

2018 County Code Amendments
[version shows strikeouts and additions]
3/20/18

1. Amendment to Paragraphs 320.1.4.2 and 320.7.2.2 of Article 320 Subdivision Ordinance to require a survey on all metes and bounds descriptions (and to match Survey Requirement Flowchart adopted 7/27/2017).

A. That Paragraph 320.1.4.2 of the Sibley County Code is amended to delete that paragraph and substitute in its place the following:

320.1.4.2 It is the intention of this Ordinance to allow three (3) splits by metes and bounds description per Quarter-Quarter Section (approximately 40 acres). Effective April 1, 2006, subject to the exceptions described below, for any additional split or subdivision of a Quarter-Quarter Section, the subdivider shall cause a plat of the split or subdivision to be prepared and approve as provided by this ordinance; and filed with the County. Unless such approvals have been obtained, building permits shall be withheld for buildings on tracts which have been subdivided.

As exceptions to the platting requirement, no plat needs to be prepared in the following situations:

- a. A split or subdivision of an existing building site from the contiguous land owned by the same person.
- b. A split or subdivision from contiguous land for an addition of land to a separately described existing building site.
- c. A split or subdivision of contiguous parcels to effectuate a life-kind exchange of the parcels.
- d. A split or subdivision of wetlands or similar non-agriculture producing land from the contiguous land owned by the same person.

All splits or subdivisions ~~allowed as exceptions to the platting requirement~~ shall be described on a survey prepared by a registered land surveyor and must be recorded with the County Recorder or Registrar of Titles as appropriate. The splits or subdivisions must comply with Sibley County Code paragraph 300.14.8.6.

Effective August 1, 2011, all plats and land surveys shall utilize the "Minnesota Coordinate Systems of 1983 as defined by Minnesota Statute", which shall be further defined and based on the North American Datum of 1983 (NAD83), 1996 Adjustment, Sibley County Coordinate System.

B. That Paragraph 320.7.2.2 of the Sibley County Code is amended to delete that paragraph and substitute in its place the following:

320.7.2.2 It is the intention of this Ordinance to allow three (3) splits by metes and bounds description per Quarter-Quarter Section (approximately 40 acres). Effective April 1, 2006, subject to the exceptions described below, for any additional split or subdivision of a Quarter-Quarter Section, the subdivider shall cause a plat of the split or subdivision to be prepared and approve as provided by this ordinance;

and filed with the County. Unless such approvals have been obtained, building permits shall be withheld for buildings on tracts which have been subdivided.

As exceptions to the platting requirement, no plat needs to be prepared in the following situations:

- a. A split or subdivision of an existing building site from the contiguous land owned by the same person.
- b. A split or subdivision from contiguous land for an addition of land to a separately described existing building site.
- c. A split or subdivision of contiguous parcels to effectuate a life-kind exchange of the parcels.
- d. A split or subdivision of wetlands or similar non-agriculture producing land from the contiguous land owned by the same person.

All splits or subdivisions ~~allowed as exceptions to the platting requirement~~ shall be described on a survey prepared by a registered land surveyor and must be recorded with the County Recorder or Registrar of Titles as appropriate. The splits or subdivisions must comply with Sibley County Code paragraph 300.14.8.6.

Effective August 1, 2011, all plats and land surveys shall utilize the "Minnesota Coordinate Systems of 1983 as defined by Minnesota Statute", which shall be further defined and based on the North American Datum of 1983 (NAD83), 1996 Adjustment, Sibley County Coordinate System.

2. Amendment to Paragraphs 300.7.4.3 and 300.7.4.3 (300.7.4.4) of Article 300 Zoning Ordinance to correct error in numbering.

A. That Paragraphs 300.7.4.3 and 300.7.4.3 (300.7.4.4) of the Sibley County Code are amended to delete those paragraphs and and substitute in its place the following:

300.7.4.3 Side Yard Regulations:

There shall be a side yard having a width of not less than 20 feet on each side of a building.

300.7.4.4 Rear Yard Regulations

There shall be a rear yard having a depth of not less than 40 feet.

3. Amendment to Paragraph 300.14.5.6 of Article 300 Zoning Ordinance to correct description of manure storage basins.

A. That Paragraph 300.14.5.6 of the Sibley County code is amended to delete that paragraph and substitute in its place the following:

300.14.5.6 Any one family dwelling on a new site, any dwelling which requires a conditional use permit, or any new dwelling in the R-Suburban Residence District must comply with the following:

a. All such dwellings must be sited with the following minimum distances away from existing animal feedlots:

- Feedlots 50 to 599 animal units
- from dwellings-----1/8 mile
- from residential zones-----1/4 mile
- Feedlots 600 to 699 animal units
- from dwellings-----1/4 mile
- from residential zones-----1/2 mile
- Feedlots 1000 to 1999 animal units
- from dwellings-----1/4 mile
- from residential zones-----1 mile
- Feedlots 2000 to 4000 animal units
- from dwellings-----1/2 mile
- from residential zones-----2 miles
- Liquid ~~earthen~~ manure storage basins, off site manure stockpiling and commercial composting sites
- from dwellings-----1 mile
- from residential zones-----2 miles

4. Amendment to Sub-Paragraph 300.14.8.2.2 of Article 300 Zoning Ordinance to correct error in implementation of 2017 Amendment and restore provisions that were erroneously removed.

A. *That Sub-Paragraph 300.14.8.2.2 of the Sibley County Code is amended to delete that paragraph and substitute in its place the following:*

- 300.14.8.2.2 a. Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
1. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet six (6) inches.
 2. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet six (6) inches.
 3. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing higher than three (3) feet, six (6) inches may be placed around such place.
 4. The above enumerated architectural features may also extend into any side or rear yard to the same extent that no

porch, terrace or outside stairway shall project into the required side yard distance.

b. A wall, fence or hedge may occupy part of the required front, side or rear yard.

c. On double frontage lots, the required front yard shall be provided on both streets.

d. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a road or public road by obscuring the view.

e. The required front yard of a corner lot shall be unobstructed above the height of three (3) feet in a triangular area, two sides of which are the lines running along the shoulder road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.

f.i. There shall be a setback of a minimum of 50 feet from all bluffs.

g. There shall be a setback of one hundred fifty (150) feet from the edge of all public drainage ditches.

h. No alterations of natural topography in the bluff setback area is allowed. Excavations necessary for walk-outs, landscaping or other purposes that results in changes to the topography must occur outside the setback area. The review standard is whether the proposed alteration will adversely affect the bluff and/or nearby properties through impacts, including, but not limited to, increased erosion potential through clearing of vegetation, increased runoff and soil disruption.

5. Amendment to Paragraph 300.14.8.6 of Article 300 Zoning Ordinance to require a survey on parcel splits with structures (and to match Survey Requirement Flowchart adopted 7/27/2017).

A. That Paragraph 300.14.8.6 of the Sibley County Code is amended to delete that paragraph and substitute in its place the following:

300.14.8.6 When any existing parcel of real property is split into two or more smaller parcels, the split shall be made in such a way so that all existing structures must comply with the existing setback regulations for the classification of the subject property. All splits shall be described on a survey prepared by a registered land surveyor, which indicates the location of the major structures and setbacks, and must be recorded with the County Recorder or Registrar of Titles as appropriate.

6. Amendments to SUBD. 300.14.13 Animal Feedlot Regulations of Article 300 Zoning Ordinance to reflect that Minnesota Pollution Control Agency (MPCA) now handles feedlot permits.

A. That SUBDIVISION. 300.14.13 Animal Feedlot Regulations and its paragraphs and subparts of the Sibley County Code is amended to delete that Subdivision, paragraphs and subparts, and substitute in its place the following:

SUBD 300.14.13 Animal Feedlot Regulations

300.14.13.1 Authority for County Regulation:

On May 27, 1980, the Minnesota Pollution Control Agency Board (MPCA) approved a Sibley County Board resolution which authorized Sibley County to process animal feedlot permit applications at the local level. This subdivision incorporates that process with the additional county feedlot zoning regulations. Effective July 1, 2017, the Sibley County Board returned the processing of animal feedlot permits to the MPCA.

300.14.13.2 Animal Feedlots Generally:

No person shall permit or allow their land or property under their control to be used for any animal feedlot, and no animal manure from any animal feedlot shall be disposed of within the County of Sibley, except at an operation which has been approved in accordance with the provisions of this subdivision. Nothing in this subdivision shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.

300.14.13.3 Adoption by Reference of State Regulations:

Pursuant to M.S.A. 394.25 Subdivision 8, Sibley County adopts by reference Minnesota Rules 7020.0200 to 7020.2225, and subsequent amendments thereto. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

300.14.13.4 Application Procedure:

a. The owner of a proposed new animal feedlot or animal feedlot addition shall make application to the ~~County~~ MPCA for a feedlot and/or to the County for a zoning permit when any of the following conditions exist:

- 1) A new animal feedlot is proposed.
- 2) An expansion of an existing animal feedlot is proposed.
- 3) Ownership of an existing animal feedlot is changed.
- 4) A National Pollutant Discharge Elimination system (NPDES) permit application is required under state or federal rules and regulations.

- 5) When an inspection determines that the animal feedlot creates or maintains a potential pollution hazard.
- b. Review of the application for the County Zoning Permit, in connection with a feedlot, will indicate additional requirements as outlined below:

<u>TYPE</u>	<u>REQUIREMENTS</u>
1) 0-49 animal units -	no additional permits
2) 50-599 animal units -	go through the county processed MPCA permitting procedures (and County Conditional Use if no dwelling is on site); if pollution hazard exists, then MPCA processes permit.
3) 600-1000 animal units, where no dwelling is associated, and off site manure storage.	go through County processed MPCA permitting Procedures and County Conditional Use process; if pollution hazard exists, then MPCA processes permit.
4) over 1000 animal units all earthen liquid <u>manure</u> storage basins	go through MPCA permit process and through County Conditional process
5) Feedlot additions -	County Conditional Use in shoreland process

300.14.13.5 Application Requirements

Requirements for the County Zoning Permit are the same as with other Zoning permits as regulated herein. Requirements for MPCA feedlot consideration are as described in MPCA feedlot rules, which are adopted herein by reference. Prior to processing an application for a Conditional Use Permit for a feedlot, the applicant shall obtain the MPCA permit before making application to the County.

300.14.13.6 County Zoning Standards

Applicable to all feedlots regardless of their status in connection with MPCA regulations.

- a. All new animal feedlots must be sited with the following minimum distances away from existing dwellings and residential zones:

Feedlots 50 to 599 animal units
 from dwellings - - - - - 1/8 mile
 from residential zones - - - - 1/4 mile
 Feedlots 600 to 999 animal units
 from dwellings - - - - - 1/4 mile
 from residential zones - - - - 1/2 mile
 Feedlots 1000 to 1999 animal units-

from dwellings - - - - - 1/4 mile
from residential zones - - - - 1 mile
Feedlots 2000 to 4000 animal units
from dwellings- - - - - 1/2 mile
from residential zones - - - - 2 miles
Liquid ~~earthen~~ manure storage basins, offsite
manure stockpiling and composting sites
from dwellings - - - - - 1 mile
from residential zones - - - - 2 miles

Dwellings on the feedlot site are exempt from these separation requirements. All additions onto existing feedlots shall adhere to the above separation requirements.

- b. In addition to applicable setback requirements of the zoning district, all feedlot activities must take place at least 100 feet away from adjacent buildable land and park land.
- c. All manure application shall comply with the Best Management Practices as established by the U.S. Department of Agriculture and Soil and Water Conservation Service, the University of Minnesota Department of Agricultural Engineering and MPCA.
- d. At termination of the animal feedlot operation, the owner shall dispose of all manure and close all open pits in accordance with MPCA rules.
- e. All methods of disposal of dead, dying or diseased animals shall comply with Minnesota Board of Animal Health regulations.

300.14.13.7 Feedlots Requiring A Conditional Use Permit

In granting a conditional use for a feedlot, the County may attach special conditions including, but not limited to:

- a. Increase of minimum property line setback requirements.
- b. Additional setback requirements from special features.
- c. Location of feedlot additions relative to dwellings.
- d. Recommendations and guidelines from the MPCA, the Department of Agriculture, the Soil and Water Conservation District and U of M Agricultural Engineering.

300.14.13.8 Variances from the County Zoning rules are regulated herein. Variances from the MPCA rules are regulated by those rules.

