

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER FOURTEEN

PROJECT RIVER BEND MANAGEMENT REGULATIONS

SECTION 1. POLICY AND AUTHORIZATION

An Ordinance for the controlling of bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scientific values of the Minnesota River in Renville County, Minnesota, in a manner consistent with Minnesota Statutes Sections 103F.381 – 103F.393.

SECTION 2. TITLE

This Ordinance shall be known, cited, and referred to as the Project River Bend Management Regulations Ordinance except as referred to herein where it shall be known as “this Ordinance.”

SECTION 3. PURPOSE

1. Conserve and protect the natural scenic values and resources of the Minnesota River and to maintain a high standard of environmental quality.
2. Regulate the area of a lot and the length of bluffland and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
3. Regulate the setback of structures and sewage treatment systems from blufflines and shorelines.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Preserve natural beauty and quietude.
7. Prevent pollution.
8. Designate land use districts along the bluffland and shoreline of the Minnesota River.
9. Comply with Project River Bend Six County Minnesota River Management Plan.
10. Protect and preserve economically viable agricultural land.

SECTION 4. GENERAL PROVISIONS

1. The jurisdiction of this Ordinance shall include all lands designated along the Minnesota River within Renville County as defined in Minnesota Statutes Section 103F.381.
2. The use of any land within the Project River Bend Land Use District; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, mining, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations. Permits from the zoning administrator are required by this Ordinance and/or the Renville County Ordinance for the construction of structures, public or private water supply and sewage treatment systems, the grading and filling of the natural topography, and erection of signs within the Project River Bend Land Use District.
3. Rules.
 - A. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or land use controls. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. In case of conflict between a provision of this Ordinance and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
 - B. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.
 - C. The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Ordinance or the application of this Ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this Ordinance or any other property, building, or structure not specifically included in said judgment.
 - D. The word “shall” is mandatory not permissive. All distances unless otherwise specified shall be measured horizontally.

SECTION 5. LAND USE DISTRICT PROVISIONS

1. Districts.
 - A. In order to preserve and protect the Minnesota River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, the Minnesota River in Renville County from Franklin, Minnesota, east to the Renville-Nicollet County line is hereby managed under the Project River Bend Six County Minnesota River Management Plan classification and the uses of this river and its adjacent lands are hereby designated by this district, the boundaries of which are based on Minnesota Statutes Section 103F.381.
 - B. The boundaries of the Project River Bend Land Use District are shown on the map designated as the Renville County official zoning map, which is made a part of this Ordinance and is on file with the zoning administrator.
 - C. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.
2. The purpose of establishing standards and criteria for the management of the Project River Bend Land Use District shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values; to reduce the effects of overcrowding and poorly planned development of adjacent lands; to prevent pollution; to preserve natural beauty and quietude; to maintain property relationships between various land use types; and to prohibit new uses that are inconsistent with the standards and criteria set forth in the Project River Bend Six County Minnesota River Management Plan.
3. Permitted Uses.
 - A. Agricultural uses.
 - B. Single-family dwelling (detached).
 - C. Farm drainage and irrigation systems.
 - D. Open space recreational uses, wildlife management areas, game refuges, forest preserves, nature center, conservancy, and interpretive center.
 - E. Public buildings and facilities.

- F. Home occupations, Level I.
 - G. Plant nursery, tree farm, and seasonal agricultural business.
 - H. Agriculturally related services such as feed and seed sales, commercial manure applicators, and custom tillage/harvesting.
 - I. Essential services - minor.
 - J. Land spreading of septage and sewage sludge regulated by the state.
 - K. Temporary dwelling, care facility.
 - L. Temporary dwelling, during construction.
 - M. Temporary dwelling, farm.
 - N. Non-commercial wind energy conversion systems.
 - O. Public/private roads and accesses greater than 200 feet from the river.
4. Conditional Uses:
- A. Private recreational area, game preserve, youth camp, golf course and club house, and gun club.
 - B. Water management/flood control structures and erosion control/wildlife development structures.
 - C. Mining, extraction, and processing of minerals.
 - D. Planned Unit Development.
 - E. Public recreation facility.
 - F. Public/private roads less than 200 feet from the river.
 - G. Essential service - major.
 - H. Residential subdivision subject to Renville County Subdivision Regulations.
 - I. Forestry and clear cutting.

5. Accessory Uses:
 - A. Private garage and carports.
 - B. Private swimming pool when completely enclosed within a chain link or similar security fence at least six feet high.
 - C. Private television towers and satellite dishes.
 - D. Other accessory uses customarily incidental to the permitted and conditional uses listed above including fences, decks, patios, sewage treatment systems, signage, and private kennels.

All uses not listed as permitted or conditional uses shall not be allowed.

1. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this Ordinance.
2. Certain uses are subject to the zoning dimension provisions of Section 7 and the sewage and wastewater treatment provisions of Section 11. All of the uses are subject to the landscape alteration provisions of Section 9.

SECTION 6. DENSITY AND LOT REQUIREMENTS

1. Minimum District Dimensional Requirements.
 - A. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of the Project River Bend Land Use District:

i.	Minimum lot size above ordinary high water level	5 acres
ii.	Lot width at building line	300 feet
iii.	Excavation, extraction, and processing of minerals operation setback from bluff or ordinary high water level	150 feet
iv.	Side and rear yard setback	20 feet
v.	Lot width at ordinary high water level	300 feet

vi.	Structure setback from ordinary high water level	150 feet
vii.	Structure setback from bluffline	30 feet
viii.	On-site sewage treatment system setback from ordinary high water level	100 feet
ix.	On-site sewage treatment system setback from bluffline	40 feet
x.	Maximum structure height (agricultural structures, exempt)	35 feet
xi.	Controlled vegetative cutting area:	
	- from ordinary high water level	150 feet
	- from bluffline	30 feet
xii.	Road setback from ordinary high water level	200 feet

- B. The maximum density of dwelling units shall not exceed the maximum density permitted in the underlying zoning district.
- C. No structure shall be placed on any slope greater than 13 percent. Structures proposed on slopes between eight percent and 13 percent shall provide an erosion control plan approved by the Renville SWCD.
- D. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with the Renville County Flood Plain Regulations Ordinance and/or statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules Parts 6120.5100 – 6120.6200).

SECTION 7. NONCONFORMITIES

All legally established nonconforming uses as of the date of this Ordinance may continue, but they will be managed according to regulations found in Chapter One, Section 11, of the Renville County Land Use Ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

- 1. Construction and Sale of Non-Conforming Lots of Record.
 - A. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 7.1 of this Ordinance may be allowed as building sites without

Variations from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

- B. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 7.1 of this Ordinance, 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 7.1 of this Ordinance as much as possible.
2. Non-conforming Sewage Treatment Systems.
- A. A sewage treatment system not meeting the requirements of Section 7.1 of this Ordinance must be upgraded, at a minimum, at any time a permit or Variance of any type is required for any improvement on, or use of, the property or in the event of property sale or transfer. For the purposes 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 ordinary high water level.
 - B. The Renville County Board of County Commissioners will require upgrading or replacement of any non-conforming system identified by this program within a reasonable period of time. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes Section 103F.211 in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than for design of on-site sewage treatment systems, shall be considered non-conforming.

SECTION 8. LANDSCAPE ALTERATIONS

1. Vegetative Cutting.
- A. The vegetative cutting provisions in this section shall comply with required setbacks specified in Section 7 of this Ordinance.

- B. General provisions, within designated setback areas:
- i. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted within 150 feet of the ordinary high water mark or within 30 feet of a bluffline.
 - ii. Selective cutting of trees in excess of four inches in diameter at breast height is permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained uninterrupted by large openings.
 - iii. The cutting provisions of i. and ii. shall not be deemed to prevent:
 - a. The removal of diseased or insect-infested trees or of rotten or damaged trees that present safety hazards.
 - b. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.
 - iv. All slash from tree cutting shall be removed from the cutting area as best as possible but in no case shall be left within the floodway of the Minnesota River as designated by local flood plain maps or within 150 feet of the ordinary high water mark, whichever is greater.
- C. Clear cutting anywhere in the designated land use district on the Minnesota River is subject to the following standards and criteria:
- i. A Conditional Use Permit is required.
 - ii. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Renville SWCD to be fragile and subject to severe erosion and/or sedimentation.
 - iii. Clear cutting shall be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
 - iv. The size of clear-cut blocks, patches, or strips shall be kept at the minimum necessary.
 - v. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result

in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring or the following spring.

2. Grading, Filling, Alterations of the Beds of Public Waters.
 - A. Grading and filling of the natural topography that is not accessory to a permitted or conditional use shall not be permitted in the Project River Bend Land Use District.
 - B. Grading and filling of the natural topography that is accessory to a permitted or conditional use shall not be conducted without a zoning permit from the zoning administrator. A zoning permit may be issued only if the following conditions are properly satisfied:
 - i. Grading and filling shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
 - ii. The smallest amount of bare ground is exposed for as short a time as feasible.
 - iii. Temporary ground cover such as mulch is used, and permanent ground cover such as sod is planted.
 - iv. Methods to prevent erosion and trap sediment are employed.
 - v. Fill is stabilized to accepted engineering standards.
 - C. Excavation of material from or filling in a river designated as Wild, Scenic, or Recreational or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner pursuant to Minnesota Statutes Section 103G.245. Section 103G.245 requires a permit from the commissioner before any change is made in the course, current, or cross-section of public waters.
 - D. The alteration of wetlands shall comply with the rules and regulations of federal, state, and local agencies.
3. Utility Transmission Crossings.
 - A. All utility crossings of the Minnesota River or state lands within the Project River Bend Land Use District require a license/permit from the commissioner pursuant to Minnesota Statutes Section 84.415.

- B. All utility transmission crossings constructed within the Project River Bend Land Use District shall require a Conditional Use Permit. The construction of such transmission services shall be subject to Minnesota Rules Parts 6105.0170 and 6105.0180. No Conditional Use Permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes Section 116C.61.
- 4. Public/Private Roads.
 - A. In addition to such permits as may be required by Minnesota Statutes Section 103G.245, a Conditional Use Permit shall be required for any construction or reconstruction of public/private roads within the Project River Bend Land Use District located less than 200 feet from the Minnesota River. Public roads include township, county, and municipal roads, streets, and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas and public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A Conditional Use Permit is not required for minor public streets that are streets intended to serve primarily as an access to abutting properties. Such construction or reconstruction shall be subject to Minnesota Rules Parts 6105.0190 and 6105.0200.
- 5. Extraction and Processing of Minerals.

All extraction and processing of minerals must comply with regulations found in Chapter Seven (Mining Regulations) of the Renville County Land Use Ordinance.

SECTION 9. SUBDIVISIONS

- 1. No land shall be subdivided which is determined by the local government to be unsuitable because of flooding, inadequate drainage, soil, and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.
- 2. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. All planned unit developments must comply with regulations found in Chapter Two, Part 3, Section 3, of the Renville County Land Use Ordinance. Smaller lot sizes may be allowed as exceptions to this Ordinance for planned unit developments provided:

- A. Central sewage facilities are installed which meet the standards, criteria, rules, or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- B. At least 40 percent of the total land area is preserved as open space. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other equally effective and permanent methods.
- C. At least 50 percent of the length of shoreland or bluffland frontage as viewed from the river shall be kept in a natural state.
- D. There is not more than one centralized boat launching facility for each unit.

SECTION 10. SEWAGE AND WASTEWATER TREATMENT

- 1. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency and administrative procedures of the Renville County Ordinance. Private wells must be located, constructed, maintained, and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
- 2. Sewage Treatment.
 - A. Any premises intended for human occupancy must be provided with an adequate method of sewage treatment. Publicly-owned sewer systems must be used where available. Where public systems are not available, all private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency (specifically Chapter 7080 for individual sewage treatment systems), Chapter Four of this Ordinance, and any other applicable local government standards.
 - B. A nonconforming sewage treatment system not meeting the requirements of this Ordinance must be upgraded, at a minimum, whenever a permit or Variance of any type is required for any improvement on or use of the property.

SECTION 11. ADMINISTRATION

- 1. In determining consistency of ordinances and ordinance amendments, the provisions of the Project River Bend Six County Minnesota River Management Plan shall be considered minimum standards.

2. The administration of this chapter shall be by administrative procedures found in Chapter One of the Renville County Land Use Ordinance.

SECTION 12. ENFORCEMENT

1. Violations. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment, or both plus, in either case, the cost of prosecution.
2. Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitute a separate offense.
3. Application to County Personnel. The failures of any officer or employee of the County to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
4. Equitable Relief. 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 County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

SECTION 13. SEPARABILITY

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

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

SECTION 14. EFFECTIVE DATE

The regulations contained in this chapter shall become effective from and after their publication according to law.