

## SECTION 16.2 – INTERIM USE PERMITS

This section presents the conditions that must be met for each possible Interim Use listed in the various Zoning Districts.

The procedure for review and approval of an Interim Use Permit is presented in Section 18 of this Ordinance, Administration and Enforcement.

### **Subdivision 1: Authority:**

No person or entity shall allow the existence of the following uses on lands that are partially or entirely owned, leased, or occupied by them without an Interim Use Permit (IUP), as listed in Subdivision 4 issued by the Sherburne County Board of Commissioners. Interim Uses must be consistent with the terms of the Interim Use Permit and any applicable local, state or federal law, rule or other statutory provision.

Under Minnesota Statutes, Sherburne County may approve an Interim Use Permit for a property if:

1. The 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; and
4. The user agrees to any conditions that Sherburne County deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

**Subdivision 2: Permit Expiration and Transferability:**

Any IUP issued under this Ordinance, with the exception of Solar Farms as cited in Sec 16.2, Subd 5, Item 20 E., is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- A. The sale of all or substantially all of the company assets;
- B. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded;
- C. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation;
- D. Execution of a management agreement; or
- E. The change of any officer or majority stockholder if the company is a closely-held corporation.

The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the County Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator and/or tax records indicating the use was inactive.

**Subdivision 3: Process of Approval:**

- A. **Application.** A complete IUP application shall comply with Section 18, subdivision 6 of the Zoning Ordinance.
- B. **Review of Applications.** Complete applications shall be reviewed by the Sherburne County Planning & Zoning Department in accordance with Mn Statute 15.99 as amended.
- C. **Public Hearing.** Complete applications shall be scheduled for a Public Hearing by the Planning Advisory Commission, and publicized according to Minnesota Statutes.

D. **County Board Approval/Denial.** After a public hearing has been held, the County Board shall approve, deny, or continue an IUP request, with written findings in support of their decision.

E. **Compliance.** Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.

F. **Fees.**

The applicant shall pay all IUP and recording fees as determined by the County Board in the Fee Ordinance. All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, non-refundable. As a condition of approval of the IUP, the County Board may require an additional annual Inspection Fee as stated in the Fee Ordinance. The Annual Inspection Fee shall cover the cost of County Staff or their agent to inspect the property as required within the IUP's conditions of approval.

**Subdivision 4: List of Interim Uses:**

1. Activities Requiring Rural Isolation
2. Asphalt & Concrete Mixing Plants, Portable
3. Auction Business
4. Automobile mechanical and / or body repair shop
5. Bed & Breakfast
6. Business selling vehicles, boats or farm implements
7. Campgrounds, Recreational
8. Contractors' Yard
9. Home Business in an Accessory Building
10. Manufactured Home, Farm Related (temporary seasonal),
11. Manufactured Home, Farm Related (temporary year-around)

12. Manufactured Home (temporary), for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption
13. Miniature golf Course / archery / Driving Range
14. Mining
15. Occasional Special Event
16. Planned Unit Development (Highway)
17. Recreational activity
18. Rural Tourism
19. Seasonal or temporary businesses
20. Slaughterhouse activities (see Section 16.1)
21. Solar Farm
22. Temporary Tire and/or Waste Collection and/or Recycling Operations
23. Temporary Start-Up Business
24. Temporary Use by Government Entities
25. Used vehicle parts or scrap material yard
26. Yard Waste Composting

**Subdivision 5: Conditions:**

1. **Activities Requiring Rural Isolation**, provided:
  - A. The site must have frontage on a hard surface public road unless access via a gravel road is approved by the Township.
  - B. A certificate of insurance is submitted to the County.
  - C. The facility shall provide adequate restroom facilities as determined by the IUP.

- D. The IUP may restrict the number of people who may use the property at any given time.
2. **Asphalt & Concrete Mixing Plants, Portable**, provided:
- A. The plant and equipment must be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.
  - B. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.
  - C. All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.
  - D. Hours of operation shall be 6:00 am to 6:00 pm Monday through Saturday unless otherwise required in the IUP based on noise, traffic and air control mitigation measures.
  - E. Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary sources of aggregate used in the plant.
3. **Auction Business**, provided:
- A. The entire operation takes place on ten (10) acres or more.
  - B. The applicant shall demonstrate adequate on-site parking and restroom facilities.
  - C. Goods to be auctioned may be displayed outside in a secured area two (2) weeks prior to the auction, and must be removed from outside within two (2) weeks after the auction unless otherwise required by the IUP.
  - D. All signage shall comply with Section 17, Subdivision 1 of the Zoning Ordinance.
4. **Automobile Mechanical and/or Body Repair Shops**, provided that all storage of vehicles with damaged body parts is screened from view as required in Section 17, General Development Regulations, of this Ordinance.
5. **Bed & Breakfast**, provided;

- A. The facility may have no more than eight (8) guest rooms, used by temporary guests.
  - B. The owner or caretaker shall live in the facility during normal operations.
  - C. Banquets, weddings, commercial meetings, luncheons, and similar activities serving more than ten (10) guests may require an IUP for “An Occasional Special Event” unless otherwise permitted by the IUP conditions.
  - D. Rooms used for sleeping shall be part of the primary residential structure. The facility shall have a minimum of one (1) parking stall per guest room, and two (2) parking stalls for staff. All parking shall be off-street.
  - E. There may be one non-illuminated sign totaling not more than 12 sq ft in size, located on the property, but outside of the public right-of-way.
6. **Businesses Selling Vehicles, Boats, or Farm Implements** provided:
- A. No item shall be parked on any required parking or driveway setback.
  - B. Other requirements normally applying to commercial development are followed.
7. **Campgrounds, Recreational**, provided:
- A. The campground shall be seasonal, and shall not be in use from November 1<sup>st</sup> through May 1<sup>st</sup>. Areas within a floodplain shall not be in use from October 1<sup>st</sup> through May 1<sup>st</sup>. Campgrounds shall comply with all local, state, and federal rules and regulations.
  - B. The campground owner/operator shall provide an operational plan, to be approved by the County Board. In addition to addressing the provisions listed in this section, the operational plan shall include the calendar months of the year which the campground will operate, the maximum number of camping sites including the type of site (i.e. primitive tent camping, RV full hook-ups, etc).
  - C. The campground owner/operator shall obtain a primary or annual license from the Mn Department of Health in compliance with Minnesota Statutes, prior to recording of the IUP and shall submit a copy of the license to the County.

- D. All overnight guests of the campground shall register their names, permanent address(s), make and model of vehicle(s), and license plate number(s). The campground owner/operator shall retain this registration log for at least one-year, and shall be made available to law enforcement officials upon request.
- E. Campgrounds shall provide a caretaker or attendant who shall maintain all facilities in a clean, orderly and sanitary condition. The caretaker or attendant shall be readily available at all times in case of an emergency.
- F. The storage, collection, and disposal of refuse and garbage in a recreational campground shall be so conducted as to not create a health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites. Refuse and garbage collection shall be made at least twice each week and more often when necessary to prevent nuisance conditions.
- G. Campgrounds shall have a Grading and Drainage Plan approved by the Township Engineer or licensed engineer.
- H. Wells and septic systems shall comply with Mn Department of Health and MPCA regulations.
- I. Campgrounds shall have an adequately sized severe weather shelter(s) on-site, as approved by the Building Official. Temporary campgrounds established as emergency housing in a disaster area as declared by the Governor or President of the United States may be exempt unless its use exceeds a period of 18 months.
- J. Campgrounds shall provide an evacuation plan in case of severe weather, flood, fire, or other disaster, as approved by the Sherburne County Emergency Management Director, and shall be provided to campers at the time of registration.
- K. All livable structures (i.e. RV's, park trailers, etc) must be road ready, licensed (if applicable) and able to operate on their own power, or towed on public roads in a legal manner.
- L. The Campground owner shall maintain streets and roadways in the campground so as to permit passage of emergency vehicles and reverse maneuvering of recreational vehicles.

- M. Each RV site shall be a minimum of 16' in width and 70' in depth (minimum area of 2,000 sq ft per RV site) to accommodate an RV and secondary vehicle.
  - N. Each tent site shall be a minimum of 10' wide and 30' in depth and accommodate the structure and one parking space.
  - O. On site toilets, bathing, and laundry facilities shall comply with state rules and statutes.
  - P. All dead storage fish houses must be accessible to emergency vehicles.
  - Q. All campsites shall comply with applicable DNR setbacks for permanent and temporary structures, and recreational vehicles.
  - R. No permanent structures shall be permitted within a Floodway.
  - S. No domestic animals or pets of occupants of the campground may run at large, or be a public nuisance.
8. **Contractors' Yard**, provided:
- A. Classification of Contractor's Yard Small, Medium, and Large is provided:
    - 1. Small Contractor's Yard.
      - a. The parcel is a minimum of:
        - i. 2.5 acres in the General Rural Zoning District and homesteaded by the applicant.
        - ii. 5 acres in the Agricultural Zoning District and is homesteaded by the applicant.
      - b. There may be a maximum of four (4) licensed motorized or non-motorized vehicles associated with the Contractor's Yard (includes trucks and trailers). Equipment stored on vehicles or trailers are excluded.
      - c. There may be only of 2 (two) employees (full-time and part-time) reporting to the parcel other than a family member residing on the property. This includes employees who are on-site only to pick up and drop off equipment and materials.
      - d. Exterior storage of equipment, business supplies or waste material is prohibited except for the permitted commercially licensed vehicles.



- e. Setbacks:
    - i. Agricultural Districts, the contractor's yard and all related uses must be setback a minimum of 50ft from all property lines.
    - ii. General Rural Districts, the contractor's yard and all related uses must be within the permitted setbacks within the applicable zoning district as outlined in the Sherburne County Zoning Ordinance.
2. Medium Contractor's Yard.
- a. The parcel is a minimum of:
    - i. 10 acres in the General Rural Zoning District
    - ii. Permitted on existing lot of record in the Industrial, or Heavy Industrial Zoning Districts.
  - b. There may be a maximum of twenty (20) commercially licensed motorized or non-motorized vehicles associated with the Contractor's Yard (includes trucks and trailers).
  - c. There may be a maximum of twenty (20) employees (FTE) working on-site. This includes employees who are on-site to pick up and drop off materials and equipment.
  - d. Setbacks:
    - i. General Rural Districts, the contractor's yard and all related uses must be setback a minimum of 150ft from all property line.
    - ii. Industrial and Heavy Industrial Zoning Districts, the contractor's yard and all related uses must be within the permitted setbacks within the applicable zoning district as outlined in the Sherburne County Zoning Ordinance.
3. Large Contractor's Yard.
- a. Property must be located Industrial and Heavy Industrial Zoning Districts or Highway PUD zoning districts.
  - b. There may be a maximum of thirty (30) commercially licensed motorized or non-motorized vehicles associated with the Contractor's Yard (includes trucks and trailers).

- c. There may be a maximum of thirty (30) employees (FTE) working on-site. This includes employees who are on-site to pick up and drop off materials and equipment.
  - i. **Setback:** Industrial and Heavy Industrial Zoning Districts, the contractor's yard and all related uses must be within the permitted setbacks within the applicable zoning district as outlined in the Sherburne County Zoning Ordinance.
- B. The contractor's yard may not be located within the Shoreland District or the Floodplain District.
- C. The contractor's yard must abut a hard-surface public road unless access via a gravel road is approved by the Township.
- D. All outside storage shall be adequately screened from existing or proposed residential areas by fence, wall or vegetated earth berm.
- E. Applicants shall include the following information with their IUP application:
  - 1. A written description describing the proposed contractor's business and activities conducted on-site, including the following:
    - a. The number of employees (full-time and part-time) reporting to the contractor's yard.
    - b. The type and amount of equipment stored on-site.
    - c. The type and amount of vehicles, materials and supplies stored on-site.
    - d. If, how, and where vehicles and equipment will be maintained on-site.
  - 2. A survey or aerial photo showing the following:
    - a. Parcel acreage.
    - b. Location and dimensions of all existing and proposed buildings on the property.
    - c. Location and dimensions of existing and proposed outdoor storage areas.

- d. Location and details of existing and proposed screening.
  - e. Location and distance of neighboring residences.
  - f. Location of well, septic or other sanitary facilities on-site.
- F. All outside storage shall be screened from residential areas.
- G. If located in the General Rural or Agricultural District, there may be a maximum of two (2) employees (FTE) working on-site other than a family member residing on the property. This does not include employees who are on-site only to pick up and drop off equipment and materials.
- H. Applicants shall include the following information with their IUP application:
- 1. A written description describing the proposed contractor's business and activities conducted on-site, including the following:
    - a. The number of employees (full-time and part-time) reporting to the site
    - b. The type and amount of equipment stored on-site
    - c. The type and amount of materials and supplies stored on-site
    - d. If, how, and where equipment will be maintained on-site
  - 2. A survey or aerial photo showing the following:
    - a. Parcel acreage
    - b. Location and dimensions of all existing and proposed buildings on the property
    - c. Location and dimensions of existing and proposed outdoor storage areas
    - d. Location and details of existing and proposed screening
    - e. Location and distance of neighboring residences
    - f. Location of well, septic or other sanitary facilities on-site.

9. **Home Business in an Accessory Building**, provided:
- A. The business must be located on the homesteaded property of the business owner.
  - B. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.
  - C. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
  - D. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
  - E. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
  - F. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
  - G. The County may limit the daily hours of operation.
  - H. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.
  - I. The applicant and/or property owner shall permit the County to inspect the property at anytime.
10. **Manufactured Home, Farm Related (Temporary Seasonal)**, provided:
- A. The owner/applicant can demonstrate a need for the permit.
  - B. A maximum of three manufactured homes may be located on each farming operation. A farming operation includes all lands under common/joint ownership used predominately for labor intensive agricultural purposes.

- C. Farming operations shall have a minimum of 80-acres of land, or if less must demonstrate that there is no local housing available for seasonal workers.
  - D. The length of time the temporary residence shall be occupied is limited to the needs of the farming operation and allowed only from April 15<sup>th</sup> through November 1<sup>st</sup>. The manufactured home shall be occupied by farm workers only.
  - E. The total number of occupants in any one manufactured home does not exceed the Code of Federal Regulations 3280.109 as amended, regulating the number of persons per sq ft of bedroom.
  - F. The employer and employees are in compliance with all applicable state and federal labor laws.
  - G. The manufactured home is connected to an on-site septic system, in accordance with Section 17 (General Regulations) of this ordinance.
  - H. An escrow is issued in the name of Sherburne County, payable to Sherburne County, for the sum of \$5,000 which may be drawn down by the County in its sole discretion for purposes including but not limited to cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.
  - I. All solid waste generated by the occupants shall be disposed of properly, in accordance with the Solid Waste ordinance.
11. **Manufactured Home, Farm Related (Temporary Year-Around)**, One manufactured home may be temporarily located on a property in addition to a permanent home, provided:
- A. The residents' income is derived in part from the farmstead of which the manufactured home is intended to be located, or that the majority income of the occupant or owner is derived from past association with the farmstead;
  - B. An escrow is issued in the name of Sherburne County, payable to Sherburne County, for the sum of \$5,000 which may be drawn down by the County in its sole discretion for purposes including but not limited to the cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of

delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.

- C. The manufactured home is connected to an on-site septic system, in accordance with Section 17 (General Regulations) of this ordinance.
  - D. Travel trailers, recreational vehicles or any other type of vehicle modified for living space shall not be used as a permanent structure and shall not be connected in any fashion to existing water and septic systems for the purpose of erecting a permanent structure. For the purposes of this section, a Permanent Structure is any trailer or vehicle that is used between November 1<sup>st</sup> and May 1<sup>st</sup> of the following year.
12. **Manufactured Home (temporary), for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption** provided:
- A. The manufactured home is to be located on a parcel of at least five acres with one permanent dwelling. The occupant(s) of either the manufactured home or the permanent dwelling must be: 1) the parent(s) or grandparents of the occupant of the other residence or, 2) a child, sister or brother who suffers from a full or total disability as classified by Social Security, Worker's Compensation or a Doctor, and who resides in or will reside in one of the residences.
  - B. The applicant shall submit with the application and annually thereafter, a signed statement certifying that the occupant of the manufactured home is a parent, grandparent, child, sister or brother who suffers a full or total disability as classified by Social Security, Worker's Compensation or a Doctor. The statement shall describe the need that makes it necessary for parents, grandparents or relative of the first degree to live on the same parcel with the children or grandchildren or a release that will allow the Zoning Administrator or his/her designee to verify the disability.
  - C. The manufactured home shall be removed from the site within 120 days of such time as it or the permanent residence ceases to be occupied by a parent, grandparent, child, sister or brother.
  - D. The manufactured home shall not be made a permanent structure.
  - E. The manufactured home shall not require the creation of a separate well.
  - F. An escrow is issued in the name of Sherburne County, payable to Sherburne County, for the sum of \$5,000 which may be drawn down by

the County in its sole discretion for purposes including but not limited to cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.

- G. An on-site sewage system to serve the manufactured home can be installed in accordance with Section 17.5 of this Ordinance.

13. **Miniature golf course / archery / driving range**

14. **Mining.** The permit shall be issued only upon findings that there is no substantial environmental impact or that such impact will be alleviated through a restoration program and other condition of the permit and that the activity will have no substantial adverse impact on surrounding property or that such impact will be alleviated through the conditions of the permit. Each permit shall contain the following minimum standards unless modified by the Planning Commission, and all activities shall conform to these and any additional standards:

- A. General Operating Requirements must address operating hours, dust control, housekeeping, and safety.
- B. Minimum Requirements for the mining operation:
  - 1. No non-granular material shall be removed unless the permit is specifically for such an operation.
  - 2. Vertical faces shall be kept to a minimum except during active mining.
  - 3. Mining shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.
  - 4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
  - 5. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
  - 6. Excavation or grading that disturbs an area greater than one (1) acre in size shall submit a National Pollutant Discharge

Elimination System Plan (NPDES), and a Storm Water Pollution Prevention Plan (SWPPP) from the MPCA. The applicant shall submit a copy of the NPDES and SWPPP permits to the County prior to any excavation.

- C. The following information shall be provided by the person or agency requesting the permit:
1. Name and address of person or agency requesting the mining permit.
  2. The legal property description and acreage of area to be mined.
  3. The following maps of the entire site and including all areas within three hundred fifty (350) 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. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates with all the information contained in Maps A, B & C. listed below.

Map A - Existing conditions to include:

- a. Contour map, with two (2) foot intervals
- b. Existing vegetation
- c. Wetlands and existing surface water drainage patterns
- d. Existing structures
- e. Existing wells

Map B - Proposed Operations to include:

- a. Structures to be erected
- b. Location of a permit, accessible and visible bench mark elevation in the vicinity of the mining boundary
- c. Location of sites to be mined showing depth of proposed excavation
- d. Location of any open water



- e. Setback line for property lines and ordinary high water levels of public waters
- f. Location of storage of mined materials, showing maximum height of storage deposits
- g. Location of vehicle parking, access roads and local routes to truck routes
- h. Staging of mining activity
- i. Resource management plan

Map C - End Use Plan to include: The following information shall be provided by the person or agency requesting the permit:

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals
  - b. Location and species of vegetation to be replanted
  - c. Reclamation staging plan
  - d. Proposed land use and development plan.
- D. Haul Route Plan. A plan shall be submitted for approval showing the public roads on which trucks will carry material from the site along with a schedule and means of cleaning the public roads of lost material.
- E. Restoration. All permits shall contain a restoration plan providing for the reuse of the land after resource exhaustion. The permittee is responsible for restoration. The following are the minimum standards for restoration:
- 1. All areas where the resource is exhausted and not needed for other operations shall be restored at the completion of mining. The entire area shall ultimately be restored.
  - 2. All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth.
  - 3. Grading standards:

- a. Final grades shall be in conformity with the topography of the surrounding land.
  - b. If the land is to be restored to crop production, no slope shall exceed 20 percent (5:1 slope).
  - c. If the restoration is not for crop production, no grade shall exceed 33 percent (3:1 slope).
4. All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production. The permit may require a reforestation plan. Reforestation requirements shall be based on the recommendation of the Soil and Water Conservation District and/or the County Forester.
  5. Standards III and IV above may be raised or modified to accommodate a specific reforestation plan.
- F. Performance Securities and Insurance.
1. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.
  2. A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after non-renewal of the permit and failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.

15. **Occasional Special Event** under the following conditions:

- A. An application is submitted which includes the following:
  1. A plot plan showing:

- a. Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
    - b. Location of any temporary buildings, stockpiled materials, and or industrial equipment.
    - c. Location of storage area for equipment.
  2. A letter giving an in depth description of the proposed operation. Said letter should contain at a minimum:
    - a. The number of employees reporting to the site.
    - b. Plans for traffic control.
    - c. A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
    - d. Plans for provision of sanitary facilities such as portable toilets for workers and attendees.
  3. The Sherburne County Board of Commissioners approves the application.
16. **Planned Unit Development (Highway)** for land use adjacent to a major highway (Minnesota or US Highways) where the location is found to be appropriate for business oriented uses, and the preservation of future road right of way, and/or other land use is necessary to meet the goals of the Sherburne County Comprehensive Land Use Plan, as well as the County and State Transportation Plans, provided that:
- 1) The types of businesses and mixed uses may be limited and will be at the discretion of the local township and County Board. The use(s) should be those that will serve the local marketplace, will be compatible with the existing surrounding uses in the underlying zone and are permitted uses under the commercial, industrial (not Heavy Industrial) and Urban Expansion districts. The uses should promote the goals and policies of the Comprehensive Land Use Plan.
  - 2) A site plan that follows the General Development Regulations shall be submitted with the CUP application. The site plan shall illustrate appropriate areas for buildings, screening, lighting, parking, drainage,

sewer site and landscaping. Performance and architectural standards may be required for approval.

- 3) The lot size for all platted lots, and outlots, must be a minimum of 22,500 square feet. Sherburne County may grant flexibility in lot sizes and dimensional regulations in order to help preserve future road right of way.
  - 4) Plat applications shall follow the standard plat procedures set forth in the Subdivision Ordinance. Lots that have not been defined for a specific use under the conditional use permit shall remain as outlots until their allowed uses have been determined.
  - 5) A developer's agreement must be signed with the township and/or the County as specified in the conditional use permit.
  - 6) Sherburne County may regulate the number of highway accesses and the location of future road right-of-way and natural highway buffers in order to help meet local and state transportation plans. Future highway right of ways shall be preserved by platting and dedicated as public right of way on the final plat. Access permits from Minnesota Department of Transportation and/or Sherburne County Public Works must be obtained prior to County Board approval.
17. **Recreational Activities** conducted on a permanent, seasonal or scheduled basis subject to the following criteria:
- A. A certificate of insurance and/or a performance surety may be required.
  - B. Sanitary facilities shall be installed as judged necessary by County staff.
  - C. An operational plan approved by the County staff is established and all activities are conducted in accordance with the operational plan.
  - D. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
  - E. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the County Board.
  - F. The permit shall be subject to annual administrative renewal.

18. **Rural Tourism** shall include things such as farm or other historical heritage attractions, single family residential properties for day retreats, crafting parties, weddings, receptions, hay rides, corn-mazes and holiday celebrations or similar rural uses.

A. Standards. Rural Tourism businesses shall meet the following standards:

1. A Rural Tourism businesses shall be located on properties within the General Rural Districts.
2. A Rural Tourism business shall be located on a metes and bounds parcel of at least 5 acres in size and is homesteaded by the applicant.
3. Any new buildings must be setback 50 ft. from side and rear lot lines.
4. Rural Tourism business may not be located within ¼ mile of 10 residences.
5. Rural Tourism shall be limited to no more than 300 guest/visitors at one time.

B. Submittal Information. In addition to submittal requirements set forth in Section 18 (Administration and Enforcement), Subdivision 6.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:

1. Site plan drawn to an appropriate scale for effective interpretation.
2. Property boundaries, access roads (public and private), and proposed onsite parking areas that complies with Section 17 (General Development Regulations), Subdivision 2 (Parking and Loading Regulations).
3. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
4. Existing and proposed structures listed for each building where guests will have access and the maximum capacity for each structure as required to comply with building code and applicable fire safety requirements.
5. Location of temporary toilet facilities, which may be required.
6. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS). Number of bathrooms in existing buildings must ensure public restrooms comply with the Americans Disability Act.
7. A written description of the planned activities including maximum number of guests/visitors.

8. Frequency and number of activities proposed in a calendar year. Days of week and hours of operation proposed.
  9. Hours of Operation/Activity including set-up/clean-up for activities and events.
  10. Description of any proposed outdoor activities including but not limited to: placement of temporary tents, public address system and amplified music.
  11. Proposed site lighting and landscaping.
  12. Anticipated maximum number of vehicle trips per day which would include arriving and leaving the site.
- C. Conditions. In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria included in Section 18 (Administration and Enforcement), Subdivision 6.4 (Interim Use Permit, Findings), the following items shall be considered by the Planning Advisory Commission and County Board when reviewing an Interim Use Permit Application for Tourism:
1. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.
  2. The County must consider the character of the neighborhood and traffic quantity when determining the maximum capacity of people allow and the type of activity generated by the business and the amount of parking required.
  3. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property.
  4. Driveway access location and any road upgrades required must be approved by the road authority prior to County Board approval.
  5. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.

6. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
  7. Subsurface Wastewater Treatments Systems (SSTS) which is subject to a change in occupancy or gallon per day loading as a result of an approved interim use permit shall be retrofitted and/or upgraded to conform to current code requirements.
  8. All existing buildings or proposed buildings to be used in association with the business shall be certified by an architect or engineer to be in compliance with current structural building and electrical standards for new occupancy prior to any use of the structures.
  9. There may be one sign totaling not more than 12 square feet in size, located on the property and outside the public right of way.
  10. Outside, activities must be completed during daylight hours. Inside activities must be completed by 11:00 p.m.
  11. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
  12. The owner will maintain a log of the activities occurring onsite that includes activity/event dates, group identity, times and number of guests.
  13. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved interim use permit.
19. **Seasonal or Temporary Businesses**, provided:
- A. A plan for operations and schedule is submitted and approved by the County Planning Commission.
20. **Slaughterhouse activities** (see Section 16.1)
21. **Solar Farm**
- A. A Solar Farm shall be prohibited in the following areas:
    1. On parcels less than 5 acres in size.
    2. Baldwin Township: areas within ½ mile of TH 169.

3. Big Lake Township: areas within ½ mile of TH 10 and
  4. Livonia Township: areas within ½ mile of TH 169.
  5. Shoreland Districts designated by the Department of Natural Resources;
  6. Within wetlands to the extent required by the Minnesota Wetlands Conservation Act.
  7. Within the Mississippi and Rum Scenic, Recreational River, and Special Use Districts.
- B. Solar Farms shall be setback a minimum of 50’ from a side/rear property line, and shall comply with all other structural setbacks within the underlying zoning district.
- C. In addition to items required by this Ordinance and on the IUP application form, the following items must be submitted with the IUP application:
1. Site Plan. A detailed site plan for both existing and proposed conditions must be submitted, showing the location of all areas where solar energy systems are to be placed, existing and proposed structures, property line, surface water drainage patterns, floodplains, delineated wetlands, toe and top of bluffs, ordinary high water mark and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County.
  2. Natural Resource Impact Assessment. For Solar Farms with a project size exceeding ten (10) acres, the applicant must provide a Natural Resource Impact Assessment. The assessment must address impacts of the project (construction and maintenance phases) to natural resource, defined as natural vegetation, native plant communities, soils, surface waters, wetlands, wildlife and nongame species, and fisheries. The assessment must include a review of the Minnesota DNR Natural Heritage Information System (NHIS) to determine if any rare species or rare natural resource features are located in proximity to the project.
  3. Glare Study. Solar Farms utilizing a reflector system shall conduct a glare study (US Dept. of Energy’s Solar Glare Hazard Analysis Tool) to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half mile of the project boundary.



4. Agricultural Impact Assessment. If a Solar Farm is proposed to be located on existing agricultural land, the applicant must provide an agricultural impact assessment, which shall include:
  - a. The total number of acres of Prime Agricultural Soils (as defined in the USDA National Soil Survey Handbook, Part 622.03(a1) or its successor) to be impacted.
  - b. The total number of acres of actively farmed land to be impacted.
  - c. Whether the property has an existing irrigation system that will be removed.
  
5. Aviation Analysis. If the project is within the Princeton Municipal Airport Airspace Zoning Plan (1977), or within the St. Cloud Municipal Airport Zoning Ordinance (1977) or St. Cloud Regional Airport Safety Zone A, B, or C, or within 2 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 most recent version adopted by the FAA. If the SGHAT indicates a completion of an Air Space Case Analysis (Form 7460), the applicant must complete the form and provide the results.
  
6. Decommissioning Plan. A decommissioning plan shall be required for solar farms to ensure that facilities are properly removed after the expiration of the IUP, or, if earlier, after the useful life of solar panels and other facilities. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, equipment and power and communication lines, restoration of soil and vegetation to its pre-developed condition, and a financial guarantee ensuring that financial resources will be available to fully decommission the site. The County Board may require that the applicant provide a bond, letter of credit, escrow or other financial security in a form and amount set by the County Board, naming the County as obligee.
  
7. Other Standards and Codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards for solar energy systems.

8. Power and Communication Lines. Except for power and communication lines that are defined in this Ordinance as Essential Services, all power and communication lines, including those running between banks of solar panels and to electric substations or interconnections with buildings, shall be buried underground. Exemptions may be granted by the Zoning Administrator in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation reasonably precludes burial.
  9. Screening. Vegetative screening such as coniferous trees a minimum of 6' in height or an alternative approved by the Zoning Administrator, shall be installed around the perimeter of the Solar Farm at the time the Solar Farm is installed. The County Board may require that the applicant provide financial security in a form and amount set by the County Board, for the purpose of providing a financial guarantee for a minimum 1-year survival of the vegetative screening.
- D. Solar Farms shall comply with Section 17, Subd 17 (General Regulations, Solar Energy Systems and Solar Farms) of this ordinance.
- E. Notwithstanding the prohibition against transferring an IUP in Subdivision 2 of this Section 16.2, the applicant and/or business entity that is granted an IUP for a Solar Farm pursuant to this Ordinance may transfer the IUP through a change in ownership or control of the applicant and/or business entity (as defined in Subdivision 2) without applying for a new IUP, so long as the applicant and/or business entity meet the following conditions:
1. The applicant and/or business entity are in full compliance with all the terms and conditions set forth in the IUP;
  2. The applicant and/or business entity provides a 30 day prior written notice of the change in ownership to the Zoning Administrator by certified letter, which shall include the timeline for when the change will occur and to whom the ownership will transfer; and
  3. Demonstrate that the transfer shall not affect the financial security as required by the County Board and set forth in the conditions of the IUP when it was approved.

This provision allowing for a change in ownership or control shall not permit the applicant and/or business entity to transfer the IUP to a separate entity without submitting a new IUP application for a Solar Farm as required by Section 16.2 Subdivision 2.

22. **Temporary Tire and/or Waste Collection and/or Recycling Operations**, provided:
- A. Adequate parking and restroom facilities shall be provided.
  - B. A mitigation plan is submitted, controlling water pollution, air pollution, traffic, litter, odors and noise.
  - C. Events held by governmental entities are exempt from obtaining an IUP.
23. **Temporary Start-Up Business**, provided:
- A. The business must be located on the homesteaded property of the business owner if located within the Agricultural, General Rural, or Urban Expansion districts.
  - B. The business shall be compatible with the neighborhood, and not create a nuisance.
  - C. The business may be permitted through an IUP for a period no longer than three years, after which time the IUP shall expire, and is not renewable or transferable. At the time of expiration, all business activities must end, and business related vehicles, equipment, and materials must have been removed from the property.
  - D. The business is located on a minimum of five (5) acres.
  - E. Days and hours of operation shall be determined by the County Board.
  - F. The maximum number of employees (FTE) working on-site shall be determined by the County Board.
  - G. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.

- H. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
  - I. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
  - J. The applicant and/or property owner shall permit the County to inspect the property at anytime.
24. **Temporary Use by Government Entities** under the following conditions:
- A. An application is submitted which includes the following:
    - 1. A plot plan showing the location of the temporary use and any temporary structures, parking areas, etc.
    - 2. A cross-section sketch of the proposed work if applicable.
    - 3. A construction erosion control plan.
    - 4. A drainage and restoration plan for a use permitted in the District.
    - 5. A letter giving an in depth description of the proposed operation. Said letter should contain a minimum:
      - a. The number of employees reporting to the site.
      - b. Plans for traffic control at the temporary site and in the location of the project if at a location other than the site.
      - c. A discussion of parts of the operation that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
      - d. Plans for provision of sanitary facilities for workers.
25. **Used Vehicle Parts or Scrap Material Yards (Junkyard)**, means an establishment or place of storage and deposit which is maintained, operated, or used for storing, buying or selling junk, or for the maintenance or operation of an automobile graveyard, at which the waste, vehicle body, or discarded material

stored is equal in bulk to three or more motor vehicles; provided that the County Planning Commission reviews and approves plans for site planning, pollution prevention, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.

**26. Yard Waste Composting**

- A. Composting of grass clippings and leaves would be allowed as an Interim Use Permit provided the following requirements can be met:
1. Drop-offs are allowed from commercial business and / or licensed haulers. If government entities or citizen drop-offs are allowed, additional conditions will be required for security, and removal of separate waste streams.
  2. Only leaves, brush and grass clippings can be accepted at the site.
  3. Must obtain a County Solid Waste Facility License Agreement for the operation of a Yard Waste Compost Facility.
  4. Cannot be located in a platted development or within 1000 feet of a platted development.
  5. Must be located at least 1000 feet from the nearest residence.
  6. The site may not be located within the Shoreland District or the Floodplain District.
  7. The site must be located on a hard-surface public road unless access via a gravel road is approved by the Township.
  8. All outside storage shall be screened from residential areas.
  9. The number of employees (full-time and part-time) reporting to the site.
  10. All material must be removed prior to transfer or sale of property.
  11. Material must be removed prior to the end of the permit.
  12. The compost site shall not be greater than 10,000 cubic yards in size.
  13. A sunset date shall be set with each permit issued.

- B. Must submit the following with the application:
1. Aerial photo showing property lines, roads, area for compost, proposed location of final compost product, structures.
  2. Provide an operational plan that would include security plan, hours and days of operation, written description of how residual MSW (petroleum based yard waste bags) brought to the site will be removed, how many trucks are anticipated to bring grass clipping and leaves to the site and assumed route and means of cleaning the public roads of lost material.
  3. Explanation of all equipment to be used on-site.
  4. Total amount of materials anticipated to be composted annually.
  5. Explanation of end use of product. Will it be available for public to buy on-site or sold to commercial operations?
  6. State the separation to groundwater from where the compost piles will be located.
  7. Location and dimensions of existing and proposed outdoor storage areas.
  8. Location and details of existing and proposed screening.
  9. Location and distance of neighboring residences.
  10. Location of well, septic or other sanitary facilities on-site.