# COUNTY OF STEARNS

## Environmental Services Department

Administration Center Rm 343 • 705 Courthouse Square • St. Cloud, MN 56303
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## MEMO

**TO:** **City Clerks/Administrators**
**Township Clerks and Township Chairs**

**FROM:** **Angie Berg, Land Use Division Supervisor**

**DATE:** **October 28th, 2016**

**RE:** **Public Hearing**

Notice of Public Hearing
And
Notice of Intent to Enact Ordinance Number 546

Pursuant to Minnesota Statutes, Chapter 394 and Chapter 375, notice is hereby given that the Stearns County Board of Commissioners shall conduct a public hearing on Tuesday, November 29, 2016 at 5:10 p.m. in the County Board Room, Stearns County Administration Center, 705 Courthouse Square, St Cloud, Minnesota to consider the enactment of Stearns County Ordinance Number 546.

The purpose of Ordinance Number 546 is to amend Stearns County Ordinance Number 439 related to solar energy, wineries, signs, conservation overlay district, shoreland alteration permits and other miscellaneous changes.

Copies of the proposed ordinance changes are available upon request or online at http://www.co.stearns.mn.us/. All interested persons are invited to attend said hearing or submit written testimony prior to the hearing date. Written testimony should be submitted to Angie Berg, Stearns County Environmental Services Department, Stearns County Administration Center, Room 343, 705 Courthouse Square, St Cloud, Minnesota 56303 or via email at angie.berg@co.stearns.mn.us.

Steve Notch, Chair
Stearns County Board of Commissioners

Barrier Free Status: This meeting will be accessible to the handicapped. Attempts will be made to accommodate any other individual need for special service. Please call Jeanne Ahmann at (320) 656-3613 early so that arrangements can be made.

**Agricultural Operation**
Real or personal property used for the production of crops including, but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

A. Chemical and fertilizer spraying
B. Farm machinery noise
C. Extended hours of operation
D. Storage and spreading of manure and biosolids under state permit
E. Open storage of machinery
F. Odors produced from normal farm activities
G. On farm marketing of farm products
H. Yard waste and leaf composting site
I. Contaminated soils disposal

**Agriculturally Oriented Business**
A business including, but not limited to, commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supply and product sales or warehousing; livestock sales barns and accessory facilities; agriculture-related compost facilities; greenhouse and nursery sales; petting zoos; ~~and~~ riding stables; and farm winery.

**Airstrip, Private**
An area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alcohol Manufacturing**
Brewing, distilling or other manufacturing of alcohol intended for wholesale or retail sale for the end use of human consumption in beer, wine or spirits.

**Alteration**
An increase in the height or depth of a building. (See also Structural Alteration)

**Alternative Shoreland Management Standards**
An optional set of Shoreland Management Standards developed pursuant to the Governor's 2003 Clean Water Initiative and offered for use by local governmental units to compliment and enhance their existing shoreland management regulations. These Alternative Shoreland Management Standards are referenced herein as *part ALT6120 et. seq.*, dated December 12, 2005.

**Animal Feedlot**
An animal feedlot means 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 these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots. For purposes of these parts, petting zoos, horse stalls, riding

**Exterior Storage**
The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building.

**Extractive Use**
The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, nonmetallic minerals and peat not regulated under *Minnesota Statutes, sections 93.44 to 93.51; or successor statutes.*

**FAA**
Federal Aviation Administration.

**Family**
An individual, or two or more persons, each related by blood, marriage, adoption, foster care arrangement or court order, living together as a single housekeeping unit or a group of not more than six persons not related, maintaining a common household, exclusive of servants.

**Family Day Care**
Shall have the meaning given in *Minnesota Rules, part 9502.0315, subpart 11; or successor rules.*

**Farm Winery**
Farm winery shall have the meaning given in *Minnesota Statutes, chapter 340A.101 Subd.11; or successor statutes.*

**Financial Institutions**
An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as banks, savings and loans or credit unions.

**Flood**
A temporary increase in the flow or stage of a stream or in the state of a wetland or lake that results in the inundation of normally dry areas.

**Flood Frequency**
The frequency for which it is expected that a specific flood state or discharge may be equaled or exceeded.

**Flood Fringe**
That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" as used in the Flood Insurance Study for Stearns County.

**Flood Plain**
Shall have the meaning given in *Minnesota Statues, section 103F.111, subdivision 4; or successor statutes.*

**Flood-Proofing**

B. Existing Uses. All uses existing at the time of adoption of this Ordinance that now require a conditional use permit may continue subject to the performance standards contained in *Section 6 of this Ordinance* and the general development standards contained in *Section 7 of this Ordinance*. Any enlargement, structural alteration, modification, addition or intensification of the use shall require a conditional use permit and the use shall be subject to the criteria and procedures for issuance of a conditional use permit set forth in *Section 4.8 of this Ordinance*, except as allowed in *Section 6.7 of this Ordinance*.

### 4.8.1 Application for Conditional Use Permit

A. An application for a conditional use permit shall be signed and in writing on forms provided by the Department. In instances where the request is for a conditional use permit for an animal feedlot, the following additional information shall be provided:
   (1) Completion of the Stearns County Permit Application for an Animal Feedlot or Manure Storage Area ~~Completion of the Joint Stearns County and State of Minnesota Construction Short-Form and Interim Permit Application for an animal feedlot or manure storage area~~;
   (2) A site sketch completed on either a map or aerial photograph showing the proposed animal feedlot and manure storage facility location in relation to any of the applicable setbacks established in *Section 6.7.9 D of this Ordinance*;
   (3) Soil and hydrogeological conditions at the proposed animal feedlot site, including soil type, depth to water table and depth to bedrock;
   (4) A copy of the deed or abstract for the property on which the conditional use permit is proposed, that lists the current property owners and the comprehensive legal description of the property;
   (5) Applications for conditional use permits will only be accepted from the owner of the property for which the application is made; and
   (6) A manure management plan as required in *Section 6.7.9 C of this Ordinance*.

B. Procedures to be followed by the County in Considering Conditional Use Permit Applications Within the Floodplain Overlay District.
   (1) The applicant shall furnish the following information and additional information as deemed necessary by the Department for determining the suitability of the particular site for the proposed use:
      a) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
      b) 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 in subsection (1) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation

the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the conditional use permit.

### 4.8.8 Revocation of Conditional Use Permit

A. A violation of any condition set forth in a conditional use permit shall be a violation of both the permit and this Ordinance.

B. Failure to correct a violation within thirty (30) days of written notice from the Director shall be grounds to revoke a conditional use permit through the following procedure:

(1) The Director shall give written notice to the permit holder, advising that the conditional use permit may be revoked upon the conclusion of a public hearing. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.

(2) The Planning Commission shall hold a public hearing in the same manner to that required for a new conditional use permit.

(3) Within sixty (60) days of closing the Planning Commission's public hearing, the Board shall revoke the conditional use permit, make a finding that a violation does not exist or modify the conditions of the conditional use permit so that a violation no longer exists. The Director shall give written notice of the Board's decision to the permit holder.

### 4.8.9 Reapplication

No application for the same conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the decision of the previous application unless there has been a change in circumstances as it relates to the request.

### 4.8.10 Amended Conditional Use Permits

Amended conditional use permits shall be requests for changes in conditions of the existing permit or modifications of any approved plan. An amended conditional use permit shall be administered in the same manner as that required for a new conditional use permit.

## 4.9 Variances

### 4.9.1 Right of Application

A. An application for variance shall be signed and in writing on forms to be provided by the Department. In instances where the request for variance is from the animal feedlot provisions of *Section 6.7 of this Ordinance*, the following additional information shall be provided:

(1) If applicable, completion of the Stearns County Permit Application for an Animal Feedlot or Manure Storage Area ~~completion of the Joint Stearns County and State of Minnesota Construction Short Form and Interim Permit Application for an Animal feedlot or a Manure Storage Area~~; and

(2) A site sketch completed on either a map or aerial photograph showing the proposed animal feedlot and manure storage location in relation to

shall be located a minimum distance of seven hundred (700) feet from any platted lot line intended for residential dwelling, unless a building envelope has been designated, that is in existence at the time of application, (including those within cities which have entered into an agreement with the County regarding feedlot setbacks), except as provided for in *Sections and 5.1.4 and 6.7.5 B (3) of this Ordinance or an approved annexation agreement*. Alternatively, the seven hundred (700) foot setback will be applied to the buildable areas of the lot when a valid wetland determination approved by the Stearns County Environmental Services Department exists for the lot, which makes portions of the lot unbuildable.

(3) **Animal Feedlot to Residential Dwelling in Plat**. The residential dwelling Setback for any proposed construction or modification of an animal feedlot in the A-160, A-80, A-40 and Urban Expansion zoning district shall be a minimum of seven hundred (700) feet upon establishment of residential dwelling unit(s) on any potentially affected lot(s) within a plat (including those within cities which have entered into an agreement with the County regarding feedlot setbacks), except as provided for in *Section 5.1.4 of this Ordinance* or an approved orderly annexation agreement.

C. **Rezoned Property**. Property that is rezoned from any A-160, A-80 or A-40 District to any R-10, R-5, R-1 or RT District shall only be approved if residential dwelling units constructed thereon can be located at least seven hundred (700) feet from any animal feedlot consisting of ten (10) or more animal units when the animal feedlot is located in an A-160, A-80 or A-40 zoning district. This setback may also apply within cities which have entered into an agreement with the County regarding feedlot setbacks.

D. **Animal Feedlot Setbacks**. For animal feedlots with ten (10) or more animal units located in an Agricultural, Transitional or Urban Expansion zoning district, the following shall be the minimum setback requirements for construction, replacement, expansion or modification including a manure storage area, structure or facility except as provided in *Sections 5.1.4 and 6.7.5 D (2) of this Ordinance, an orderly annexation agreement* and *Minnesota Rules, part 6120.3300, subpart 7; or successor rules*:

| **Animal Feedlot Setback Measured From:** | **Distance (ft):** |
|---|---|
| Public Parks (not including trails), Recreational Camping Areas or other similar public uses [1,7] | 1000 |
| Cities (official boundaries) [8] | 1000 |
| Churches, Schools or FAA approved Airports [1,7] | 1000 |
| Shoreland (Lake, Stream or River[2]) – RA Animal Feedlot | Prohibited[3] |
| Shoreland ~~(~~Lake~~, Stream or River[2])~~ – RB Animal Feedlot | ~~No encroachment~~1000 |
| Shoreland Stream or River[2] – RB Animal Feedlot | 300 |
| Stream, River or Ditch OHWL (Not classified as Shoreland[2]) | 100 |

| Animal Feedlot Setback Measured From: | Distance (ft): |
|---|---|
| PWI Wetland or Basin OHWL (Not classified as Shoreland) [4] (PWI is the Minnesota Department of Natural Resources Public Waters Inventory) | 500 |
| Wetland types 3, 4 and 5 not on the PWI [4,5] | 200 |
| Floodplain (New Animal Feedlots or Replacements or Expansions) | Prohibited |
| Property lines [9] | 100 |
| Non-Agricultural District Boundary [7] | 350 |
| Residential Dwelling, not on the same parcel as the Animal Feedlot [1,6,7] | 700 |
| Platted Lot Line (without establishment of a dwelling) [7, 10] | 700 |
| Roads | See chart below |

| Road Classification | Setback from Road Centerline | Setback from Road Right-of-Way (R.O.W.) |
|---|---|---|
| Principal Arterial | 150 | 75 |
| Minor Arterial | 120 | 60 |
| Major Collector | 100 | 50 |
| Minor Collector | 100 | 50 |
| **Un-Classified Roads** | **Setback from Road Centerline** | **Setback from Road Right-of-Way (R.O.W.)** |
| County Road | 100 | 50 |
| Township Road | 63 | 30 |
| Private Road Esmt. | 63 | 30 |

*[1] The Setback shall be reciprocal.*
*[2] Shoreland classification as determined by Section 10.2.3 of this Ordinance.*
*[3] Except as allowed by Minnesota Statute 116.0711; or successor statutes and Section 6.7.3 C of this Ordinance.*
*[4] The setback may be reduced whenever the waters or wetlands involved are bounded by topographic divides which extend landward from the waters or wetlands for a distance less than the prescribed if minimum structural setbacks are met. Additionally, the Department may reduce the setback when best management practices are being implemented as a part of a plan approved by the Stearns County Environmental Services Department.*
*[5] Animal feedlots shall meet the minimum structural setbacks from OHWL and bluff in Section 10.2.11 A(1) and (4) of this ordinance.*
*[6] A one-time 24-foot encroachment may be allowed. See Sections 5.1.2A (3) and 5.1.4 of this Ordinance.*
*[7] This setback may also apply within cities which have entered into an agreement with the County regarding feedlot setbacks.*
*[8] Excluding cities which have entered into an agreement with the County regarding feedlot setbacks.*
*[9] The front property line setback may be reduced to the road setback distance.*
*[10] Except as otherwise allowed in Section 6.7.5B of this Ordinance.*

(1) In instances where setback distances conflict, the more restrictive setback shall apply.

(2) **Short-term manure stockpiles**. Short-term manure stockpile sites shall be required to meet setbacks as provided in *Section 6.7.5 D of this Ordinance* except for property line setbacks and, if exempted in writing by the affected landowner, manure may be stockpiled within 700 feet of a residence. This section shall not preclude an animal feedlot owner or operator from stockpiling manure within or directly adjacent to an animal feedlot. Where allowed, short-term manure stockpile sites shall

## 6.51 Solar Energy Systems

### 6.51.1 Comprehensive Plan Reference

The purpose of this Section is to set forth standards for large and small solar energy systems. Stearns County has determined that development of solar energy is in the public interest and consistent with the Comprehensive Plan, including the following goals:

A. Natural Resource Plan, Goal 2, Objective 4: Encourage use of renewable energy systems, including wind energy and solar energy, which reduce the footprint of development on local and global natural systems.

B. Economic Development Plan, Goal 3, Objective 3: Encourage and promote the use of "green" architecture design principles that minimize impacts to the natural and cultural environments and reduce long-run risk to business.

### 6.51.2 Standards for Solar Farms

Solar Farms shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

A. Stormwater management shall meet the requirements of *Section 7.25 of this Ordinance*. For purposes of this Ordinance, the solar panel collector surface shall not be considered to be impervious surface, unless otherwise required by the Board.

B. Erosion and sediment control shall meet the requirements of *Section 7.10 of this Ordinance*.

C. **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.

D. **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.

E. **Power and communication lines**. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar modules. Power and communication lines ~~running between banks of solar panels and~~ to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the ~~Department~~ Board in the following instances:

(1) ~~w~~Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

(2) When required by the utility company

~~(1)~~(3) Unless otherwise determined by the Board

F. **Screening**. Solar farms shall be screened from residential dwelling units and/or other land uses as required by the Board and shall minimally meet the requirements of *Section 7.23 of this Ordinance*. The screening plan shall show the location of fences and residential dwelling units on contiguous lots. Fences installed as part of the project shall be screened. The type and location of the required screening shall be subject to Board approval.

~~E.~~G. **Setbacks**. Solar farms must meet the minimum building setback for the zoning district and be located a minimum of ~~one~~ two hundred (~~1~~200) feet from a residential dwelling unit not located on the property. Setbacks shall be measured to the nearest solar array or other structure within the solar farm, excluding security fencing, screening or berm.

H. **Vegetation requirements and management**. The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Board.

(1) Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing, or mitigation for cleared trees may be required by the Board.

(2) The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources.

(a) Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.

(b) The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation is sufficiently established in accordance with the requirements set forth in *Section 6.51.2H(1) of this Ordinance.*

~~F.~~I. **Application requirements.** The following information shall be provided to the Department prior to issuance of the conditional use permit:

(1) A site plan ~~of existing conditions~~ showing the following:

(a) Existing property lines and property lines extending one hundred (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 buildings and any impervious surface

(e) Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required

(f) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)

(g) Waterways, watercourses, lakes and public water wetlands

(h) Delineated wetland boundaries

(i) The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available

(j) Floodway, flood fringe and/or general flood plain district boundary, if applicable
(k) The shoreland district boundary, if any portion of the project is located in a shoreland overlay district
(l) In the shoreland overlay district, the ordinary high water level and the highest know water level
(m) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
(n) Mapped soils according to the Stearns County Soil Survey
(o) Surface water drainage patterns
(p) LESA score for the parcel, if located within an agricultural zoning district.

~~(2) Site Plan of Proposed Conditions~~

~~(a)~~(q) Location and spacing of solar panels
~~(b)~~(r) Location of access roads
~~(c)~~(s) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
~~(d)~~(t) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
~~(e)~~(u) Proposed erosion and sediment control measures as required in *Section 7.10 of this Ordinance.*
~~(f)~~(v) Proposed stormwater management measures as required under *Section 7.25 of this Ordinance*
(w) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
~~(g)~~(x) Location, number and caliper of any trees to be removed, for trees with size greater than six (6) inches.

~~(3)~~(2) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;

~~(4)~~(3) The number of panels to be installed;

~~(5)~~(4) 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;~~

(5) Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, ~~and~~ foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of *Stearns County Solid Waste Ordinance Number 171; or successor ordinance.* ~~The Board may~~

~~require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning~~. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Board's approval.

~~(7)~~(6) Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

~~(8)~~(7) Visual Impact Analysis. An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with *Section 6.51.2F of this Ordinance*.

**6.51.3 Standards for Solar Energy Systems, Accessory.** Solar energy systems are a permitted accessory use in all zoning districts, subject to the *administrative requirements of Section 4.11* and the following standards.

A. Accessory Building Limit. Ground mounted systems shall count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per lot and the coverage limits, as set in *Section 6.2 of this Ordinance.*

B. Height. Active solar systems are subject to the following height requirements:
   (1) 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.
   (2) Ground or pole-mounted solar systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.

C. Location within Lot. Solar systems must meet the accessory structure setback for the zoning district.
   (1) 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 two (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.

(2) Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

D. Stormwater management shall meet the requirements of *Section 7.25 of this Ordinance.*

E. Erosion and sediment control shall meet the requirements of *Section 7.10 of this Ordinance.*

F. Approved Solar Components. Electric solar system components must have documentation that the products have been independently tested by a Nationally Recognized Testing Laboratory.

G. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.

H. 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.

C. **Third Step, Identify Building Locations.** The third step requires locating potential home sites that avoid the designated primary conservation areas and, to the extent practicable, the secondary conservation areas. All buildings and building envelopes shall be located so as to meet the goals contained in *Section 7.32 of this Ordinance.*

D. **Fourth Step, Identify Street, Infrastructure Locations.** After the home sites are designated, the developer or property owner shall identify the location of streets, trails, stormwater facilities, wastewater treatment and other infrastructure associated with the development. The street and infrastructure locations shall protect priority natural resources consistent with the township's and subdivision's conservation goals.

E. **Fifth Step, Draw Lot Lines.** Based upon the home site and street locations, the lot lines may be drawn. Lots shall meet standards for the base zoning district and overlay districts. Flexibility on base zoning district lot size can be granted for the purpose of meeting natural resource conservation goals, provided that setback and septic standards can still be met.

F. **Submit with Preliminary Plat.** The Applicant shall submit the yield plan, map of primary and secondary conservation areas, locations of buildings and building envelopes and the protected conservation area to the Planning Commission as part of the preliminary plat, to be considered as described in *Section 10.3 of this Ordinance and Ordinance 230; or successor ordinance.*

### 7.6.5 Conventional Subdivision Review

Conventional subdivision, including a standard plat or administrative subdivision, is a conditional use within Conservation Design Overlay areas. A conditional use permit shall not be required for non-building subdivisions, attachments, boundary line corrections, or septic system subdivisions as defined in *Stearns County Subdivision Ordinance 230; or successor ordinance*. The Planning Commission shall include the following criteria in their review of conventional subdivision applications:

A. The degree to which the conventional subdivision meets the natural resource conservation standards of this Ordinance and the township natural resource overlay plan.

B. The degree to which the conventional subdivision supports the goals and policies of the Stearns County Comprehensive Plan.

C. The degree to which the conventional subdivision maintains the rural character of the area as compared to a conservation design subdivision.

D. The degree to which the conventional subdivision, under the strict application of building siting standards in *Section 7.32 of this Ordinance*, will still protect the priority natural resource amenities and use the land as efficiently as a conservation design development. For instance, in a natural resource conservation design overlay, the applicant for conventional development must demonstrate that the conventional subdivision, which does not have a requirement for permanently protected natural resources, still results in an efficient use of land for natural resource conservation purposes, relative to what would occur under conservation design development in which a minimum of eighty (80) percent of the land will be permanently protected.

**Section 3 and 7.24 Sign Regulations**

Draft changes to the on premise sign standards will be available on or after the November 17th Planning Commission meeting.

### 10.2.14 Topographic Alterations/Grading and Filling and Retaining Walls

A. Exclusions:

(1) **Construction permitted structures**. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued construction permits for these facilities, provided that grading, filling and excavation is limited to within twenty (20) feet of the footprint or foundation of a structure, and control measures are met consistent with the provisions of *Section 7.10 of this Ordinance*. Grading and filling necessary for the construction of water oriented accessory structures are not excluded.

(2) Projects which are reviewed, approved and meet the sequencing and wetland replacement plan provisions of *Minnesota Rules, part 8420; or successor rule*, do not require the issuance of a shoreland alteration permit.

(3) Projects that are reviewed, approved and meet the requirements for animal feedlots contained in *Section 6.7 of this Ordinance*.

(4) If the management of spoils from a project in a public waters or public waters wetland which has received Department of Natural Resources approval is described in the Department of Natural Resources permit, the project is exempt from the shoreland permit requirements of *this Ordinance*.

(5) Topographic alterations involving the movement of ten (10) cubic yards or less of material.

(6) Topographic alterations involving the movement of fifty (50) cubic yards or less of material that is not on steep slopes or within shore or bluff impact zones.

(7) Retaining walls located more than two (2) times the required structure setback pursuant to *Section 10.2.11A(1) of this Ordinance* and not located in the bluff impact zone unless a permit is otherwise required by *Section 10.2.14 B or D of this Ordinance*.

(8) The grading, filling and topographic alterations necessary for the initial establishment of roads and stormwater management facilities in a plat with an approved stormwater management plan. Said improvements cannot be constructed until the final plat is on record in the Office of the Stearns County Recorder.

~~(7)~~(9) Projects that are subject to prepare and implement a stormwater management plan pursuant to *Section 7.25.1 of this Ordinance.*

B. **Minor Shoreland Alteration Permits.** A minor shoreland alteration permit may authorize the following activities.

(1) Topographic alterations of a smaller scale in which the total amount of fill being deposited, removed or graded on site is less than one hundred (100) cubic yards.

(2) Topographic alterations located more than two (2) times the required structure setback pursuant to *Section 10.2.11A(1) of this Ordinance*.

(3) Projects in which rock riprap is being used to control erosion.