit or in lieu thereof furnish the performance bond as follows:

- 1) Escrow Deposit - An escrow deposit shall be made with the County, including cost of inspection by the County of all improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the final plat; but the County shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the County for completion of the work in case of default of the subdivider under said contract and for any damages sustained by the County on account of any breach thereof. Upon completion of the work and termination of any liabilities to the County or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.
  
- 2) Performance Bond - In lieu of making an escrow deposit above described, the subdivider may furnish the County with a public contract of performance bond, in the form prescribed by statute, with corporate surety in a penal sum equal to the total cost as estimated by the Land Management Director including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat. The bond shall be approved by the County Attorney and filed with the County Recorder.

**904. CONSTRUCTION PLANS**

Construction plans for the required improvements, conforming in all respect to the standards of the county and the applicable ordinances shall be prepared at the subdivider's expense by a Professional Engineer who is registered in the State of Minnesota; and said plans shall contain his seal. Such plans, together with the quantity of construction items, shall be submitted to the Land Management Director for his approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in 902. The tracings of the plans approved by the county, plus two prints, shall be furnished to the County to be filed by the County.

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**1000. MODIFICATIONS, EXCEPTIONS AND VARIANCES****1001. HARDSHIP**

The County Board may waive specific requirements upon receiving a report from the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Ordinance in specific which, in its opinion, do not affect the comprehensive plan or the intent of this Ordinance. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The County board may waive specific requirements in cases which in its opinion meets the above requirements and do not adversely affect the purposes of this Ordinance.

**1002. APPLICABILITY**

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

**1003. EASEMENTS**

All easements required for public purposes shall be provided at locations approved by the governing body. Jackson County may require in cooperation with the sub-division regulations an easement for public purposes. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easement must be conveyed and recorded at the County Recorder's office prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county or regional utility plan.

Oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

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**1101. SMALL SUBDIVISIONS**

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the County Board, following consideration of the Planning Commission, shall have the power to vary the requirements established in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done.

In particular, for small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the County Board, following consideration by the Planning Commission, so determines, and following compliance with procedures as follows:

- 1) Simple Lot Split- When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived if approved by the Planning Commission. Transfer of title or the process of subdividing may be by filing of a final plat, certificate of survey or registered land survey.
- 2) Creation of 3 to 5 lots - When any parcel of land is divided to result in three (3) to not more than five (5) lots, submission requirements such as soil tests and topography information shall be as required by the County Planning Commission. Transfer of title or the process of subdivision may be by filing of a final plat or registered land survey. Additional information may, however, be required by the Planning Commission, or County Board following review of the preliminary plan. The County Board may require the filing of a final plat in lieu of a registered land survey.

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**1201. REGISTERED LAND SURVEYS**

All metes and bounds surveys shall be completed by a Registered Land Surveyor.

**1202. CONVEYANCE BY METES AND BOUNDS**

Land parcels may be conveyed by existing metes and bounds property description.

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**1301 SETBACK PERMITS**

No setback permits will be issued for the construction of any building or structure on any lot in the subdivision as defined herein which has been approved for platting until all requirements of this Ordinance have been fully complied with.

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**1401 VIOLATION, PENALTY**

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense, punishable by a fine of not more than Five Hundred (\$500.00) dollars or by commitment to jail for a period not to exceed sixty (60) days and any permit or governmental approval may be revoked or denied for said violation. Each day during which compliance is delayed shall constitute a separate offense.

## **REVISION NOTICES**

Adopted: April 12, 1993

### **Revisions:**

- ✧ December 13, 1994
  - Addition of Sand and Gravel Mining as CUP
- ✧ May 15, 1998
  - Feedlot reciprocity and large bldg. setbacks; SSTS at property transfer; Adopt MPCA 7080 (SSTS) & 7020 (Feedlot) standards; Allows one parcel split in a subdivision without platting
- ✧ July 1, 2001
  - Adopt several state rules re: enforcement; misc. regarding mobile homes; 734, Windpower Mgmt.; CUP for shoreland alteration
- ✧ June 15, 2002
  - Windpower setbacks
- ✧ January 6, 2009
  - Adopts EAW rules; Admin sunset rules; 50% impervious surface; update some CSSSA and SSTS standards including adopting 7080 (holding tanks); Swine lagoons are prohibited; MET Towers are CUPs, Small Windpower projects permitted by the County; E-911 Signing
- ✧ July 1, 2010
  - Several SSTS, Windpower, and Subdivision updates; Unrecorded lakeshore lots; Feedlot setbacks for manure stockpiles
- ✧ June 1, 2012
  - “Practical Difficulty” changes; home occupations and concrete batch plants are CUP; Clarified language in Bldg Permits, Public Nuisance, Sewage Disposal, Met Towers, and property split requirements for Subdivisions
- ✧ November 12, 2012
  - Correcting Typos; Interim Use Permits; Voluntary Surrender of CUP; some additions to section 6 including temp. living quarters
- ✧ September 9, 2014
  - Clarified language; Added Closed Landfill Restricted; Removed Accessory Bldg
- ✧ September 15, 2015
  - Solar Energy; Created new section requiring surveys for new parcels
- ✧ May 2, 2017
  - Amended Subdivision of Land section requiring surveys for new parcels
- ✧ October 17, 2017
  - Buffer Ordinance

## **REVISION NOTICES**

### **Revisions:**

- ✧ April 19, 2022
  - Clerical changes throughout; Essential Service outside of ROW; clarified bulk storage setback requirements; define “New Bldg Construction” in SSTS Loan Ordinance
- ✧ July 19, 2022
  - Update Variance Administration section
- ✧ December 17, 2024
  - Cannabis Business section and new definitions

**Adoption: April 12, 1993**

Date Effective

The Jackson County Development Code dated August 1978 and all other ordinances or parts of ordinances of the County of Jackson in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance #103 shall become effective upon its adoption and publication according to law.

Adopted this 12th day of April, 1993, by the County of Jackson.



\_\_\_\_\_  
Jackson County Board of Commissioners  
Ed Yonker, Chairman

ATTEST:



\_\_\_\_\_  
Luther F. Glaser, Auditor

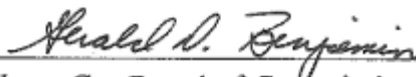
**Revision: December 13, 1994**

The following Section has been revised as of December 13, 1994, and is now included as part of this Ordinance.

Addition of Sand & Gravel Mining as a Conditional Use under Section 605.4

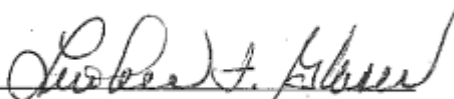
This Amendment to Ordinance 103, The Jackson County Development Code shall become effective upon its adoption and publication according to law.

Duly passed and adopted this 13 day of December, 1994.



Jackson Co. Board of Commissioners  
Gerald D. Benjamin, Chairman

Attest:



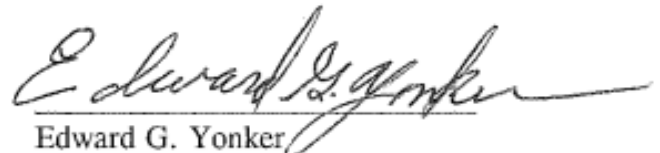
Luther Glaser (Auditor)

**Revision: May 15, 1998**

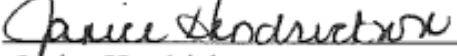
The Jackson County Board of Commissioners met on May 4, 1998, and unanimously voted to adopt the following revisions to the Jackson County Zoning Ordinance effective May 15, 1998. The following is a synopsis of the revisions to Ordinance #103:

- 603 Agriculture Preservation
- Establish a setback from a non-farm residence to a feedlot;
  - Increase building setbacks by 50% for buildings larger than 8000 square feet.
- 610 Shoreland District
- Requires septic system compliance at property transfer.
- 716 Sewage Disposal Standards
- Adopts MPCA 7080 construction standards and applies them to both incorporated and unincorporated areas of the county.
  - Establishes updated administrative procedures.
- 727 Livestock Feedlots
- Removes homes with a value of less than \$3000 from the definition of a residence;
  - Incorporates current MPCA 7020 Rules;
  - Considers a church as a residence in reference to setbacks;
  - Prohibits the use of manure irrigation guns;
  - Manure storage pits must be designed for a minimum of 9 months of storage and the perimeter tile shall have an inspection port;
  - Manure application standards to be updated.
- 733 Wireless Telecommunication Towers and Antennas
- Establish construction standards procedures.
- Subdivision Regulations
- Allows one parcel split without platting.

Passed this 22nd day of June, 1998



Edward G. Yonker  
Chairman, Jackson County  
Board of Commissioners

ATTEST:   
Janice Hendrickson  
Coordinator, Jackson County

**Revision: July 1, 2001**

NOTICE OF ADOPTION

The Jackson County Board of Commissioners met on June 11, 2001, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective July 1, 2001:

Administration

- Include Chapter 115 of state statutes regarding Ordinance enforcement
- Permit fees double when construction has begun
- Adoption of MN Statutes 15.99 regarding the 60 day rule
- Adopts the MN Environmental Quality Board Environmental Review Program, Chapter 4410
- Adopts MN State Handicapped Accessibility Code

600 Ag Preservation

- Mobile Home use
- Non-farm residence restrictions
- Commercial wind energy towers and aquiculture are listed as a conditional use permit
- Rear yard setback 30 feet

604 Conservancy District

- Mobile Home use
- Commercial wind energy towers and aquiculture are listed as a conditional use permit

605 Urban/Rural District

- Mobile Home use
- Commercial wind energy towers and aquiculture are listed as a conditional use permit
- Rear yard setback 30 feet

610 Shoreland District

- Conditional Use Permit required for substantial alternation in the shore impact zone

615 On Site Sewage Treatment

- On Site sewage treatment policy regarding community sewer system planning

727 Feedlots

- Adopts MPCA, Chapter 7020 Feedlot rules along with related definitions and local requirements

734 Windpower Management Permit Process

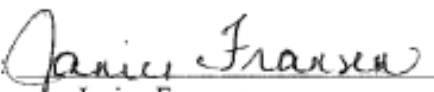
Subdivision Ordinance

Requires an electronic copy of all proposed subdivisions

Passed this 11<sup>th</sup> day of June, 2001



Bruce Hochstein, Chairman  
Jackson County Board of Commissioners

ATTEST:   
Janice Fransen  
Coordinator, Jackson County

**Revision June 15, 2002**

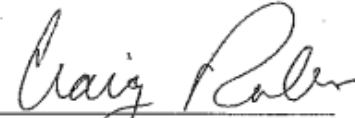
NOTICE OF ADOPTION

The Jackson County Board of Commissioners met on May 28, 2002, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective June 15, 2002:

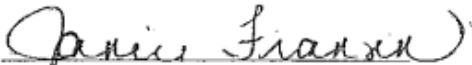
734.5 Setback Requirements

<u>Object</u>	<u>Setback</u>
Residence	750 feet
Property Line	one foot/foot of total height
Road Right-of-Way	one foot/foot of total height
Other Structures	1.25 times their height

Passed this 28<sup>th</sup> day of May, 2002



Craig Rubis, Chairman  
Jackson County Board of Commissioners

ATTEST:   
Janice Fransen  
Coordinator, Jackson County

## Revision: January 6, 2009

### NOTICE OF ADOPTION

The Jackson County Board of Commissioners met on January 6, 2009, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective upon the publication date of this Notice:

#### SECTION 3 – RULES & DEFINITIONS

#### SECTION 5 – ADMINISTRATION

- 506 Sunsets an approved variance if not used within 60 months and building permits if it is not used with 6 months.
- 506.2 Variance Exceptions
  - Includes cornices, canopies, eaves and cantilevers as part of the building.
  - Contiguous lots with identical ownership may ignore interior lot lines.
  - Allows an essential service utility building < 100 sq. ft. @ 10' from ROW.
- 507.6 Essential Service Utility Permits
  - Minor Essential Services – Single Service Line
  - Major Essential Services
- 508 Adopts by reference the EAW Rules.

#### SECTION 6 – ZONING DISTRICTS AND DISTRICT PROVISIONS

Added new standards to CUP's in all districts

- 612.6 Impervious Surface - Accepting porous pavers as 50% impervious.
- 612.9 Topographic Alterations - CUP's in the shoreland require a stormwater management plan signed by a registered engineer.
- 613 All permits issued in the shoreland district must be accompanied by a stormwater management plan.
- 617 Unrecorded Lakeshore Policy – accepts unrecorded lots when meeting specified criteria
- 620 COMMUNITY SANITARY SEWER SERVICE AREA (CSSSA)
  - Purpose of the service area
  - Mandatory Connection -In the service area, producing wastewater and within 300 feet.
  - Delayed Connection
  - Use of Public Sewers Required
  - Private Treatment Systems
  - Building Sewers and Connections - Specific Requirements, Supervision, Specifications, Inspection.
  - Use of Sanitary Sewers
  - Water Well Restrictions
  - Powers And Authority of Operator's Agents
  - Abatement

SECTION 7 – PERFORMANCE STANDARDS

- 703 Refuse – Requirements for storing junk vehicles
- 716 SEWAGE DISPOSAL STANDARDS
- Site Evaluation -Requires soil verification by two certified evaluators.
  - Compliance Inspections
  - Adds the addition of > 800 sq. ft. and Property Transfer as a SSTS trigger
  - Commercial Septic Systems require an Operation Permit.
- 716.2 Holding Tank- adopt 7080
- 727.5 Clearly states that swine lagoons are prohibited
- 727.6 Manure Application - regulates winter application of liquid manure
- 734 WINDPOWER MANAGEMENT
- Meteorological Towers will be a CUP.
  - Authorize Jackson County to be the permitting authority for < 5 mega watt projects.

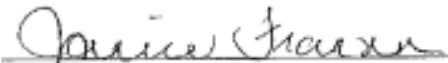
SECTION 8 – 911 SIGNING

- Places the 911 signing procedure into an ordinance.

Passed this 6<sup>th</sup> day of January, 2009



Loren Tusa, Chairman  
Jackson County Board of Commissioners

ATTEST:   
Janice Fransen  
Coordinator, Jackson County

**Revision: July 1, 2010**

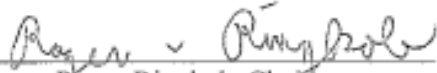
NOTICE OF ADOPTION

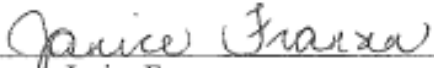
The Jackson County Board of Commissioners met on June 8, 2010, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective July 1, 2010, with the exception of Section 716 which will become effective January 1, 2011:

<b>Section 302-Definitions</b>	Adding several definitions regarding SSTS and Wind Towers
<b>Section 601-Districts</b>	<p><b><u>Ag and UR Dist.</u></b>            MWECS – Permitted Use            LWECS &amp; SWECS-CUP            Eliminate &gt; 100' CUP</p> <p><b><u>Shoreland Dist</u></b>            LWECS &amp; SWECS- Not Permitted            MWECS- CUP            Commercial Storage - CUP</p>
<b>Section 617 Unrecorded lakeshore lots</b>	Specifies that all three criteria must be present to qualify for unrecorded lots to be platted, recorded and transferred independently from each other.
<b>Section 716 Sewage Disposal Standards</b>	<p><b>Adopting mandatory language</b> adopted by MPCA.  <b>Compliance Criteria-</b> allows 15% flexibility for systems after March 31, 1996.  <b>Do it yourself</b> – Owner must sign an indemnification agreement and system does not require a pump.  <b>Septic Tank-</b> sizes increase, one tank/model/yr/mfg shall be leak tested by professional engineer. Tank display date, max depth, and capacity.  <b>Holding tanks</b> require – operating permit.  <b>Management Plans</b> are required for all new or replacement SSTS. Requires homeowner to assess maintenance @ 3 yrs.  <b>Septic Tank-</b> buried &lt; 2' requires insulation to R-10  <b>Pump-</b> Requires flow measurement.  <b>Garbage Disposal-</b>50% larger tank capacity plus effluent screen &amp; alarm.  <b>Grinder pump</b> from house to septic tank- 50% larger tank capacity w/multiple compartments plus effluent screen &amp; alarm.  <b>License Requirements</b>            Advanced design and inspector for &gt; 2500 gpd.            18 hrs continued education for all designers and insp.</p>
<b>Section 727.5 Feedlots</b>	Establish setbacks for permanent and short term manure stockpiling. Additional setbacks for stockpiles created away from the feedlot site.
<b>Section 734 Windpower</b>	<p><b>Adopt permitting authority for &lt; 25 mw</b>  <b>Permit application</b> requires more detail with additional information.  <b>LWECS - &gt; 5,000 kw</b>  <b>SWECS - &lt; 5,000 kw</b>  <b>MWECS - &lt; 75 kw &amp; 125'</b></p> <p><b>Adopt Mn 7030 Noise Rules</b>  <b>Additional setbacks</b> depending on tower size from wetlands, dwellings, project boundaries.</p>

<b>Subdivision Regulations</b>	<p><b>Platted parcel</b> – require 200' in width.  <b>Plat fee's</b> to be set by Co. Bd  <b>Outlots-</b> shall have recorded development agreement.  <b>Time limit</b> to record plat 120 days.  <b>Require a drainage and erosion control plan. As well as a letter from SWCD regarding WCA compliance.</b>  Requires streets to be compliant with E 911 address system.  <b>Plat requires elevations</b> relating to OHWM and a durable benchmark.</p>
	<p>Allows Co Bd to waive specific requirements under certain conditions.  States that all metes and bounds surveys shall be done by a Registered Land Surveyor.</p>

Passed this 8<sup>th</sup> day of June, 2010

  
Roger Ringkob, Chairman  
Jackson County Board of Commissioners

ATTEST:   
Janice Fransen  
Coordinator, Jackson County

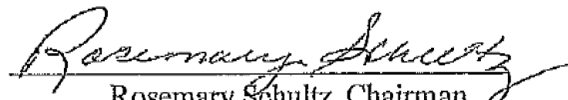
**Revision: June 1, 2012**

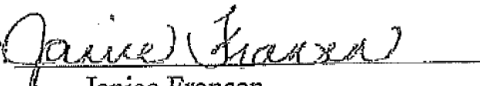
**NOTICE OF ADOPTION**

The Jackson County Board of Commissioners met on May 22, 2012, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective June 1, 2012.

2012 Development Code Revisions	
Section 302 Definitions	Clean up duplicates
Section 506 Variances	Clarify language regarding "practical difficulty" due to law changes
Section 507 Building permits	Cleaning up language for parcel splits/subdivison; allows for better GIS accuracy
Section 603 Zoning Districts	Regulations to protect ARMER tower path; Places home occupations and concrete batch plants as a Conditional Use;
Section 612 Shoreland District	Places home occupations and concrete batch plants as a Conditional Use; Language added to clarify publicly owned sewer system:
Section 703 Public Nuisance	Language added to coordinate with the Public Nuisance Ordinance
Section 716 Sewage Disposal Standards	Clarified language for the 15% reduction standard and property transfers
Section 734 Met Towers	Clarified application and construction requirements
Section 12 Subdivision	Clarify property split requirements

Passed this 22nd day of May, 2012

  
Rosemary Schultz, Chairman  
Jackson County Board of Commissioners

ATTEST   
Janice Fransen  
Coordinator, Jackson County

**Revision: November 12, 2012**

NOTICE OF ADOPTION

The Jackson County Board of Commissioners met on November 12, 2012, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance #103, Jackson County Enhanced 9-1-1 (E-911) Signing Ordinance, and Jackson County Subdivision Regulations. The following is a synopsis of the revisions to the Ordinance which will become effective November 12, 2012.

Section 3

- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Section 4

- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Section 5

- Addition of Interim Use Permits
- Addition of Voluntary Surrender of Conditional Use Permit
- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Section 6

- Additions to permitted uses:
  - Non-motorized semipublic or private recreation with or without structures
  - Recreation vehicle used for temporary living quarters
  - Public road and highways
  - Resort and Campgrounds
  - Government owned wetlands, wildlife areas, and other natural areas
- Addition of Interim Use Permits
- Addition of Shelterbelts and Field Windbreaks
  - 100 feet from centerline for all road classifications
- Addition of Recreation Vehicles used for temporary living quarters
- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Section 7

- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Section 8

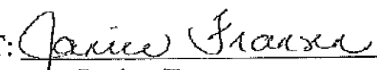
- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Subdivision Regulations

- Correcting professional duties/titles relative to Jackson County reorganization; correction of typographical errors; fix oversights; eliminate duplications and provide clarification.

Passed this 13<sup>th</sup> day of November, 2012

  
Rosemary Schultz, Chairman  
Jackson County Board of Commissioners

ATTEST:   
Janice Fransen  
Coordinator, Jackson County

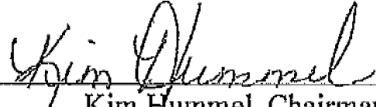
**Revision: September 9, 2014**

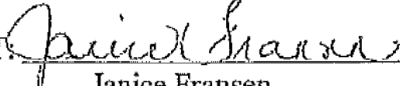
NOTICE OF ADOPTION

The Jackson County Board of Commissioners met on September 9, 2014, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective September 9, 2014.

2014 Development Code Revisions	
<b>Section 3 Rules &amp; Regulations</b>	Add definition of Expansion, Enlargement or Intensification
<b>Section 5 Administration</b>	Clarify language regarding Appeals and the Board of Adjustment and Appeals; Reorganized the section for better clarity.
<b>Section 6 Zoning Districts and District Provisions</b>	Clarified the language in the Districts and restructured the sections. Added the Closed Landfill Restricted (CLR).
<b>Section 7 Performance Standards</b>	Revised Department Titles; Clarified SSTS update time period; Removed Accessory Buildings and Structures section; Added required public comment form for feedlot expansion notifications.

Passed this 9th day of September, 2014

  
\_\_\_\_\_  
Kim Hummel, Chairman  
Jackson County Board of Commissioners

ATTEST:   
\_\_\_\_\_  
Janice Fransen  
Coordinator, Jackson County

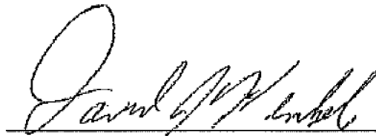
**Revision: September 15, 2015**

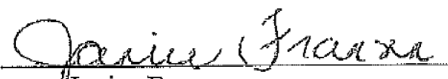
**NOTICE OF ADOPTION**

The Jackson County Board of Commissioners met on September 15, 2015, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective immediately except Section 718, Subdivision of Land, which will become effective January 1, 2016.

	<b>2015 Proposal</b>
<b>Section 603 Agricultural Preservation</b>	Large Solar Energy System - Conditional Use Small Solar Energy System - Permitted Use
<b>Section 604 Conservancy</b>	Large Solar Energy System - Conditional Use Small Solar Energy System - Permitted Use
<b>Section 605 Urban/Rural Residential</b>	Large Solar Energy System - Conditional Use Small Solar Energy System - Permitted Use
<b>Section 606 Multi-Family Urban</b>	Large Solar Energy System - Conditional Use Small Solar Energy System - Conditional Use
<b>Section 607 General Business</b>	Large Solar Energy System - Conditional Use Small Solar Energy System - Permitted Use
<b>Section 608 General Industry</b>	Large Solar Energy System - Conditional Use Small Solar Energy System - Permitted Use
<b>Section 609 Floodplain</b>	Large Solar Energy System - Prohibited Small Solar Energy System - Permitted Use
<b>Section 610 Shoreland</b>	Large Solar Energy System - Prohibited Small Solar Energy System - Permitted Use
<b>Section 619 Airport Approach</b>	Large Solar Energy System - Prohibited Small Solar Energy System - Conditional Use
<b>Section 621 Closed Landfill Restricted</b>	Large Solar Energy System - Prohibited Small Solar Energy System - Conditional Use
<b>Section 706 Glare</b>	Adding language to include the use of solar panels.
<b>Section 718 Subdivision of Land</b>	Creating a new section requiring surveys on new parcel splits.
<b>Section 735 Solar Energy</b>	Creating a new section for the development of Solar Energy Systems

Passed this 15<sup>th</sup> day of September, 2015

  
\_\_\_\_\_  
David Henkels, Chairman  
Jackson County Board of Commissioners

ATTEST:   
Janice Fransen  
Coordinator, Jackson County

**Revision: May 2, 2017**

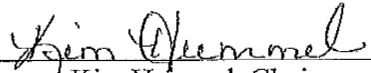
**NOTICE OF ADOPTION**

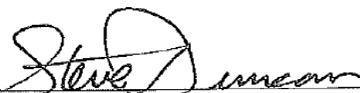
The Jackson County Board of Commissioners met on May 2, 2017, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective immediately.

**Section 718**  
**Subdivision of Land**

Amending this section requiring surveys on new parcel splits of 10 acres or less.

Passed this 2nd day of May, 2017

  
\_\_\_\_\_  
Kim Hummel, Chairman  
Jackson County Board of Commissioners

ATTEST:   
\_\_\_\_\_  
Steve Duncan  
Coordinator, Jackson County

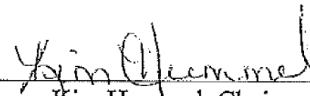
**Revision: October 17, 2017**


NOTICE OF ADOPTION

The Jackson County Board of Commissioners met on October 17, 2017, and unanimously voted to adopt revisions to the Jackson County Zoning Ordinance. The following is a synopsis of the revisions to Ordinance #103 which will become effective November 1, 2017.

Section #	Summary
<b>3 – Definitions</b>	Definitions associated with the Buffer Ordinance
<b>722 – Agriculture Use Standards</b>	Update setback distances to comply with Minn. Stat. §103F.48, the Buffer Law
<b>736 - Buffer Ordinance</b>	This buffer ordinance is to comply with Minn. Stat. §103F.48, the Buffer Law

Passed this 17<sup>th</sup> day of October, 2017

  
\_\_\_\_\_  
Kim Hummel, Chairman  
Jackson County Board of Commissioners

ATTEST:   
\_\_\_\_\_  
Steve Duncan  
Coordinator, Jackson County

Revision: April 19, 2022

Update Summary

Sections	Proposal Summary
Throughout Development Code	Correct professional duties/titles relative to Land Management Office positions; correction of typographical errors; fix oversights; and provide clarification.
Section 302 Definitions	Adding definitions defining "Department" and "Real Property".
Section 507.6 Essential Service Utility Permits	Adding language to clarify the responsibilities of the utility owner when improving roads adjacent to utilities that are located outside the ROW but do not meet the required structure setback.
Section 701 Performance Standards	Made changes throughout with regards to changes in titles and responsibilities. This is clerical in nature and not any rule changes.
Section 716 Sewage Disposal Standards	General updates to ensure consistency with State Rules and Requirements. Also clarifying some procedural processes for SSTS permitting and inspecting.
Section 717 Bulk Storage Liquid or Gas	Clarifying setback requirements for above ground storage containers.
SSTS Loan Ordinance Number 105	Add new definition of "New Building Construction" and add clarifying language in loan application process.

Resolution No. 22-018

**ENACTING AMENDMENTS TO THE JACKSON COUNTY DEVELOPMENT CODE/ZONING ORDINANCE AND THE SUBSURFACE SEPTIC TREATMENT SYSTEM LOAN PROGRAM ORDINANCE**

**THE COUNTY BOARD OF JACKSON COUNTY ORDAINS:**

**WHEREAS**, Minnesota Statute 394.21 grants counties the authority to carry out planning and zoning activities; and

**WHEREAS**, Minnesota Statute 394.24 grants counties the authority to adopt by ordinance official controls; and

**WHEREAS**, Minnesota Statutes 394.26 and 375.51 provide the process for adopting and amending official controls and ordinances; and

**WHEREAS**, amendments to the Jackson County Development Code/Zoning Ordinance and Subsurface Septic Treatment System Loan Program Ordinance have been proposed; and

**WHEREAS**, pursuant to Minnesota Statutes 394.26 and 375.51, a public hearing was held by the Jackson County Planning Commission on March 30, 2022 to take comments on the proposed ordinance amendments; and

**WHEREAS**, pursuant to Minnesota Statutes 394.26 and 375.51, a notice of enacting ordinance amendments and holding a public hearing on said amendments was published in the Jackson County Pilot on March 31, 2022; and

**WHEREAS**, the Jackson County Board held a public hearing on April 19, 2022 to take comments on the proposed ordinance amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Jackson County Board of Commissioners hereby adopt amendments to the Jackson County Development Code/Zoning Ordinance and the Subsurface Septic Treatment System Loan Program Ordinance as presented.

Passed and adopted by the Board of Commissioners of the County of Jackson, Minnesota this 19th day of April 2022.

  
Catherine Hohenstein, Board Chair  
Jackson County Board of Commissioners

ATTEST:   
Ryan Krosch  
County Administrator and Clerk of the Board

Revision: July 19, 2022

Update Summary

Section	Proposal Summary
506; Administration, Variances	General updates to ensure uniformity with current Minnesota State Statutes.

RESOLUTION NO. 22-028

ENACTING AMENDMENTS TO THE JACKSON COUNTY DEVELOPMENT CODE/ZONING ORDINANCE

THE COUNTY BOARD OF JACKSON COUNTY ORDAINS:

**WHEREAS**, Minnesota Statute 394.21 grants counties the authority to carry out planning and zoning activities; and

**WHEREAS**, Minnesota Statute 394.24 grants counties the authority to adopt by ordinance official controls; and

**WHEREAS**, Minnesota Statutes 394.26 and 375.51 provide the process for adopting and amending official controls and ordinances; and

**WHEREAS**, amendments to the Jackson County Development Code/Zoning Ordinance have been proposed to Section 506 - Variances; and

**WHEREAS**, pursuant to Minnesota Statutes 394.26 and 375.51, a public hearing was held by the Jackson County Planning Commission on June 29, 2022 to take comments on the proposed ordinance amendments; and

**WHEREAS**, pursuant to Minnesota Statutes 394.26 and 375.51, a notice of enacting ordinance amendments and holding a public hearing on said amendments was published in the Jackson County Pilot on June 30, 2022; and

**WHEREAS**, the Jackson County Board held a public hearing on July 19, 2022 to take comments on the proposed ordinance amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Jackson County Board of Commissioners hereby adopt amendments to the Jackson County Development Code/Zoning Ordinance as presented.

Passed and adopted by the Board of Commissioners of the County of Jackson, Minnesota this 19th day of July 2022.

  
Catherine Hohenstein, Board Chair  
Jackson County Board of Commissioners

ATTEST:   
Ryan Krosch  
County Administrator and Clerk of the Board

**Revision: December 17<sup>th</sup>, 2024**

**Update Summary**

<b>Sections</b>	<b>Proposal Summary</b>
<b>Section 302 Definitions</b>	Adding new definitions related to cannabis businesses.
<b>Section 603, 604, 605, 607, 608, 612 Zoning Districts</b>	Adding cannabis business types to Conditional Uses in Agricultural Preservation, Conservancy, Urban/Rural Residential, General Business, General Industry, and Shoreland Districts.
<b>Section 737 Cannabis Business Development Standards</b>	Creating a new section in Performance Standards for cannabis business development standards.


**PRINTER'S AFFIDAVIT OF PUBLICATION**

STATE OF MINNESOTA )  
 ) ss.  
 COUNTY OF JACKSON )

**Justin R Lessman**, being first duly sworn, on oath states as follows:

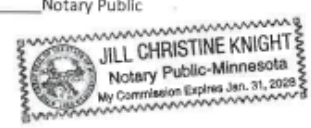
- I am the publisher of the Jackson County Pilot, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
- The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
- The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:  
 The printed PUBLIC HEARING NOTICE-PROPOSED REVISIONS TO CODE \_\_\_\_\_  
 \_\_\_\_\_  
 which is attached, was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Thursday, the 7 day of NOVEMBER, 2024, and was thereafter printed and published an every Thursday to and including Thursday, the 7 day of NOVEMBER, 2024
- The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows:  
 RATES: Lowest classified rate paid by commercial users for comparable space is \$21.00 per column inch, which is the maximum rate allowed by law for the above matter. The rate actually charged for the above matter is \$18.60 per column inch first insertion, \$18.60 subsequent run when applicable.
- Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Jackson County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

 \_\_\_\_\_ Publisher or Publisher's Designated Agent

Subscribed and sworn to before me on this 7 day of NOVEMBER, 2024.

 \_\_\_\_\_ Notary Public



**NOTICE OF PUBLIC HEARING**

The Jackson County Planning Commission will be conducting a Public Hearing regarding proposed revisions to the Jackson County Development Code. The following is a summary of the areas to be revised.

<b>Sections</b>	<b>Proposal Summary</b>
<b>Section 302 Definitions</b>	Adding new definitions related to cannabis businesses.
<b>Section 603, 604, 605, 607, 608, 612 Zoning Districts</b>	Adding cannabis business types to Conditional Uses in Agricultural Preservation, Conservancy, Urban/Rural Residential, General Business, General Industry, and Shoreland Districts.
<b>Section 737 Cannabis Business Development Standards</b>	Creating a new section in Performance Standards for cannabis business development standards.

Anyone interested in viewing the proposed revisions may do so at the Jackson County Auditor/Treasurer's Office or the Jackson County Land Management Office during regular office hours. You may also view the document online at [www.co.jackson.mn.us](http://www.co.jackson.mn.us).

The Public Hearing will be held by Jackson County Planning Commission at 6:00 p.m. on Wednesday, November 20th, 2024 in the Minnesota West, Jackson Campus, 401 West Street, Main Entrance, Room Y101-Multipurpose Room.

Dated the 7th day of November 2024.

**DANIEL BARTOSH**  
 Jackson County Land Management Director  
 Jackson County Planning Commission

(Nov. 7)