

PLANNING AND ZONING ADVISORY COMMISSION AGENDA

Date: September 19, 2022

Time: Following the adjournment of the Nicollet County Board of Adjustments and Appeals Meeting (doors open at 6:45)

Location: Nicollet County Board Room, 501 S Minnesota Ave, St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:

<https://mn-nicolletcounty.civicplus.com/AgendaCenter>

Questions or comments regarding the meeting can be directed to Spencer Crawford, Deputy Zoning Administrator, at 507-934-7071, or spencer.crawford@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *August 15, 2022*
5. **PUBLIC HEARING: PLN 22-12**
 - Applicant: Jim Carlson, United Farmer's CO-OP
 - Landowner: Farmers CO-OP of Lafayette
 - Request: Conditional use approval to bulk store 30,000 gallons of anhydrous ammonia
 - Location: Northeast ¼ of the Northeast ¼, Section 19-111-027 in Lake Prairie Township
 - Parcel Number: 07.019.0900
6. **PUBLIC HEARING: PLN 22-15**
 - Applicant: M.R Paving & Excavating, INC
 - Landowner: Timothy Kohn, Gary Kohn, Mark Kohn, and Ruth Rewitzer
 - Request: Three-year mineral extraction permit review
 - Location: Southeast ¼ of the Northwest ¼, Northeast ¼ of the Southwest ¼, Northwest ¼ of the Southwest ¼, and Southwest ¼ of the Northwest ¼ in Section 1-109-30 of Courtland Township
 - Parcel Number: 04.201.0205, 04.201.0210, 04.201.0605
7. **PUBLIC HEARING: Floodplain Ordinance and Zoning Map Amendment**
8. Review Permits
9. Old Business
10. Other Business
11. Communications
12. Adjourn

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.



Planning & Zoning Advisory Commission

MINUTES

AUGUST 15, 2022

7:00 PM

NICOLLET COUNTY
GOVERNMENT CENTER

BOARD MEMBERS	David Hermanson ☒ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Lloyd Hoffmann ☒	
ABSENT EXCUSED	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
ABSENT UNEXCUSED	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
STAFF PRESENT	Property and Public Services Assistant Director Pete Otterness ☒		
	Deputy Zoning Administrator Spencer Crawford ☒		
	County Attorney (CA) Michelle Zehnder Fischer ☒		
	Other Staff ☐		

REVIEW OF CANCELLATIONS & ADDITIONS	Zoning Administrator Crawford noted that discussion of the Floodplain Ordinance and Map amendment was added to an amended PZAC Agenda.
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MOTION TO APPROVE MINUTES OF JULY 18, 2022		APPROVE ☒	APPROVE WITH REVISIONS ☐
1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Lloyd Hoffmann ☐	
2 ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐ VOTE: 5-0

PUBLIC APPEARANCES	None.
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PUBLIC HEARINGS:

PENTAGON MATERIALS

PLN22-08

THREE YEAR REVIEW OF A MINERAL EXTRACTION CONDITIONAL USE PERMIT

APPLICANT COMMENT	None.		
PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
PUBLIC PARTICIPATION	None.		
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐
1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Lloyd Hoffmann ☐	
2 nd	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
COMMISSIONER DISCUSSION	Zoning Administrator Crawford presented the Staff Report; the Board had no questions.		
VOTE TO APPROVE REQUEST	PASS ☒	FAIL ☐	VOTE: 5-0

OTHER:

OLD BUSINESS	None.
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OTHER BUSINESS	Zoning Administrator Crawford presented a Staff Report on the proposed Floodplain Ordinance and Zoning Map amendments. He clarified the timeline by stating the proposal will be reviewed at the hearing today, reviewed by the Board of Commissioners at a workshop tomorrow, voted on by the Planning and Zoning Advisory Commission at their next meeting, voted on by the Board of Commissioners at their following hearing, and publicly advertised before it is approved. He explained updating the Ordinance and Flood Map is important to maintain participation in the National Flood Insurance Program, which provides flood insurance to residents of rural Nicollet County. Three maps were presented to the Board; the first showing the new floodplain for the whole county, the second showing a newly mapped flood zone crossing Peaceful Valley Campground, and the last showing existing and newly mapped flood zones north of St. Peter along Highway 169. Zoning Administrator Crawford then explained the proposed changes to Sections 2, 3, 4, 5, 6, 7, and 9 of the Zoning Ordinance. Board Member Laven asked about the proposed changes to the Shoreland Ordinance that had been mentioned at a previous meeting; Zoning Administrator Crawford explained that it would be reviewed at a later date after the Floodplain Ordinance was amended. Property and Public Services Assistant Director Otterness explained that many of the changes to the Floodplain Zoning Map are minor, but that some people may get notices from their flood insurance provider about acquiring flood insurance. County Attorney Fischer asked staff to confirm Peaceful Valley campground is affected; Property and Public Services Assistant Director Otterness stated that it will contain a narrow delineated floodplain. Board Member Hermanson asked if the campsites are affected; Public Services Assistant Director Otterness stated that the impact what can permanently be put at the site. Zoning Administrator Crawford noted that FEMA has a process to remove some properties from floodplain. Board Member Ubel asked if the wording changes would be in their next packet; Zoning Administrator Crawford confirmed that it would. Board Member Hoffmann asked if it would impact farming; Zoning Administrator Crawford stated it would not as farming is an allowed use in floodplain.
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REVIEW OF PERMITS	The Board had no comment on the permits.
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COMMUNICATIONS	None.
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MOTION TO ADJOURN	
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1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Lloyd Hoffmann ☐	
2 ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	

DAVID HERMANSON, CHAIR		DATE	
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	

DRAFT



CONDITIONAL USE PERMIT

BULK STORAGE

United Farmers Cooperative

PLN22-12

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit PLN22-12
APPLICANT:	United Farmers Cooperative
LANDOWNER:	Farmers CO-OP of Lafayette
LOCATION:	Northeast ¼ of the Northeast ¼, Section 19-111-27
PARCEL NO:	07.019.0900
EXISTING ZONING:	Highway Business, Conservancy, Shoreland
HEARING DATE:	09/19/2022
COUNTY BOARD DATE:	09/27/2022

REQUEST

United Farmers Cooperative is requesting conditional use approval to place a 30,000 gallon anhydrous ammonia tank at their Norseland Ag Service Center. Storing over 2,500 gallons of liquid fertilizer requires a Conditional Use Permit per Nicollet County Zoning Ordinance 708.

EXISTING LAND USE

The existing land use is commercial. Norseland Ag Service Center has a shop, repair center, and existing anhydrous ammonia storage on site.

SURROUNDING LAND USE

The service center is located on State Highway 22 within the unincorporated community of Norseland. It is surrounded by homes to the east, west, and southwest; there is a farm field to the north and east, with forest land to northwest.

PROJECT DESCRIPTION

Norseland Ag Service Center currently has an 18,000 gallon anhydrous ammonia storage tank and wishes to increase their capacity to meet demand and reduce the number of semi-truck deliveries. The existing storage tank would be removed and replaced with a larger anhydrous ammonia tank

that is in use at their Gaylord location. The applicant intends to purchase the home directly to the southeast to meet Department of Agriculture residential setback requirements.

COUNTY STANDARDS

Safety

Zoning Ordinance Section 708 (3) requires assurance that fire, explosion, and water/soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The Minnesota Department of Agriculture has permitting authority over the tank and enforces safety regulations, such as setbacks. The proposed tank is currently permitted by the Department of Agriculture, and a new permit must be obtained before placing it at the Norseland location.

Zoning Ordinance Section 708 (4) requires compliance documentation from the Minnesota State Fire Marshall, Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and United States Environmental Protection Agency. However, Nicollet County and the Minnesota Department of Agriculture are the only agencies with permitting authority for the tank, making their approval sufficient to meet the requirements of this ordinance.

Berming

Zoning Ordinance Section 708 (5) requires a berm capable of holding 115% of the tanks capacity. The applicant is requesting a variance to this provision; see PLN22-13. Concrete barriers will be installed around the tank to prevent it from being accidentally hit by a vehicle.

Screening & Landscaping

The applicant has submitted a landscaping plan that meets the requirements of Zoning Ordinance Section 708 (6). Bushes will be planted in the north and east, while existing trees will screen the tank from the road. The Applicant is also required to grass or surface the area around the tank; existing conditions meet this requirement.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

1. **Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**

- The Norseland Ag Service Center is currently storing anhydrous ammonia.
 - The applicant is required to obtain a permit from the Minnesota Department of Agriculture.
 - The proposed location is within the unincorporated community of Norseland, with one home being within 100 feet of the tank. However, the applicant intends to purchase this home and cease using it as a dwelling. The remaining homes within the community are at a distance of 400 to 1000 feet away.
2. **The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
- The larger storage tank will reduce the number of refilling trips, thereby reducing the burden on existing roads.
 - No additional impact to utilities is expected.
3. **The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
- The Norseland Ag Service Center is currently storing anhydrous ammonia.
 - The applicant has submitted a landscaping plan that screens the proposed tank from surrounding uses.
 - The proposed location is within the unincorporated community of Norseland with several homes being within 1000 feet of the proposal.
4. **The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
- The Norseland Ag Service Center is currently storing anhydrous ammonia.
 - The applicant has submitted a landscaping plan that screens the proposed tank from surrounding uses.
 - The applicant intends to purchase the home to the southeast and cease using it residentially.
5. **The requested use is consistent with the Nicollet County Land Use Ordinances.**
- The request seems to meet all zoning ordinance standards, with the exception of berming as required by Zoning Ordinance Section 708 (5).
 - The applicant has requested a variance to Zoning Ordinance Section 708 (5).

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

- The Comprehensive Plan seeks to encourage sustainable agriculture practices to ensure the longevity of agriculture as a land use and viable economic activity in the county.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

- The applicant has submitted a landscaping plan that screens the proposed tank from surrounding uses, preventing general unsightliness.
- The increased tank size will reduce the number of refilling trips, lessening noise from the delivery trucks.
- The tank is painted, reducing glare.
- No odor is expected from the operation.

8. The requested use is reasonably related to the existing land use and environment.

- The Norseland Ag Service Center is currently storing anhydrous ammonia.
- The request is located within the unincorporated community of Norseland, which contains several residential homes.
- The applicant intends to purchase the home to the southeast and cease using it residentially.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The applicant is required to obtain a permit from the Minnesota Department of Agriculture and follow all local, state, and federal regulations.
- The proposed location is within the unincorporated community of Norseland, with one home being within 100 feet of the tank. However, the applicant intends to purchase this home and cease using it as a dwelling. The remaining homes within the community are at a distance of 400 to 1000 feet away.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

- The applicant is required to obtain a permit from the Minnesota Department of Agriculture and follow all local, state, and federal regulations.
- The request seems to meet the standards of the Zoning Ordinance with the exception of berming. The applicant has requested a variance to not install a berm.

RECOMMENDATIONS

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The zoning permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this conditional use permit.
3. The conditional use permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
4. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. Landscaping and screening that meets the requirements of Zoning Ordinance Section 708 (6) is maintained for the lifespan of the tank and any replacement tank.
6. The applicant obtains a permit from the Minnesota Department of Agriculture before placing the tank, and complies with all local, state, and federal laws during its operation and placement.
7. The applicant purchases the neighboring property to the southeast, having an address of 37615 State Highway 22, before obtaining the zoning permit.

Applicant: United Farmers Cooperative
Landowner: Farmers CO-OP of Lafayette

PLN22-12

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Documents Submitted by Applicant
ATTACHMENT E	Neighbor Notification List
ATTACHMENT F	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$496.00

Map#: 0719226018
Parcel#: 070190900
Permit#: [PLN22-12](#)
Date: August 26, 2022

Applicant: Jim Carlson, United Farmers Cooperative, 37597 State Highway 22, Saint Peter MN 56082
Phone: 612-597-8482 612-597-8482
Owner: FARMERS CO-OP OF LAFAYETTE, PO BOX 461, WINTHROP MN 55396
Property Address: 37597 STATE HIGHWAY 22, ST PETER MN 56082
Abbreviated Legal Description: LOT 7 OF NE 1/4 OF NE 1/4 ACRES 1.74; & PT OF LOT A & PT OF LOT 6 ACRES 1.00 & BURKE LANDS ADJ TO LOT 7 & 8 (PT OF LOT A) ACRES 0.30 TOTAL ACRES 3.04
Township: Lake Prairie Township

Record Type: Conditional Use
Category: Bulk Storage of Liquid
Project Description: Conditional Use Permit Application for bulk storage of 30,000 gallons of ammonia.

Planning Commission Hearing Date: 09/19/2022
Board of Commissioners Date: 09/27/2022

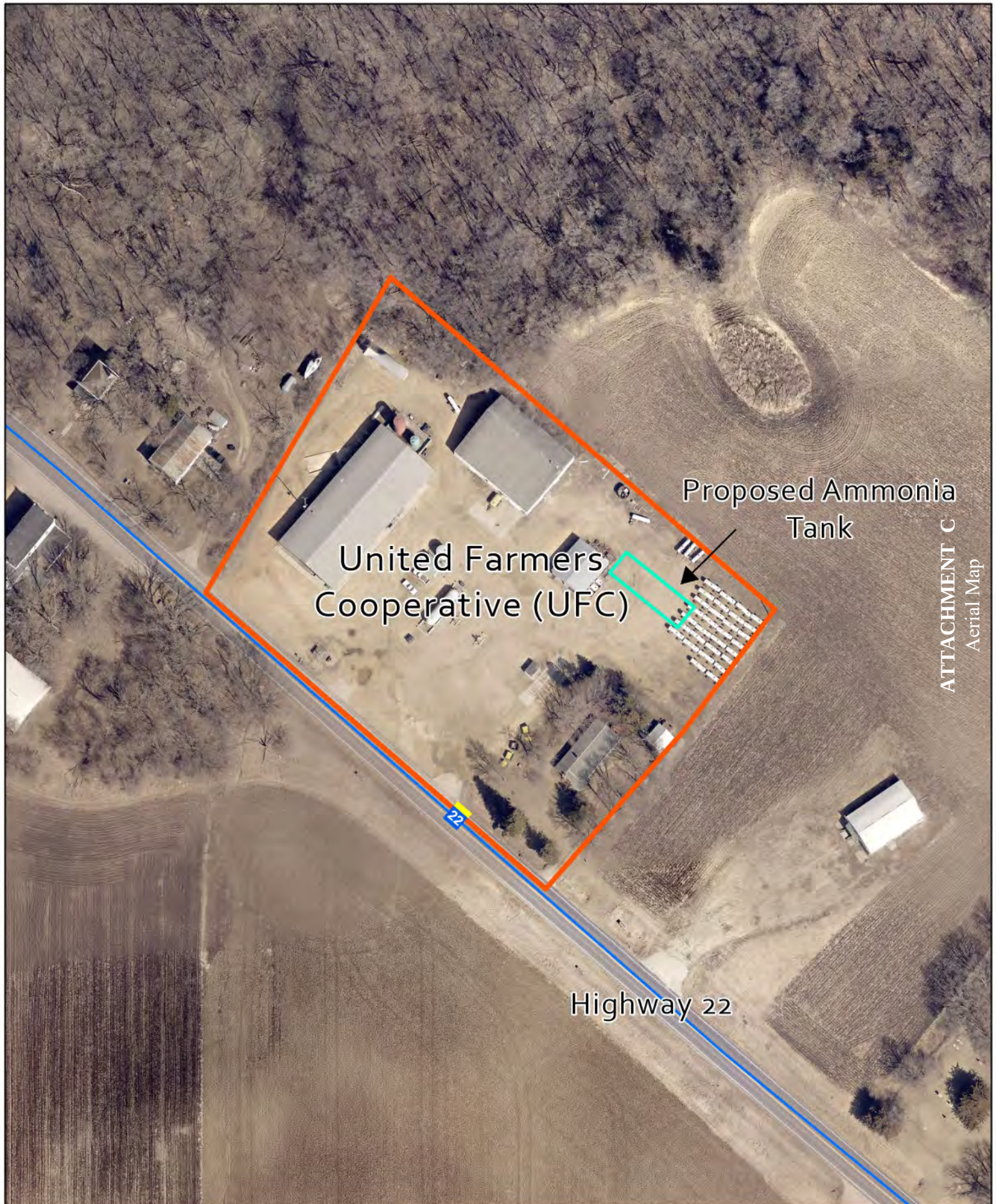
Jim Carlson
Digitally signed by Jim Carlson
Date: 2022.08.26 08:56:02
-05'00'

APPLICANT SIGNATURE

DATE

ATTACHMENT A
Application





ATTACHMENT C
Aerial Map

Name of Applicant: United Farmers Cooperative Date: 7/27/22
Request: Modify/add fertilizer storage to our Norseland site

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

Why do you feel the request meets the following criteria?

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.
Storage of this product is all ready there. We are buying the residence adjacent to our site and adding additional storage.
Storage of this product is all ready there. We are buying the residence adjacent to our site and adding additional storage.

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.
It will not increase traffic or utilities usage. More storage give us the ability to manage in-season inventories better.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.
Following all state and county guidelines nearby properties should not be affected.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.
Doing this project give us the ability to visually enhance the site.

5. The requested use is consistent with the County Zoning Ordinance.
Following all guidlines

(Continued onto back)

6. The requested use is not in conflict with the County Comprehensive Plan.

Not that we are aware of.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

No general changes other than visually enhancing the site

8. The requested use is reasonably related to the existing land use and environment.

Already use this site for that use.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

Following all state and county guidelines.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

Following all state and county guidelines.

***A MAJORITY OF THE CUP CRITERIA MUST BE MET
IN ORDER FOR THE REQUEST TO BE APPROVED.***



United Farmers Cooperative (UFC)
Noresland
37597 State Hwy 22
St. Peter, MN 56082

This is a brief description of the proposed site enhancement of the above property. Please let me know what questions you have.

- Purchase adjacent property with the hopes of rezoning so UFC can increase inventory storage capacity of NH₃ at this location. Purchasing the property is needed to meet required setback requirements.
- Current inventory capacity is 18,000 gal and we'd like to increase it by putting a 30,000 gal tank on site.
- Existing 18,000 tank will be de-commissioned once the 30,000 gal tank is operational.
- Existing tank at our Gaylord site will be moved to this site. This tank is being used for the same purpose as it will be in Norseland. Nameplate and existing site photo below. Concrete barriers will be installed for safety as shown at existing site.

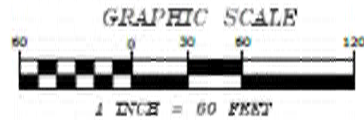


- Tank moving and installation will occur prior to October 2023 and not before January 1, 2023 if approved. We would like to be operational for fall 2023 season which starts in October.
- State permits will be applied for once stie plan and variance are approved. State has been contacted regarding intent with no obvious obstacles present to complete the project.

Managing inventory in season is a real challenge when you have small capacity tanks. Application of this product is so weather dependent...if the weather is good, it runs hard and turning semi loads fast enough is logistically difficult. More tank capacity creates more flexibility with a better chance of not running out of inventory when the farmer needs it.

SITE PLAN

~for~ United Farmers Cooperative (UFC)
 ~Part of~ Lots 6, 7 & A, PLAT
 SHOWING BURKE LANDS in Sec. 19
 & 20, T. 111N, R. 27W, Lake Prairie
 Twp., Nicollet Co., MN



LEGEND
 ● DENOTES IRON MONUMENT FOUND
 ○ DENOTES IRON MONUMENT SET

NORTH



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 6/17/22.
- Bearings shown are based on the Nicollet County Coord. Sys. NAD83 (96 ad.).
- Parcel ID Number: 07.019.0900.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Aerial photo obtained from Microsoft Corp. is shown for graphical reference purposes only and the accuracies are unknown.

I hereby certify that this plan, survey or report was prepared by me, or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: *[Signature]*
 Minnesota License No. 45156

Dated 24th day of June, 2022.

DATUM: Co. Coord.	JOB NO. 22.0693
REVISIONS	SCALE: 1" = 60'
1	DATE: 6-24-22
2	DRAWN BY: KDN
3	CREW: JWM
NO. DATE DESCRIPTION BY	

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 990 5th Ave SE, Suite 2
 Hutchinson, MN 55350
 Tel. (202) 587-2022
 www.egrud.com

L-15

L-8

Landscaping Plane

1. Bushes on the NE Corner similar to this



Once we clean up the house site, we will use what we can of existing trees and tie into them.

3. New tanks site will include required barriers using more astatically pleasing materials. Current is concrete blocks.



4. This building will be demoed or sold and moved.
5. Refer to next page for survey and placement of tank.



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
Norwegian Methodist Church	123 Unknown	Unknown Mn 00000
Robert & Donna Widdifield	37615 State Highway 22	Saint Peter Mn 56082
Randy & Jeffrey Swenson	37580 State Highway 22	Saint Peter Mn 56082
Michael Pugh	37566 State Highway 22	Saint Peter Mn 56082
Farmers Co-Op Of Lafayette	Po Box 461	Winthrop Mn 55396
Andrew Greve & John Anderson	37577 State Hwy 22	Saint Peter Mn 56082
Joel Anthony & Wanda Anthony	37561 State Highway 22	Saint Peter Mn 56082
Michael Anthony	42628 County Road 52	Saint Peter Mn 56082
Dorothy Anthony	37553 State Hwy 22	Saint Peter Mn 56082
Collin Johnson	42586 County Road 52	Saint Peter Mn 56082
Michael & Heather Anthony	42628 County Road 52	Saint Peter Mn 56082
Roger Swenson Family Farm Llc	3032 12Th Ave	Fort Dodge Ia 50501
Swedish Lutheran Church Scandian Grove	42869 County Road 52	Saint Peter Mn 56082
Boy Scouts Of America & Twin Valley Council	810 Madison Ave	Mankato Mn 56001
Darwin Gunderson	37730 State Highway 22	Saint Peter Mn 56082
Willis Anthony	42505 County Road 15	Saint Peter Mn 56082
Lois Annexstad	38005 403Rd Ave	Saint Peter Mn 56082
Ron Regenscheid- Lake Prairie Township	35724 375th Ave	Saint Peter Mn 56082



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant/ United Farmers Cooperative
Property Owner: Farmers CO-OP of Lafayette

Date: September 19, 2022

File #: PLN22-12

Use Requested: United Farmers Cooperative is requesting conditional use approval to place a 30,000 gallon anhydrous ammonia tank at their Norseland Ag Service Center.

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

2. The requested use will not create an unreasonably excess

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

ATTACHMENT F
Criteria for Conditional Use Permit

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

8. The requested use is reasonably related to the existing land use and environment.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

10. The requested use will/will not (Circle One) have aderse effect upon public health, safety and welfare due to the following other factors:

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE PERMIT AND IN THE RECORD

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:

(☐ APPROVES) (☐ DENIES)

THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

- ☐ Hermanson
- ☐ Ubel
- ☐ Laven
- ☐ Hoffmann
- ☐ Dranttel
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____ Chair: _____



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

**M.R Paving & Excavating, INC/ Gary Kohn,
Timothy Kohn, Mark Kohn, Ruth Rewitzer**

PLN22-15

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Three year review of a mineral extraction Conditional Use Permit, PLN22-15
APPLICANT:	M.R Paving & Excavating, INC.
LANDOWNER:	Gary Kohn, Timothy Kohn, Mark Kohn, Ruth Rewitzer
LOCATION:	Part of the Southeast ¼ of the Northwest ¼, Northeast ¼ of the Southwest ¼, Northwest ¼ of the Southwest ¼, and the Southwest ¼ of the Northwest ¼ in Section 1-109-30 of Courtland Township.
PARCEL NO:	04.201.0205, 04.201.0100, 04.201.0605
EXISTING ZONING:	Conservancy
HEARING DATE:	09/19/2022
COUNTY BOARD DATE:	09/27/2022

REQUEST

The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, and locate a bituminous/concrete batch-plant and portable wash plant onsite.

ORDINANCE:

Mineral extraction operations are required to renew their Conditional Use Permit every three years per Nicollet County Zoning Ordinance 424.2 (3).

The renewal seems to meet all the requirements as listed in Nicollet County Zoning Ordinance Section 724 Mineral Extraction.

EXISTING LAND USE

The mineral extraction facility, known as the Kohn Pitt, consists of three properties owned by Gary and Timothy Kohn (132 acres), Mark Kohn (39.5 acres) and Ruth Rewitzer (79.56 acres). Gary and Timothy Kohn sold 44.8 acres in the southern part of their parcel to Michaletz Properties LLC, who developed it into a shooting range.

The applicant states the mine is 42.75 acres; 14 acres are actively being mined, 4 acres have already been reclaimed and 24.75 acres will be mined in the future. The remaining land consists of farm fields and forested bluffs.

SURROUNDING LAND USE

The Kohn Pitt is situated within the Minnesota River Valley, with Highway 14 being to the North and the City of Courtland about a mile to the east. The Guemmer mineral extraction pit and demolition landfill abuts the Kohn Pit to its west, all of which are operated by M.R Paving & Excavating. There are several other mineral extraction operations within this area of the Valley, including New Ulm Quartzite Quarries, the Kohn Pit East (which is distinct from the Kohn Pit), and the Hoffmann Construction borrow pit. The remaining surrounding land use is a mix of residential, farmland, and forested bluffs.

PROJECT DESCRIPTION

M.R Paving & Excavating has extracted gravel from this location for 28 years, with the original permit being issued in 1994. Production varies depending on demand, and mining occurs seasonally from spring to fall. Equipment employed includes loaders, haul trucks, bulldozers, excavators, and sometimes crushers. 9,327.65 tons of material have been mined over the past three years.

Access:

The site has direct access to U.S. Highway 14 and indirect access by crossing the Guemmer property via 561st Avenue. Hauling trucks primarily use the 561st access because that is where the scale is located.

Appearance:

The facility is generally not visible from the Minnesota River or U.S. Highway 14.

Blasting:

No blasting occurs at the site.

Bond Requirements:

The applicant has a continuous bond in place to cover the actively mined and not yet reclaimed acres. The mine pre-exists the 2014 mineral extraction amendments to the Zoning Ordinance which now require a bond of \$5,000 per acre. As such, the mine is required to bond at the previous rate of \$2,500 per acre. If the original parameters of the project are changed, the operation must conform to the current standards at that time.

Hours of Operation:

The pit typically adheres to the operating hours of 7 AM to 5 PM. The Zoning Ordinance allows for work after 7 PM for emergencies and equipment repair, provided Nicollet County Property Services is notified.

Stormwater:

Holding ponds catch the Stormwater on site and naturally filtrate it into the ground.

Dust, Noise, & Odor Control:

Roads are treated with water as needed to control dust. Noise or odor outside of what is typical for an extraction operation is not expected.

Reclamation Plan:

The applicant has submitted a restoration plan showing the final anticipated elevation of the Pit. The end use is wildlife habitat which will be achieved by seeding natural vegetative plants and trees.

Waste Disposal:

Per the applicant no hazardous waste is being stored on site.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The National Pollutant Discharge Elimination System (NPDES) permit for this site expired on May 31st, 2022. The applicant is currently working with the Minnesota Pollution Control Agency to obtain a new permit, and may continue to work under the old permit until a new one is issued. The existing Stormwater Pollution Prevention Plan will be updated when the new NPDES permit is issued.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

1. **Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**
 - Mineral extraction is a conditionally permitted use in the Conservancy Zoning District.

- The use is similar to other mineral extraction operations within the County.
 - The applicant has a valid NPDES permit, and is working with the Minnesota Pollution Control Agency to renew it.
 - The applicant is not using explosives or storing hazardous waste.
2. **The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
- The size and function of the facility is not unreasonable for the location.
 - The site located along U.S. Highway 14, which is currently being expanded.
 - It appears the burden on public infrastructure will be minimal.
3. **The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
- The proposed use is in close proximity to other mineral extraction operations.
 - The facility's hours of operation adhere to Zoning Ordinance Sections 724.5(7).
 - The applicant is not using explosives or storing hazardous waste.
4. **The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
- The operation appears to be typical for mineral extraction within the County.
 - The proposal meets the required setbacks for the Conservancy Zoning District.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities.
5. **The requested use is consistent with the Nicollet County Land Use Ordinances.**
- The request meets the applicable standards and requirements found in Sections 505, 603, and 724 of the Zoning Ordinance for conditional use permits, the Conservancy Zoning District, and mineral extraction facilities.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

- The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
- The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

- The use adheres to the standards of Sections 724.5(7), 724.5(9), and 724.5(13-14) of the Zoning Ordinance for dust control and air quality; hours of operation; noise and vibrations; and road dust and debris.
- Roads are treated to control dust as needed.
- No blasting takes place onsite.

8. The requested use is reasonably related to the existing land use and environment.

- Section 603.3 of the Zoning Ordinance lists mineral extraction as a conditional use in the Conservancy Zoning District.
- The operation appears to be typical for mines within the county.
- There are several other mines near the site.
- The site is not adjacent to a Residential Zoning District.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The operation has a valid NPDES permit. The applicant is working on a new NPDES permit.
- The applicant is not using explosives or storing hazardous waste.
- Any changes to the operation will require an amended conditional use permit.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

- The request as proposed seems to meet County standards, with no apparent adverse effects to public health, safety, and welfare.

RECOMMENDATIONS

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The permit will be periodically reviewed by the County to assure compliance with the Permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. This conditional use permit shall be reviewed no later than September 2025.
5. The applicant shall maintain a Performance Bond or Irrevocable Letter of Credit covering the amount of actively mined or not yet reclaimed acres to be effective at least one year beyond the expiration date of this permit.
6. Any acreage increase in the active mining area will require an amended Conditional Use Permit including an additional Performance Bond or amended Letter of Credit covering the amount of actively mined and not yet reclaimed acres in the amount of \$2,500 per acre.
7. The designated wetland area near the mine site shall be conspicuously staked and flagged to prevent it from being mined.
8. A minimum of 1 rod (16.5 feet) buffer strip of vegetation shall be maintained around the perimeter of the wetland area to minimize infiltration of any possible pollution source into the wetland. These strips are to be maintained until the mining area is fully reclaimed.
9. Hours of operation are limited to 7 a.m. to 7 p.m. Monday through Saturday except holidays.
10. The applicant shall conduct all mining operations in compliance with the laws of the State of Minnesota, the Federal Government, and Nicollet County Zoning Ordinance Section 724.
11. The retention ponds shall be maintained with proper disposal of material when the ponds are dredged.
12. The applicant shall continue to incorporate dust control measures as needed on the haul road.

13. If required, the applicant shall obtain a DNR-Division of Water “Water Appropriations” permit.
14. The applicant shall submit verification the site has a valid National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency prior to issuance of this conditional use permit.

Applicant: M.R Paving & Excavating, INC.
Landowners: Gary Kohn, Timothy Kohn, Mark Kohn, Ruth
Rewitzer

PLN22-15

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Neighbor Notification List
ATTACHMENT F	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$496.00

Map#: 1501100008
Parcel#: 042010205
Permit#: [PLN22-15](#)
Date: August 26, 2022

Applicant: Adam Hoffmann, M.R Paving, Kohn Pit, MN
Phone: 507 276 7410

Owner: KOHN GARY M & TIMOTHY L KOHN, 54650 US HIGHWAY 14 - PO BOX 69, COURTLAND MN 56021
Property Address: 0,

Abbreviated Legal Description: E ½ NW ¼ "EX pt lying N US 14 R/W aka 6.73 A" & "EX 2.43 A R/W" = 70.84 A; W ½ NE ¼ "EX 28.05 A" = 51.95 A; NE ¼ SW ¼ & NW ¼ SE ¼ "EX 44.8 A" = 35.2 A; TOTAL = 157.99 acres

Township: Courtland Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: 3 year mineral extraction Conditional Use Permit renewal.

Planning Commission Hearing Date: 09/19/2022

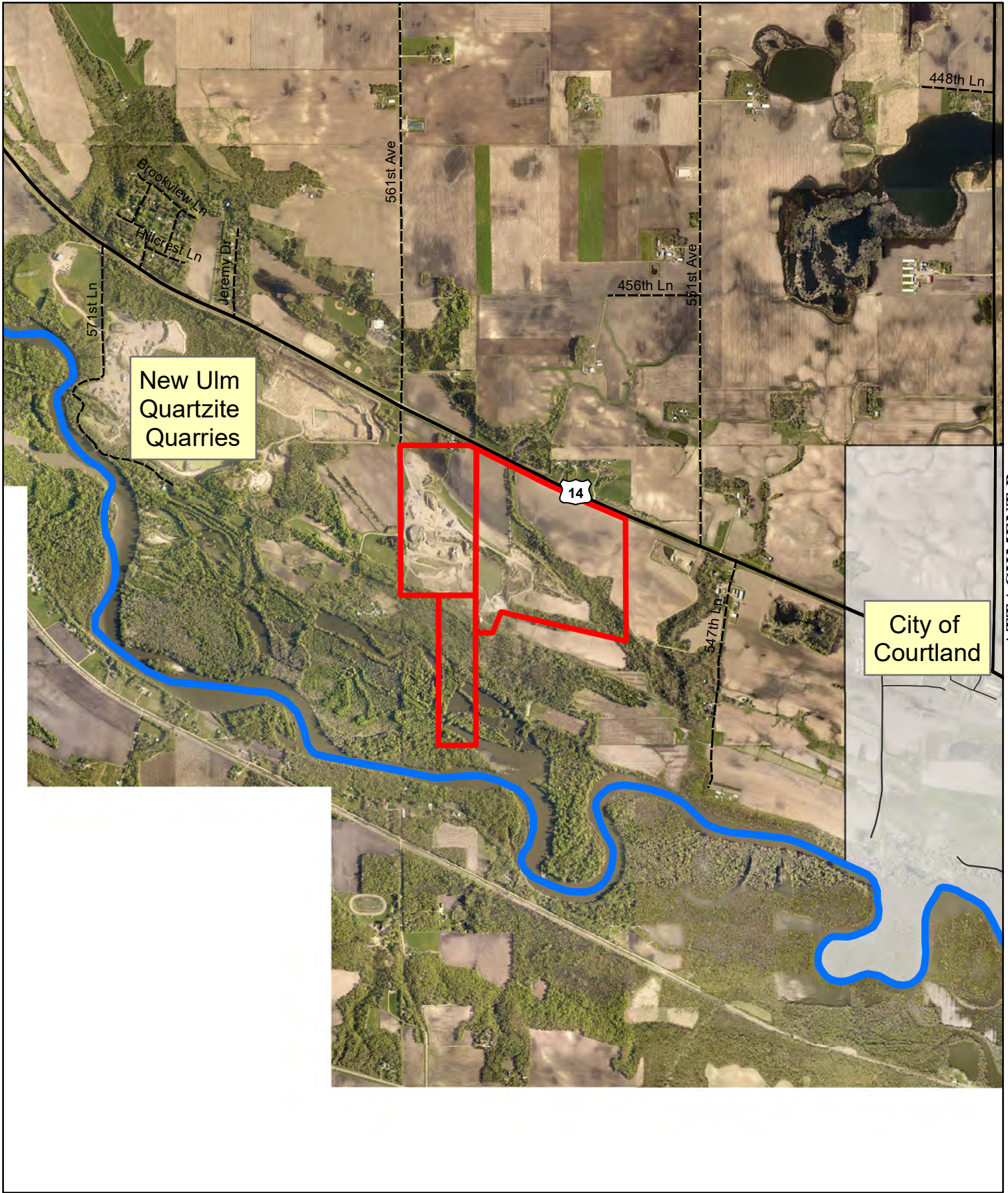
Board of Commissioners Date: 09/27/2022


APPLICANT SIGNATURE

for M.R. Paving

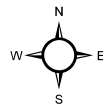
8-26-22
DATE

ATTACHMENT A
Application

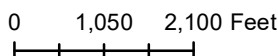


ATTACHMENT B
Location Map

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

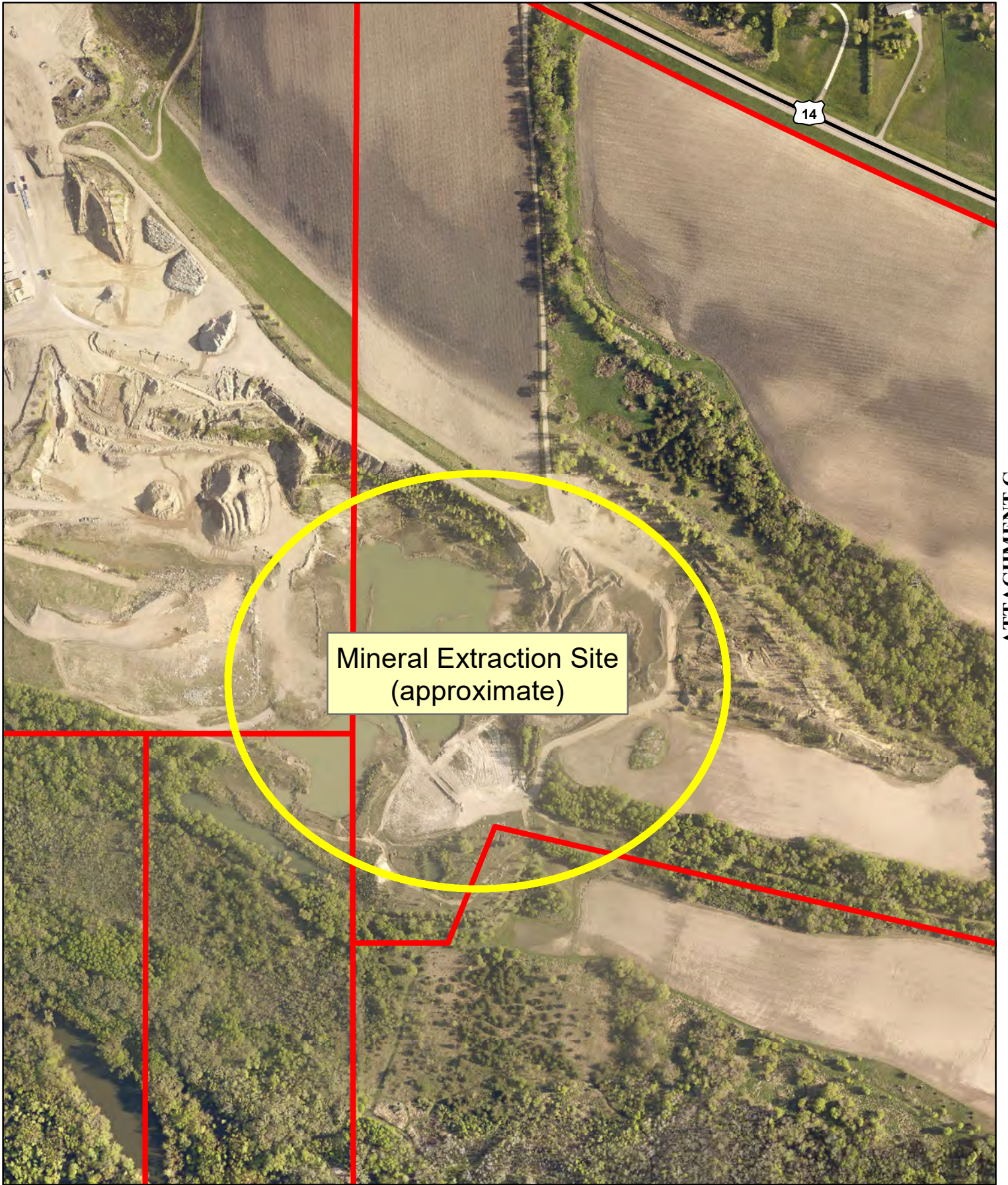


1:27,000 1 inch = 2,250 feet



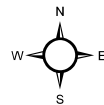
Name: _____

Date: _____



ATTACHMENT C
Aerial Map

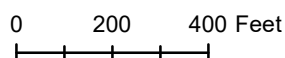
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.



Name: _____

Date: _____

1:4,800 1 inch = 400 feet





MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

14 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).

24.75 Acres permitted and remaining to be mined in future phases.

4.0 Acres where land reclamation has occurred.

0 Acres not permitted to be mined (non-mining related acres).

42.75 Total acreage of property.

TONNAGE OF MATERIAL REMOVED:

9327.65 Ton Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: Mark & Gary Kohn; Ruth Rewitzer

Owner's Address: 54650 US Hwy 14, Courtland, MN 56021

Contractor working the site: M.R. Paving & Excavating Inc.

Contractor's address: 2020 North Spring St. New Ulm, MN

Contractor's phone number: 507-354-4171

Date: 8-23-22

Applicant (Landowner or Contractor) Signature: Adam Hoffe for M.R. Paving & Excavating Inc.

Parcel No. 04.201.0205

Map No. _____

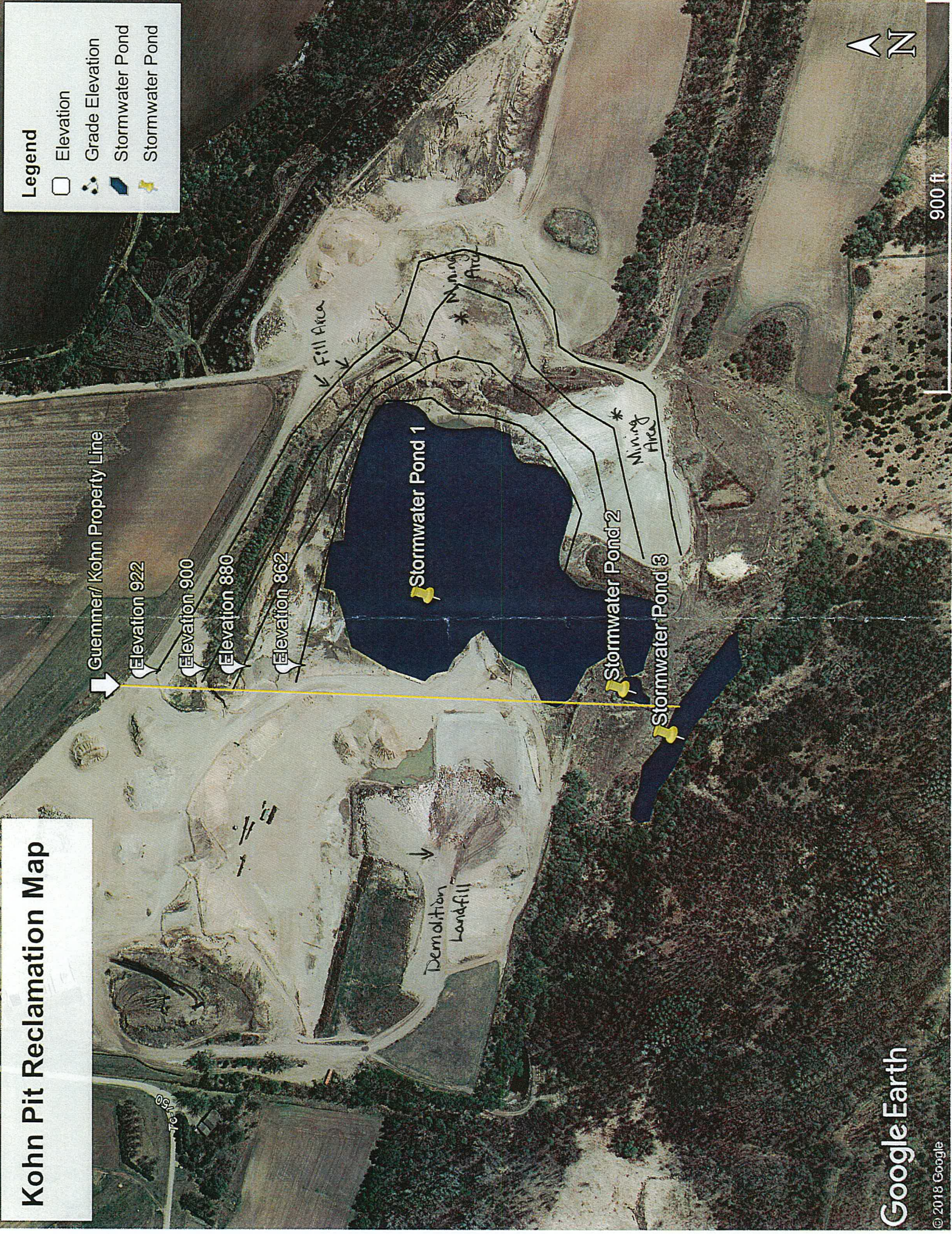
Revised 11-29-18 JH

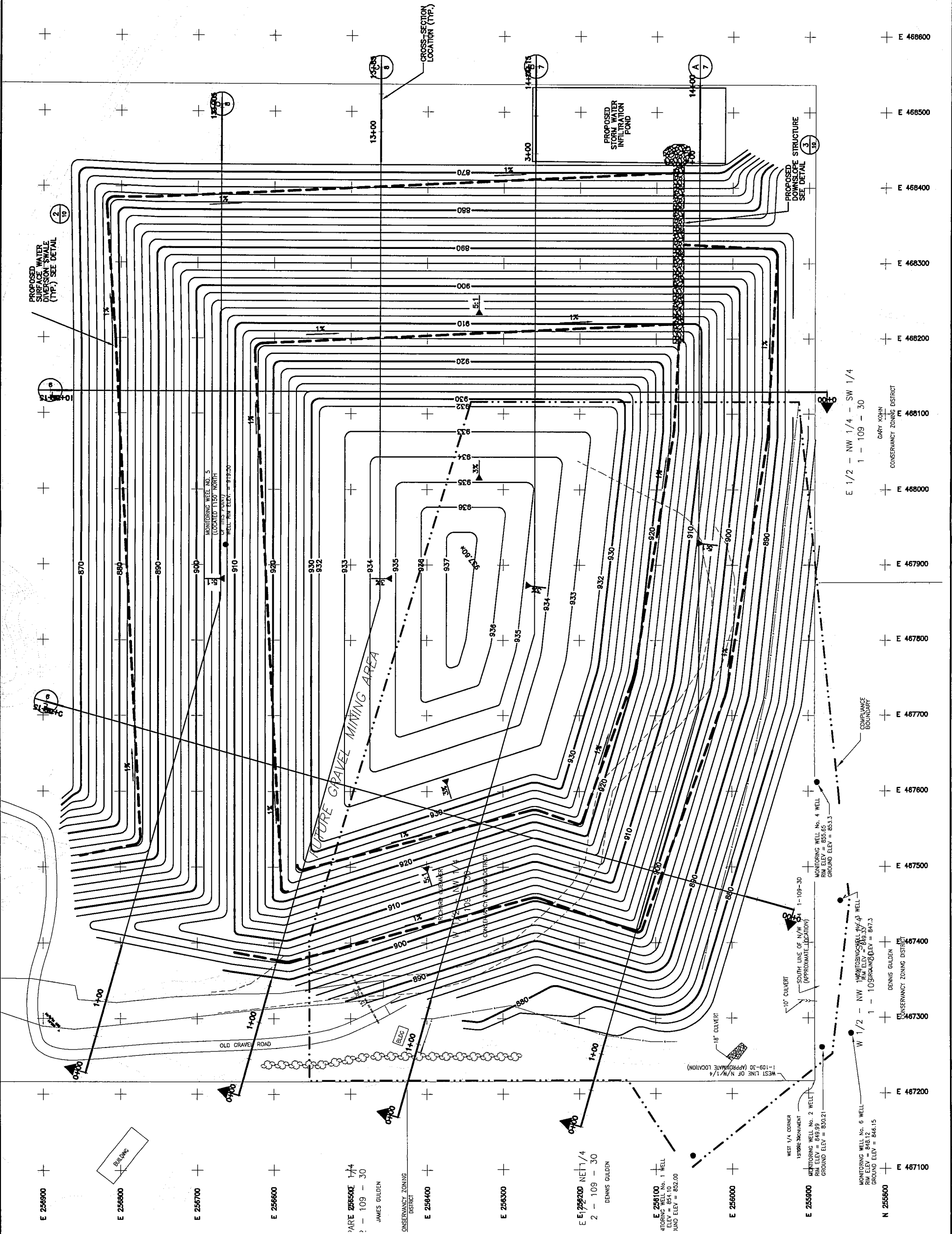
Mission Statement
Providing efficient services
with innovation and accountability.

Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

Kohn Pit Reclamation Map



[illegible]

VALLEY DEMOLITION & RECYCLING
LANDFILL
SECTION 1, T 109N, R 30 W
NICOLLET COUNTY, MINNESOTA

PRIME CONSULTANT



SUB CONSULTANT

SEAL

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

THOMAS J. SHUSTARICH

DATE JUNE 09, 2014 REQ. NO. 21210

DRAWINGS FOR APPLICATION FOR PERMIT RENEWAL

**FUTURE FINAL
POWER GRADING PLAN**

OWN BY JVB	CHK'D TJS	APP'D TJS	DWG DATE JUNE 2014
PROJECT NO. 0466-25		SCALE AS SHOWN	
SHEET NO. C-103		REV NO. A	



Mining Area

Stock Piles Materials

Future Mining Area

☐ Active Mining Area

Future Mining Area



Demolition Landfill



500 ft

M.R.

PAVING & EXCAVATING, INC.

2020 North Spring Street

P.O. Box 787

New Ulm, MN. 56073

Phone (507) 354-4171

Fax (507) 359-4156

Web: www.mrpaving.com

November 26, 2019

Mr. Jon Hammel,

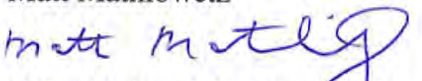
Below is the additional information you requested regarding the Guemmer and Kohn Pit conditional use permits.

1. Restoration Plan

- a. Our intent is to supplement natural tree and vegetative growth with seeding and plantings as necessary. After these areas have been established with natural tree and vegetative growth and supplemented with additional seeding and plantings as necessary the areas will be returned to wildlife habitat. Please contact me with any other questions or concerns.

Sincerely,

Matt Mathiowetz



M.R. Paving & Excavating, Inc.

An Equal Opportunity Employer

Stormwater Pollution Prevention Plan

M.R. Paving & Excavating, Inc.
Kohn Pit
Parcel ID: 04.201.0205
Courtland, MN 56021



Prepared for:
M.R. Paving & Excavating

2020 North Spring Street
PO Box 787
New Ulm, MN 56073



Prepared by:

WENCK Associates, Inc.
1802 Wooddale Drive
Suite 100
Woodbury, MN 55125
Phone: 651-294-4580

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2. General Site Layout
3. 303d Impaired Waters and Wetlands Map

APPENDICES

- Appendix A: National Pollutant Elimination System/State Disposal System General Permit for Nonmetallic Mining and Associated Activities (MNG490000)
- Appendix B: Best Management Practices Implementation Worksheet
- Appendix C: MPCA Site Inspection Form
- Appendix D: Emergency Contacts
- Appendix E: SWPPP Training Form

1.0 Introduction

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the M.R. Paving & Excavating (M.R. Paving) facility located at Parcel ID 04.201.0205 in Courtland, Nicollet County, Minnesota (Kohn Pit). The Facility is considered to be within the J1 Subsector which includes Standard Industrial Classification (SIC) Code of 1442 (Construction Gravel and Sand), and is required to obtain and operate in accordance with the State of Minnesota National Pollutant Elimination System (NPDES)/State Disposal System (SDS) General Permit MNG490000 for Non-Metallic Mining and Associated Activities (the Permit).

This SWPPP satisfies the requirements of the Minnesota Pollution Control Agency's (MPCA) Non-Metallic Mining and Associated Activities General Permit effective June 15, 2017 Section 2.6.114 - Pollution Prevention Plan. A copy of the Permit, including specific requirements for the industrial activities covered in this SWPPP, is included in Appendix A. It is important that the appropriate M.R. Paving staff read and understand all sections and details contained within the Permit. The Permit is an authorization to discharge stormwater associated with non-metallic mining and associated activities under the NPDES/SDS Permit Program. The Permit, satisfies the stormwater discharge provisions of the Federal Clean Water Act, as amended, (33 U.S.C. § 1251 et seq.), 40 CFR 122, 123, and 124, as amended, et seq.; Minn. Stat. chs. 115 and 116, as amended, and Minn. Rules ch. 7001 and 7090.

Because M.R. Paving engages in industrial activity and meets the terms and conditions of the Permit, they are permitted to discharge stormwater to the waters of the state as authorized by the State of Minnesota, on behalf of its citizens through the MPCA. The goal of the MPCA's Non-Metallic Mining Stormwater Program is to protect water quality in accordance with state and federal statutes and rules by eliminating or minimizing contact of stormwater with significant materials. If contact cannot be eliminated or reduced, stormwater that has contacted significant materials should be treated/managed before it is discharged from the site.

M.R. Paving must review this SWPPP annually and revise it, if necessary, to maintain consistency with the current site conditions. The existing permit expires on May 31, 2022. Upon permit reissuance, the SWPPP will be amended to comply with the current Permit within the timeframe specified therein. A copy of this SWPPP is to be kept in the environmental files. Stormwater records should be maintained a minimum of three (3) years.

2.0 Stormwater Pollution Prevention Team

The Stormwater Pollution Prevention Team is responsible for overseeing development of the SWPPP, any modifications to the SWPPP, and for compliance with the requirements in the Permit. Each Stormwater Pollution Prevention Team member will have ready access to a copy of the Permit, the current version of this SWPPP, and any other relevant documents and information that must be retained as required by the Permit.

Team Leader: Timothy C. Rahe - CEO

Responsibilities:

- ▲ Coordinate Facility spill response,
- ▲ Develop and implement the SWPPP,
- ▲ Submit and retain all pertinent stormwater documents,
- ▲ Ensure recordkeeping requirements are met,
- ▲ Ensure inspections and sampling requirements are met as required by the Permit,
- ▲ Arrange for implementation of Best Management Practices (BMPs),
- ▲ Make revisions to this SWPPP, as needed, and
- ▲ Coordinate all training requirements associated with the SWPPP.

Stormwater Pollution Prevention Team

- ▲ Matt Mathiowetz – Pit Manager
- ▲ Jeff Carlson – Pit Supervisor

Responsibilities:

- ▲ Assist Team Leader in developing and implementing the conditions of the SWPPP,
- ▲ Implement preventive and BMP maintenance activities,
- ▲ Submit and retain all pertinent stormwater documents,
- ▲ Conduct and document inspections, as needed, and participate in making revisions to the SWPPP, as needed.

3.0 Site Description

3.1 GENERAL SITE CONDITIONS

The Facility is located at Parcel ID 04.201.0205 in Courtland, Minnesota. The approximately 72-acre facility is in Nicollet County, Minnesota; specific facility coordinates are: Lat. 44°16'29.1" N Long. 94°22'54.4" W. The area within one mile surrounding the Kohn Pit is primarily used for agriculture.

A Site Location Map is provided as Figure 1.

Kohn Gravel Pit is an active sand and gravel mine.

The Facility mines, stores, and distributes sand and gravel for use in their operations at other facilities. The Facility is located south of US Highway 14, between the cities of New Ulm and Courtland. There are no permanent structures at the Facility. The Facility consists of an active mining operation and staging of gravel, rock, and sand.

3.2 GENERAL STORMWATER CONDITIONS

The drainage area of the property is approximately 72-acres. The entirety of the property is made up of pervious surfaces. There is one primary drainage area on the property. The mined area of the Facility drains generally to the west. There is a series of ponds located at the western side of the Facility. The ponds are partially on the Kohn Pit Facility and partly on the Valley Demolition Landfill Facility, which is also operated by M.R. Paving. The Demolition Landfill operates under an individual permit for stormwater discharges. All stormwater from the Property infiltrates within the greater M.R. Paving operated property and for the purposes of this Plan, there is no discharge. When active mining is occurring, there is an electric power unit and diesel AST within a steel containment unit in the mining area.

Figure 2 shows both the direction of stormwater flow across the Facility.

The following table summarizes the representative stormwater drainage area and potential significant sources of pollutants at the Facility. The estimated Facility stormwater drainage patterns are shown on Figure 2.

Area – Description	Significant Source	Representative Outfall
Mining Area – Active mining, staging piles, conveyors, diesel AST	Total suspended solids (TSS), metals, oil & grease	No Outfall. Infiltration via low point.

3.3 IMPAIRED WATERS/TOTAL MAXIMUM DAILY LOADS (TMDLS)

There is one 303d listed waters within one mile of the Facility. The Minnesota River, located south of the Facility, is impaired for mercury and PCBs in fish tissue and for turbidity. The Kohn Pit does not discharge to this surface water, as all stormwater infiltrates onsite.

M.R. Paving will review the list of impaired waters annually and amend this SWPPP as necessary. Figure 3 shows the waterbodies located within one mile of the Facility.

3.4 WETLANDS AND SURFACE WATER BODIES

Stormwater runoff from the Facility does not discharge directly to any of the wetlands located within one mile of the Facility. There are no trout streams or Outstanding Resource Value Waters located within one mile of the Facility. All stormwater drains to the interior of the property for infiltration. National Wetland Inventory areas within 1 mile of the Facility are shown on Figure 3.

4.0 Assessment of Activities and Significant Materials

4.1 SIGNIFICANT MATERIALS INVENTORY AND STORAGE PRACTICES

Industrial activities which require use of significant materials potentially exposed to stormwater and corresponding potential pollutants within the property are summarized below. The general storage locations of significant materials are shown on Figure 2.

A significant material, as defined in the Permit, includes, but is not limited to: Raw materials; Fuels; Materials such as solvents, detergents, and plastic pellets; Finished materials such as metallic products; Raw materials used in food processing or production; Hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Any chemical the Facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); Fertilizers; Pesticides, and Waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

The following discussion provides a brief description of the significant materials and associated storage practices present at the Facility:

Mining: Gravel and sand are mined throughout the Facility. The active mining area may be expanded in the future.

Conveyors: Conveyors may be moved throughout the mining area to transport gravel and sand from the active mine areas to staging piles and loading areas.

Waste Storage:

- ▲ **Solid Waste-** A covered general solid waste dumpster may be located in the mining area.

Liquid Storage Tank: There is one outdoor aboveground storage tanks (AST) when active mining is occurring, located within the mine area. The single-walled tank is located in a steel containment unit.

Power Unit: A portable electrical power unit is staged in the mining area, when actively mining. The unit is fully enclosed.

Chemical Additives: There are currently no chemical additives used to treat wastewater or stormwater. Chemical dust suppressants are applied approximately once per year.

4.2 POTENTIAL POLLUTANT SUMMARY TABLE

Industrial Activity	Significant Material (Potential Pollutant)	Location / Area
Mining	TSS	Mining Area
Conveyors	TSS	Mining Area

Waste Storage	Solid Waste (TSS, organics)	Mining Area
Aboveground Storage Tank	Diesel (Oil and grease)	Mining Area
Power Unit	TSS, metals, Oil and Grease	Mining Area

5.0 Stormwater Control Measures Implementation

5.1 BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) are preventive actions used to minimize or eliminate potential pollutants from contacting stormwater. BMPs apply to the potential pollutant sources identified in Section 4.0 of this Plan and are designed to minimize pollution of stormwater at the Facility. A Best Management Practice Implementation Worksheet is included in Appendix B. The worksheet identifies potential pollutant sources, lists BMPs, and includes scheduled completion dates. The worksheet should be used to assure BMPs are implemented and maintained.

The Permit requires all structural stormwater controls and other protective measures to be maintained in effective operating condition, and any necessary corrective actions for ineffective structural controls and BMPs to be completed as soon as practicable. M.R. Paving will document any deficient structural controls and BMPs during periodic inspections as detailed in Section 6.0. All corrective actions will be documented, and all documentation will be maintained with the SWPPP.

5.2 STRUCTURAL STORMWATER CONTROLS

The list below contains the major structural controls used at this Facility. Appendix B includes a complete list of BMPs for the Facility.

- ▲ Grading at the Facility will be maintained to minimize any off-site drainage. Soil is graded in perimeter areas, where necessary, in a manner as to minimize migration of stormwater onto and from the Facility.
- ▲ The diesel AST is stored in a steel containment unit to prevent leaks.

5.3 NONSTRUCTURAL STORMWATER CONTROLS

Appendix B includes a complete list of non-structural BMPs for the Facility. Nonstructural stormwater controls for the Facility include the following:

- ▲ Good housekeeping practices to maintain a clean and orderly facility. This includes measures to reduce and remove sediment tracked off-site by vehicles and the generation of dust.
- ▲ Preventive maintenance practices must be provided for the inspection and maintenance necessary to ensure the proper operation of stormwater management devices as well as equipment used or stored at the Facility.
- ▲ Spill prevention and response procedures are implemented.

5.4 BMP MAINTENANCE

If M.R. Paving identifies BMPs that are not functioning properly, they will replace, maintain, or repair the BMP within seven (7) calendar days of discovery. If BMP replacement, maintenance, or repair cannot be completed within seven (7) calendar days, M.R. Paving will implement effective temporary BMPs until effectiveness of the original BMPs can be restored or another permanent BMP is instituted. M.R. Paving will document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and keep records with the SWPPP. M.R. Paving will record dates of maintenance and repairs activities and store these records with the SWPPP.

6.0 Facility Inspections

As required by Sections 2.6.132 – 2.6.140 of the Permit, M.R. Paving will develop and implement an inspection schedule that:

- ▲ Includes a minimum of one (1) facility inspection per calendar month that the Facility is active and staffed.
- ▲ Requires at least one (1) of those inspections per calendar year be conducted during a runoff event.
- ▲ Requires that at least one (1) of those inspections per calendar year be conducted during a snow melt event.

M.R. Paving employees on the Stormwater Pollution Prevention Team are responsible for performing the monthly site inspections to evaluate the effectiveness and adequacy of the requirements contained within the SWPPP.

Each inspection shall include the following:

- ▲ An evaluation of the Facility to determine that the SWPPP accurately reflects site conditions. M.R. Paving will inspect the storage tank area, waste disposal area, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas.
- ▲ An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function.
- ▲ An evaluation of the Facility to determine whether new exposed industrial materials or activities have been added to the Facility since completion of this SWPPP.
- ▲ A visual assessment of the runoff to identify any visible sheens or films that indicate the presence of oil or grease in the discharge. If sheens are present in stormwater discharges, corrective actions shall be implemented and documented in the SWPPP. M.R. Paving is only required to conduct visual inspections of runoff originating from, or passing through, areas of industrial activity and/or significant materials. Any runoff that does not contact industrial activity and/or significant materials (e.g., parking lots, natural areas, etc.) is not required to be inspected.
- ▲ Recommendations for corrective actions, and corrective actions taken (including dates, times, and party completing maintenance activities).

Information reported shall include the date and time of inspection, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP. If the evaluation identifies potential areas of concern, the SWPPP will be modified to correct the deficiencies. Appendix C contains a copy of the State of Minnesota Inspection Form.

Subsequent to the inspections, appropriate actions will be taken as necessary to remedy observed deficiencies and may include implementation of additional BMPs. Maintain inspection records and summary reports on-site for a period of three (3) years following the duration of the permit. Completed inspection forms will be maintained in the Facility's environmental files.

7.0 Non-Stormwater Discharge Certification

In accordance with Permit Section 2.6.5, certain non-stormwater discharges are authorized by the Permit provided that appropriate BMPs are utilized to minimize erosion and the discharges of sediment where necessary. The following non-stormwater discharges are authorized:

- a. Emergency fire-fighting activities.
- b. Fire hydrant and fire suppression system flushing.
- c. Potable water line flushing.
- d. Uncontaminated condensate from air conditioners, coolers, other compressors, and from the outside storage of refrigerated gases or liquids.
- e. Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions.
- f. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed.
- g. Routine external building wash down that does not use detergents, solvents, or degreasers.
- h. Uncontaminated groundwater or spring water.
- i. Foundation or footing drains where flows are not contaminated
- j. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. "piped" cooling tower blowdown or drains)

In accordance with the Permit Section 2.6.8, certain discharges or activities are not authorized by the Permit. For operations at this M.R. Paving Facility, items of significance include the following:

- ▲ Dewatering of mine or quarry areas other than those under Subsector J1 and J2.
- ▲ Surface water discharges of scrubber or other air emissions control wastewater, cooling or boiler wastewater, floor drains from process areas, equipment/vehicle washing, cleaning and maintenance wastewaters, and sewage.
- ▲ Contaminated ground water discharges.
- ▲ Dredging or filling of wetlands or other surface waters of the state.
- ▲ Discharges of hazardous substances, lubricants, fuel leaks, or fuel spills.
- ▲ Sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required by Minn. R. ch. 116D and/or 42 U.S.C. Sec 4321 - 4370f, until that environmental review is completed.

The Permit authorizes certain non-stormwater discharges that do not discharge to a surface water of the state provided these discharges are not already authorized in a separate NPDES/SDS permit. Non-stormwater that co-mingles with stormwater is considered a non-stormwater discharge (wastewater) and must be disposed of in compliance with this Permit. To be authorized under this Permit, the following discharges must be collected, contained or infiltrate to the ground and Best Management Practices must be implemented to prevent contamination of groundwater:

- ▲ Aggregate wash water from Subsector J1 and J2 facilities.
- ▲ Dredging operations from J1 and J2 facilities.

- ▲ Washing trucks, mixers, transport buckets, forms and/or other equipment at concrete block and brick, concrete products other than block and brick, and ready-mix concrete facilities (Subsector E2).
- ▲ Uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers.
- ▲ Stormwater and deck wash water collected in holding tanks under scales.
- ▲ Wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers.
- ▲ Waters used for dust control on crushers, conveyors, associated equipment, and site roadways.
- ▲ Boiler blowdown and reverse osmosis reject.
- ▲ Low or high pressure steam curing.
- ▲ Noncontact cooling water used for dryer, pump and air compressor cooling.

8.0 Spill Prevention and Response

If a spill of petroleum or hazardous material occurs at the property, it is important to immediately notify a member of the *Spill Response Team* responsible for implementing the emergency response procedures. The *Spill Response Team* will be comprised of the same personnel that are on the *Stormwater Pollution Prevention Committee* and are listed on the emergency response contact list included in Appendix D.

8.1 SPILL PREVENTION AND RESPONSE PROCEDURES

The Spill Response Team, or persons designated by them, shall stop or plug any leaks, if possible, and if proper safety protocol permits, absorbent materials shall be used to contain and/or isolate the spilled material. An effort shall be made, if possible, to prevent the spilled material from impacting surface water. Spill response materials are located on-site and are maintained by M.R. Paving.

Spill materials may include the following items:

- ▲ Sorbent pads
- ▲ Sorbent booms
- ▲ Material handling equipment (i.e., shovels, rakes, push-brooms, etc.)
- ▲ Floor dry or equivalent
- ▲ Sealable open-top steel or poly drums

The location of the spill response materials is included on Figure 2 of this Plan.

Specific spill response steps include:

1. Identify spilled material and severity.
2. Leave the immediate vicinity of the spill and inform other employees or non-employees who may be in the immediate vicinity.
3. Contact the supervisor and perform the appropriate procedures as directed.
4. Consult the appropriate Safety Data Sheet (SDS) regarding the prescribed use of the personal protective equipment (PPE), containment methods, collection practices, and approved disposal methods.
5. Once properly prepared and a course of action has been determined, perform the following steps:
 - 5.1 Assemble, as needed, an adequate and qualified group of employees to assist in the task.
 - 5.2 Don the correct PPE and obtain the appropriate clean up materials, neutralizing agents, and collection containers.
6. Control the discharge.
7. Neutralize the material, if necessary.
8. Apply the absorbents in either a granular form or by use of absorbent pads or booms.
9. Place the contaminated material (in either a liquid, solid, or saturated absorbent form) in appropriate containers, seal, and label.
10. Replace the damaged original container with an approved unit and store in a secure area.

11. Properly dispose of the contaminated materials and absorbents along with the damaged container as per regulations.
12. Perform an Incident Investigation in order to determine the cause of the spill, evaluate the cleanup process, and take action to prevent the incident from occurring in the future.
13. Report if necessary*.

*In the State of Minnesota, a petroleum spill of five gallons or greater must be immediately reported to the Minnesota Duty Officer (800-422-7298). A spill of all other chemicals or hazardous materials in any quantity is reportable.

Contact Wenck Response Services for spill response support. The 24 hours a day, 365 day a year contact number is 1-800-368-8831.

Following any spill, the prevention procedures shall be evaluated to determine if they were successful in responding to the spill, and shall be revised and improved if necessary.

9.0 Employee Information and Training

9.1 GENERAL

M.R. Paving will provide select personnel information and training on preventing stormwater pollution in their work area at the time of their initial assignment and upon subsequent transfer to other areas. The Stormwater Pollution Prevention Team is responsible for identifying individuals requiring training. Training will cover but not be limited to the following:

- ▲ The requirements of the SWPPP;
- ▲ The location and availability of the SWPPP;
- ▲ Spill response procedures;
- ▲ Good housekeeping procedures;
- ▲ Material management practices;
- ▲ Preventative maintenance;
- ▲ Sediment control practices;
- ▲ Stormwater discharge monitoring procedures (for Stormwater Pollution Prevention Team members); and
- ▲ Stormwater control measure implementation procedures and BMP operation and maintenance.

9.2 TEAM MEMBER STORMWATER EDUCATION PROGRAM

Specific team members that should receive stormwater training include all members of the Stormwater Pollution Prevention Team, any individuals who will be included in coordinating emergency response, and lead department or facility personnel. General awareness training should be provided for all other personnel. The training should be performed during initial job training with annual refresher sessions, and all trained personnel should be made aware of any new stormwater management practices that are implemented.

A SWPPP training documentation form is included as Appendix E.

10.0 General Monitoring Requirements

10.1 GENERAL

All drainage from the Facility infiltrates, therefore, M.R. Paving is not required to conduct semi-annual sampling in accordance with the Permit Section 4. Sampling requirements in the permit are ongoing on a quarterly/annual basis, as outlined in Table 10-1, below.

Table 10-1: Sector-Specific Intervention Limits – Subsector J1

Sector	Parameter	Intervention limit Value
J1	Total Suspended Solids (TSS)	100 mg/l

M.R. Paving does not discharge to surface waters and in accordance with Permit section 2.6.152; therefore, monitoring is not required for the parameters listed in Table 10-1.

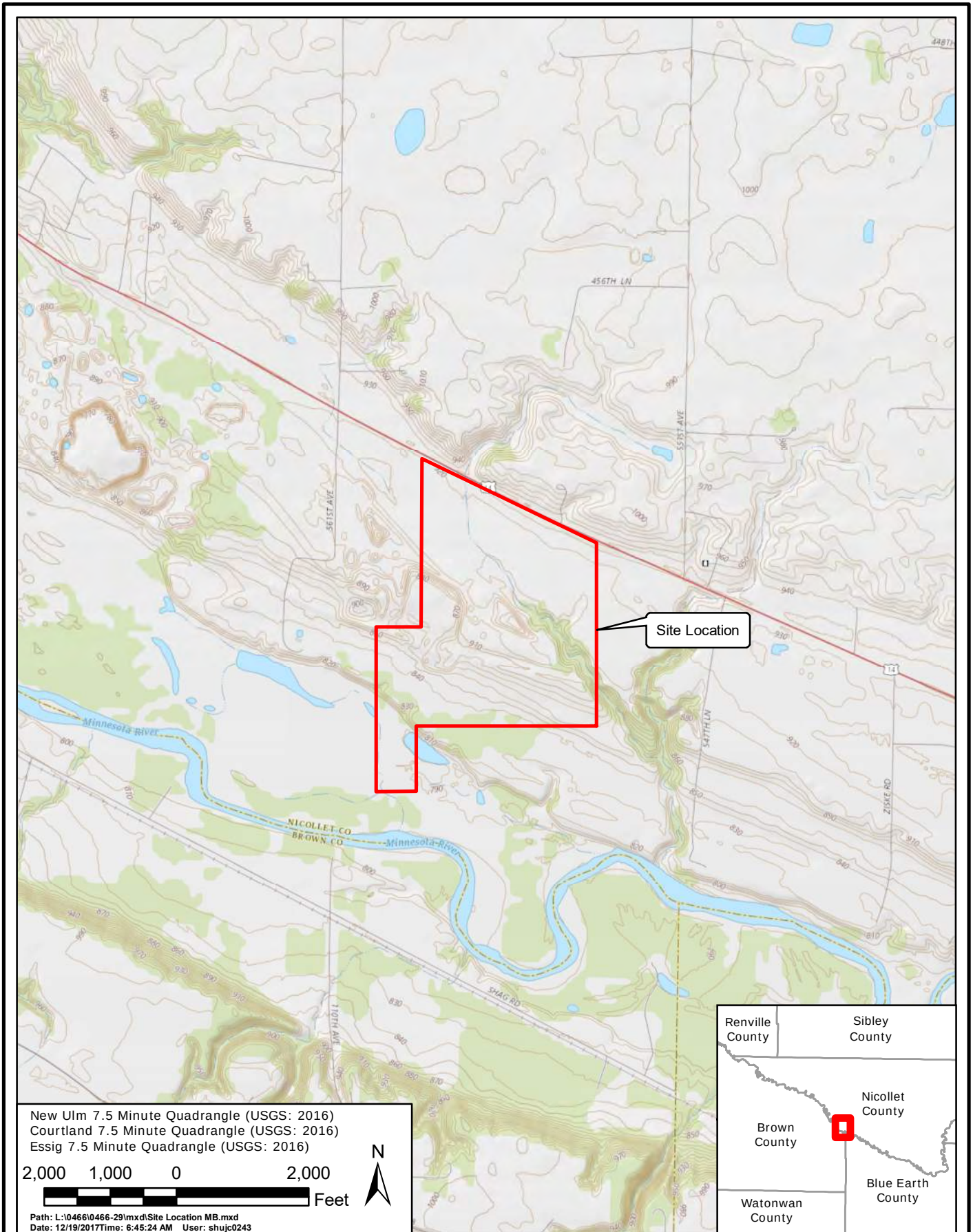
11.0 SWPPP Review Log

The SWPPP is a “living” document and must be reviewed at least annually and updated making sure everything is current and updated, and modifying if it is not. Any modification is to be recorded in the SWPPP Review Log. Modifications could include but are not limited to change in personnel, design, operation, and maintenance, but could also include newly listed TMDLs and BMP deficiencies identified through inspections or benchmark monitoring.

Date	Reviewer(s) Name	Revision Made to Plan
December 2017	Wenck Associates	Created plan to meet requirements of the Non-Metallic Mining and Associated Activities General Permit issued June 15, 2017.

Figures

1. Site Location Map
2. Site Detail Map
3. 303d Impaired Waters and Wetlands



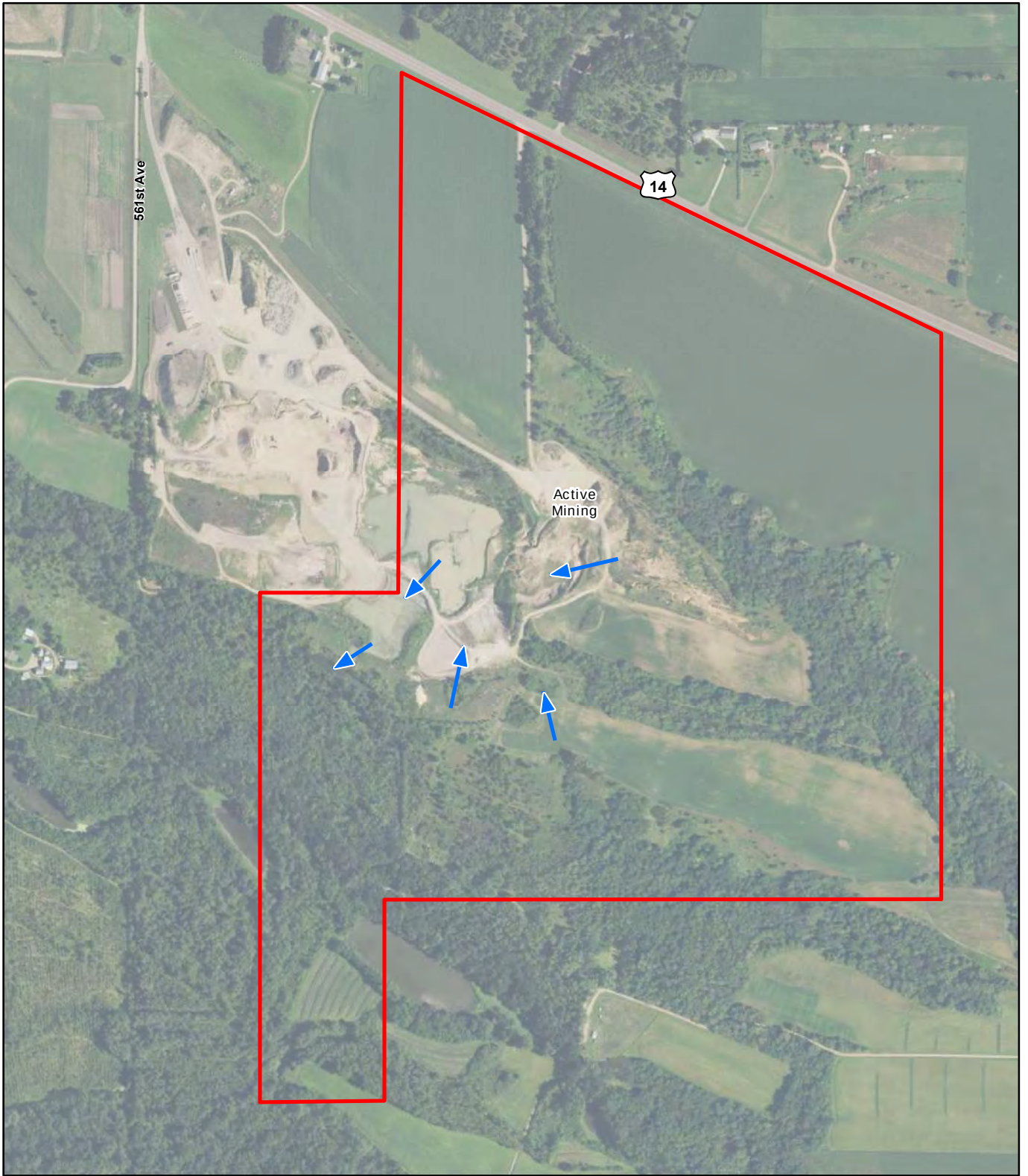
MR PAVING - KOHN PIT

Site Location Map



DEC 2017

Figure 1



2015 Aerial Photograph (Source: MN GEO)



Path: L:\0466\0466-29\mxd\Site Detail Map - Kohn.mxd
Date: 12/19/2017 Time: 7:21:01 AM User: shujc0243



Legend

- Property Boundary
- Flow Direction

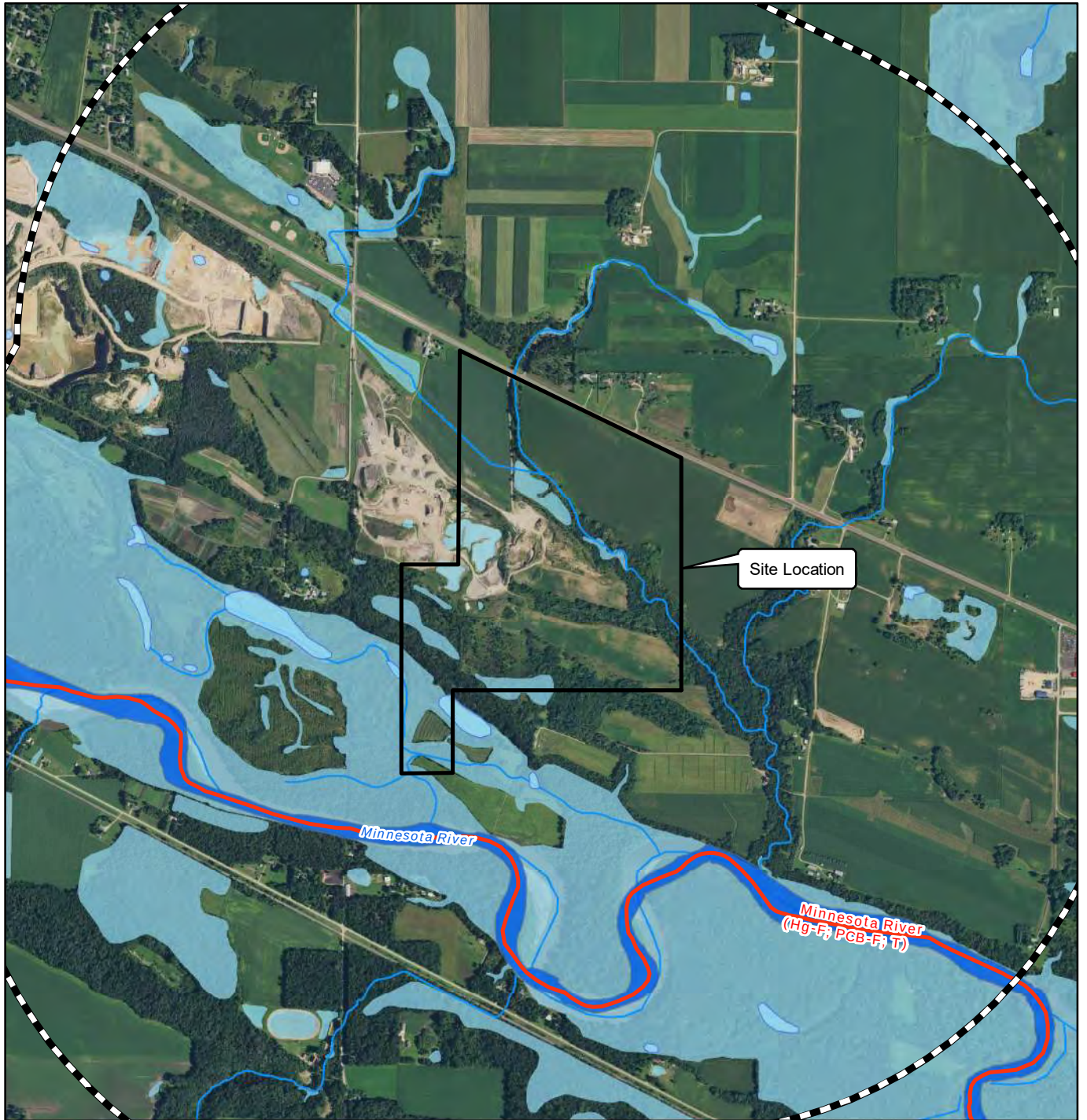
MR PAVING - KOHN PIT

Site Detail Map

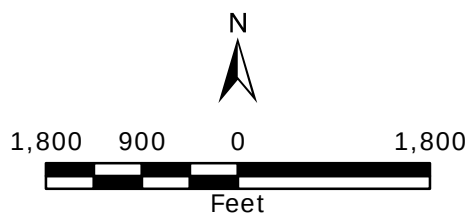


DEC 2017

Figure 2



2015 Aerial Photograph (Source: NAIP)



Path: L:\0466\0466-29\mxd\Impaired Waters and Wetlands MB.mxd
Date: 12/19/2017 Time: 6:55:12 AM User: shujc0243

Legend

- Property Location
- 1 Mile Radius
- 2016 MPCA Impaired Streams (Draft)
- 2016 MPCA Impaired Lakes (Draft)
- Lake, Pond or Reservoir
- River or Stream
- Trout Lakes
- Trout Stream
- Rivers and Streams
- National Wetland Inventory

MR PAVING - KOHN PIT

303(d) Impaired Waters and Wetlands



DEC 2017

Figure 3

Appendix A

MNG 490000 NPDES/SDS General Permit for Nonmetallic Mining
and Associated Activities



Minnesota Pollution Control Agency

National Pollutant Discharge Elimination System/State Disposal System

MNG490000

Permittee: Multiple
Facility name: Nonmetallic Mining/Associated Activities General Permit
Issuance date: June 15, 2017
Expiration date: May 31, 2022

The Permittee is an owner or operator of facilities within the boundary of the state of Minnesota that:

- a. Discharge stormwater to waters of the state, including groundwater, from the construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, crushed and broken stone (not elsewhere classified) mining and quarrying areas, asphalt production areas, (including portable asphalt plants), concrete block and brick, concrete products (other than block and brick), and ready-mix concrete, as well as aggregate dredging operations and uncontaminated asphalt and concrete rubble recycling at sites already listed.
- b. Discharge mine site dewatering to waters of the state, including groundwater, from construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, and crushed and broken stone (not elsewhere classified) mining and quarrying areas.
- c. Non-stormwater discharges that meet the requirements of this permit and occur at the above-mentioned facilities.

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to construct, install and operate a disposal system at the facilities named above and to discharge to a receiving water of the state of Minnesota in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: Jeff Udd

This document has been electronically signed

Jeff Udd, P.E.
Supervisor, Water Quality Permits Unit
Water Section
Industrial Division

for The Minnesota Pollution Control Agency

Submit eDMRs

Submit via the MPCA Online Services Portal at
<https://netweb.pca.state.mn.us/private/>

Submit other WQ reports to:

Attention: WQ Submittals Center
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Questions on this permit?

For eDMR and other permit reporting issues, contact:
Sheri Woitalewicz, 507-476-4271

For specific permit requirements please refer to:

Contact the appropriate MPCA regional office below.

Wastewater Permit Program general questions, contact:

MPCA, 651-282-6143 or 1-800-657-3938.

MPCA Offices

Toll Free Number: 800-657-3864

To report emergencies, call the Minnesota State Duty Officer at 651-649-5451
or toll free at 800-422-0798

24-hour emergency number: 651-297-5353 or 800-627-3529

Brainerd/Baxter Office 7678 College Road, Suite 105 Baxter, Minnesota 56425 Phone: 218-828-2492 Fax: 218-828-2594	Mankato Office 12 Civic Center Plaza, Suite 2165 Mankato, Minnesota 56001 Phone: 507-389-5977 Fax: 507-389-5422
Detroit Lakes Office 714 Lake Avenue, Suite 220 Detroit Lakes, Minnesota 56501 Phone: 218-847-1519 Fax: 218-846-0719	Marshall Office 504 Fairgrounds Road, Suite 200 Marshall, Minnesota 56258 Phone: 507-537-7146 Fax: 507-537-6001
Duluth Office 525 Lake Avenue South, Suite 400 Duluth, Minnesota 55802 Phone: 218-723-4660 Fax: 218-723-4727	Rochester Office 18 Wood Lake Drive SE Rochester, Minnesota 55904 Phone: 507-285-7343 Fax: 507-280-5513
St. Paul Office 520 Lafayette Road North St. Paul, Minnesota 55155-4194 Phone: 651-296-6300 Fax: 651-297-8676	Willmar Office 1601 Highway 12 East, Suite 1 Willmar, Minnesota 56201-5817 Phone: 320-214-3786 Fax: 320-214-3787

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1. Summary of stations and station locations

Station	Type of station	Local name	PLS location
SD 001	MNG49 Stormwater, Non-specific	ISW D1, J1 and J2	T29N, R22W, S32
SD 002	MNG49 Stormwater, Non-specific	ISW E2	T29N, R22W, S32
SD 003	MNG49 Dewatering	SIC 1442	T29N, R22W, S32
SD 004	MNG49 Dewatering	SIC 1446	T29N, R22W, S32
SD 005	MNG49 Dewatering	SUBSECTOR J2	T29N, R22W, S32

2. Permit requirements

SD 001	MNG49 Stormwater, Non-specific	
		Surface Discharge: MNG49 Subsectors D1, J1, J2
	2.1.1	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 002	MNG49 Stormwater, Non-specific	
		Surface Discharge: MNG49 Subsector E2
	2.2.1	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 003	MNG49 Stormwater, Non-specific	
		Surface Discharge: MNG49 Dewatering from Construction Sand and Gravel (1442)
	2.3.1	The Permittee shall submit a quarterly DMR : Due by 21 days after the end of each calendar quarter following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
	2.3.2	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 004	MNG49 Dewatering	
		Surface Discharge: MNG49 Dewatering from Industrial Sand Mining (1446)
	2.4.1	The Permittee shall submit a quarterly DMR : Due by 21 days after the end of each calendar quarter following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
	2.4.2	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 005	MNG49 Dewatering	
		Surface Discharge: MNG49 Dewatering from Subsector J2 (1411, 1422, 1423, 1429)
	2.5.1	The Permittee shall submit a quarterly DMR : Due by 21 days after the end of each calendar quarter following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
	2.5.2	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
MNG490000	Nonmetallic Mining/Associated Activities General Permit	
		Non-Metallic Mining and Associated Activities General Permit Requirements
	2.6.1	Applicability. [Minn. R. 7001]
	2.6.2	This permit authorizes stormwater discharges associated with the following industrial activities: a. Construction sand and gravel (Standard Industrial Classification [SIC] Code 1442) and industrial sand mining areas (SIC Code 1446) - hereinafter Subsector J1. b. Dimension stone (SIC Code 1411), crushed and broken limestone (SIC Code 1422), crushed and broken granite (SIC Code 1423), crushed and broken stone (not elsewhere classified, SIC Code 1429) mining and quarrying areas - Subsector J2.

		c. Asphalt production areas, also known as asphalt paving mixtures and blocks (SIC Code 2951), including portable asphalt plants - Subsector D1. d. Concrete block and brick (SIC Code 3271), concrete products other than block and brick (SIC Code 3272), and ready-mix concrete (SIC Code 3273), including portable concrete plants - Subsector E2. e. Recycling and storage of materials approved in Minn. R. 7035.2860 (Beneficial Use of Solid Waste) at sites engaged in facility activities associated with all SIC Codes listed in a. through d. above. f. Activities associated with the above facilities noted, including maintenance activities and facilities, unless otherwise prohibited in this permit. This Permit authorizes stormwater discharges associated with construction activity and small construction activity, as defined in 40 CFR parts 122.26(b)(14)(x) and (b)(15), respectively. The Permittee shall comply with the "Stormwater Discharge Design Requirements" chapter and the "Construction Activity Requirements" chapter of the MPCA Construction Stormwater (CSW) NPDES general permit (https://www.pca.state.mn.us/sites/default/files/wq-strm2-68a.pdf) when conducting construction activity and small construction activity. Earth disturbing activities conducted as a normal part of post-construction use of the permitted facility do not trigger the need for CSW permit coverage. The earth disturbing activity has to be part of a project to build, demolish, or replace a structure (e.g., building, road, pad, pipeline, transmission line) to trigger the need to comply with the CSW permit. Earth disturbance that is a normal part of the long-term use or maintenance of the property is not "active construction" and does not trigger the need for CSW permit coverage. [Minn. R. 7001]
	2.6.3	This permit authorizes non-stormwater discharges to surface waters of the state from dewatering of mine or quarry areas at J1 and J2 Subsectors that meet the effluent limits and requirements in this permit. [Minn. R. 7001]
	2.6.4	This permit authorizes non-stormwater discharges that do not discharge to a surface water of the state provided these discharges are not already authorized in a separate NPDES/SDS permit. Non-stormwater that co-mingles with stormwater is considered a non-stormwater discharge (wastewater) and must be managed compliant with this Permit. To be authorized under this permit, the following discharges must be collected, contained or infiltrate into the ground and Best Management Practices must be implemented to prevent contamination of groundwater: a. Aggregate wash water from Subsector J1 and J2 facilities. b. Dredging operations from Subsector J1 and J2 facilities. c. Installation, construction, and operation of wet scrubbers at asphalt production areas, including portable asphalt plants (Subsector D1). d. Washing trucks, mixers, transport buckets, forms and/or other equipment at concrete block and brick, concrete products other than block and brick, and ready-mix concrete facilities (Subsector E2). e. Uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers. f. Stormwater and deck wash water collected in holding tanks under scales. g. Wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers. h. Waters used for sawing stone or dust control on crushers, conveyors, associated equipment, stockpiles, and site roadways. i. Boiler blowdown and reverse osmosis reject. j. Low or high pressure steam curing. k. Noncontact cooling water used for dryer, pump and air compressor cooling.

		For wastewater discharges listed above, see the Technology Based Effluent Limits - Non-Stormwater Discharges section of this permit for Wastewater Basin Design and Construction Requirements for newly constructed basins as of the issuance date of this permit. [Minn. R. 7001]
	2.6.5	This permit authorizes non-stormwater discharges provided these discharges are not already authorized in a separate NPDES/SDS permit and that appropriate Best Management Practices are utilized to minimize erosion and the discharges of sediment when necessary: a. Emergency fire-fighting activities. b. Fire hydrant and fire suppression system flushing. c. Potable water line flushing. d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids. e. Landscape watering provided all pesticides, herbicides and fertilizers have been applied in accordance with manufacturer's instructions. f. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed. g. Routine external building wash down that does not use detergents, solvents, or degreasers. h. Uncontaminated groundwater or spring water. i. Foundation or footing drains where flows are not contaminated. j. Incident windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. 'piped' cooling tower blowdown or drains). [Minn. R. 7001]
	2.6.6	Not all activities covered by this permit will be conducted at each site covered under this permit. Therefore, only those provisions of this permit that address activities occurring at a particular site are applicable to that site. [Minn. R. 7001]
	2.6.7	Activities Not Covered/Limitations on Coverage. [Minn. R. 7001]
	2.6.8	This permit does not authorize the discharge from the following activities except as authorized in the Applicability Section of this permit: a. Dewatering of mine or quarry areas other than those under Subsector J1 and J2. b. Surface water discharges of scrubber or other air emissions control wastewater, cooling or boiler wastewater, floor drains from process areas, equipment/vehicle washing, cleaning and maintenance wastewaters, and sewage. c. Contaminated groundwater discharges. d. Petroleum refinement. e. Manufacturing of asphalt or asphalt emulsions. f. Industrial sand mines (SIC 1446) that utilize HF flotation. g. Dredging or filling of wetlands or other surface waters of the state. h. Discharges of hazardous substances, lubricants, fuel leaks, or fuel spills. i. Sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required by Minn. R. ch. 116D and/or 42 U.S.C. Sec 4321 - 4370f, until that environmental review is completed. [Minn. R. 7001]
	2.6.9	This permit does not authorize new or expanded discharges that may cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.4(i). [40 CFR 122.4(i)]
	2.6.10	This permit does not authorize existing discharges that the MPCA determines will cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.44. [40 CFR 122.44]
	2.6.11	This permit does not authorize discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a

		designated critical habitat. This permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designed critical habitat. The owner must conduct any required review and coordinate with appropriate agencies for any project with the potential of affecting endangered or threatened species, or their critical habitat. [Minn. R. 7001]
	2.6.12	This permit does not authorize discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. The owner must be in compliance with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer. [Minn. R. 7001]
	2.6.13	This permit does not authorize discharges to calcareous fens listed in Minn. R. 7050.0335. [Minn. R. 7050.0335]
	2.6.14	Mine site dewatering discharges from Subsectors J1 and J2 to the following receiving waters are not authorized by this permit: a. Outstanding Resource Value Waters (ORVWs) as defined by Minnesota Rules 7050.0335 and as listed in Minnesota Rules 7050.0470; b. Department of Natural Resources (DNR)-designated trout waters (trout waters are designated in Minn. R. 6264.0050, subp. 2 and 4); and c. DNR-posted fish-spawning areas. [Minn. R. 6264.0125]
	2.6.15	Authorization. [Minn. R. 7001]
	2.6.16	Permit Application. Owners and operators of a site or sites with covered facility activities identified in this permit, and who provide a complete and approvable application for a permit, are eligible for coverage under this permit for those activities. [Minn. R. 7001]
	2.6.17	Notice of Coverage. [Minn. R. 7001]
	2.6.18	Permittees requesting initial coverage are covered under this permit when the MPCA notifies them in writing of this coverage. [Minn. R. 7001]
	2.6.19	Additional sites may be covered under this permit provided that the new site(s) meet all applicability criteria in of this permit and that all information required by the Site Inventory Report Form is submitted to the MPCA at least 10 days prior to initiation of land-disturbing activities at the new site(s) or initiation of operation at a previously developed site. [Minn. R. 7001]
	2.6.20	Requiring an Individual Permit. [Minn. R. 7001]
	2.6.21	If the MPCA finds that the facility site of a permit applicant or a Permittee covered under this permit would be more appropriately covered under an individual permit, the MPCA may require an individual permit for the applicant or the Permittee, in accordance with Minn. R. 7001.0210, subp. 6. In considering whether it is appropriate to issue an individual permit for a site, the MPCA will consider whether the site is contributing, or may contribute, to a water quality standard violation. [Minn. R. 7001]
	2.6.22	This general permit does not cover activities or discharges covered under a pre-existing individual permit unless the MPCA has specifically revoked or terminated that individual permit. [Minn. R. 7001]
	2.6.23	This general permit does not cover industrial sand mining activities (SIC Code 1446) that: a. Meet or exceed the thresholds for mandatory environmental review and the agency

		determines the operations, emissions, activities, discharges, or facilities of the permit applicant or permittee have characteristics creating the potential for significant environmental effects; or b. The agency determines the need for site-specific permit requirements including, but not limited to, groundwater monitoring, additional surface discharge monitoring, hydrogeological study, etc. which are beyond those contained in this permit in order to protect waters of the state. If the agency determines that a or b apply, a permit applicant or Permittee shall obtain coverage under an individual permit for the facility site. Sites that are required to obtain individual permit coverage, at the Permittee's request, may be reviewed for general permit eligibility following the first full term of individual permit coverage. [Minn. R. 7001]
	2.6.24	Notice of Temporarily Inactive Site(s). [Minn. R. 7001]
	2.6.25	The Permittee(s) must ensure that permanent stormwater BMPs are in place if the site is temporarily inactive. [Minn. R. 7001]
	2.6.26	During the temporarily inactive period, intervention limit monitoring is not required, but the Permittee must indicate on the Comments field of the Discharge Monitoring Report the inactivity. Should the site become active, the Permittee is required to sample in accordance with the Monitoring Requirements section of the permit for the calendar year the site becomes active. [Minn. R. 7001]
	2.6.27	Notice of Inactive Site(s). [Minn. R. 7001]
	2.6.28	The Permittee(s) must ensure stabilization of the site upon cessation of mining activities. Stabilization shall be initiated immediately after the termination of the mining operation and upon completion the area shall be restored to its intended state. [Minn. R. 7001]
	2.6.29	The Permittee(s) must complete the following to achieve final stabilization: a. The drainage ways that leave the site must be stabilized to prevent erosion with riprap or other protective material. b. All soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions. c. Temporary BMPs for erosion prevention, such as synthetic liners and silt fences, must be removed. BMPs designed to decompose on site (such as some compost logs) may be left in place. d. All sediment must be removed from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins in order to sufficiently return the basin to design capacity. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage-ways discharging off-site or to surface waters. e. Other BMPs as necessary must be implemented so as to prevent erosion from the site excavation areas and stockpiles that have been used by the Permittee. [Minn. R. 7001]
	2.6.30	In order to have permit coverage terminated and have the Permittee released from inspection, recording and reporting requirements, the Permittee shall ensure and certify on the Site Inventory Form for site(s) where the Permittee no longer conducts the activities authorized by this permit that: a. The site closure achieves final stabilization requirements, or b. There is no longer a discharge of pollutants to waters of the state, including groundwater, from activities covered by this permit; or c. The Permittee supplies the name and contact information for the new owner or operator that is responsible for the site. [Minn. R. 7001]

	2.6.31	Water Quality Based Effluent Limits. [Minn. R. 7001]
	2.6.32	A wastewater discharge shall not cause or contribute to a violation of water quality standards unless the discharge meets all requirements of 40 CFR 122.44. [40 CFR 122.44]
	2.6.33	The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060. [Minn. R. 7050, Minn. R. 7060]
	2.6.34	The Permittee shall limit and control the use of materials at the facility that may cause exceedances of surface water and groundwater standards specified in Minnesota Rules, chs. 7050 and 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents. [Minn. R. 7050, Minn. R. 7060]
	2.6.35	The MPCA may modify this permit, require corrective actions or take other actions if it determines that a discharge authorized by this permit is causing or contributing to a violation of water quality standards. [Minn. R. 7001]
	2.6.36	Floating solids or visible foam shall not be discharged in other than trace amounts. [Minn. R. 7001]
	2.6.37	Oil or other substances shall not be discharged in amounts that create a visible color film. [Minn. R. 7001]
	2.6.38	Any outlet pipe, culvert or hose outlets for the discharge shall be located on the ground. The Permittee shall install and maintain outlet protection measures, such as properly sized riprap, splash pads or gabions at the discharge stations (outlets) to prevent erosion. [Minn. R. 7001]
	2.6.39	All water from dewatering or basin draining activities must be discharged in a manner that does not cause nuisance conditions, flooding on nearby properties, erosion in receiving channels or on downslope properties, or inundation in a wetland causing adverse impact to the wetland. [Minn. R. 7001]
	2.6.40	Special Requirements. [Minn. R. 7001]
	2.6.41	For stormwater discharges with a discharge location that flows to and is within one mile of Outstanding Resource Value Waters (ORVWs) as defined in Minn. R. 7050.0335, subp. 1, 2, 3, and 4 (not including calcareous fens listed in Minn. R. 7050.0335 & Minn. R. 7050.0470) and trout waters as listed in Minn. R. 6264.0050, subp. 2 and 4: a. the Permittee shall develop and implement stormwater control measures, including BMPs that restrict the facility industrial stormwater discharges to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an Outstanding Resource Value Water. In addition, a stormwater intervention limit value of 65 mg/L for Solids, Total Suspended (TSS) applies to the discharge at a stormwater monitoring location, instead of 100 mg/L as specified in the 'Stormwater Limits and Monitoring Intervention Limits' section of this Permit. If the Permittee has a waiver from the requirements to conduct benchmark monitoring in accordance with the Technology Based Effluent Limits - Stormwater Discharges section of this permit, the benchmark value does not apply. b. if the discharge is to a trout stream, BMPs shall also be designed and implemented to protect the water quality from excess temperature increases. c. if the discharge is to a trout lake, BMPs shall also be designed and implemented to protect the water quality from excess phosphorus increases. d. if the discharge is to a wetland, the Permittee shall also comply with the requirements of Minn. R. 7050.0186 WETLAND STANDARDS AND MITIGATION. [Minn. R. 7050]

2.6.42	If the site has any stormwater discharges with the potential for significant adverse impacts to a wetland (e.g., conversion of a natural wetland to a stormwater pond), the Permittee must demonstrate that the wetland mitigative sequence has been followed. [Minn. R. 7001]
2.6.43	If the potential adverse impacts to a wetland on a specific site have been addressed by permits or other approvals from an official statewide program (U.S. Army Corps of Engineers 404 program, Minnesota Department of Natural Resources, or the State of Minnesota Wetland Conservation Act) specifically for the site, the Permittee may use that permit or other determination issued by these agencies to show that the potential adverse impacts have been addressed. For the purposes of this permit, de minimis actions are determinations by the permitting agency that address the site impacts, whereas a non-jurisdictional determination does not address site impacts. [Minn. R. 7001]
2.6.44	If there are impacts from the site that are not addressed in one of the permits addressed in the Special Requirements section of this permit or other determinations (e.g., permanent inundation or flooding of the wetland, significant degradation of water quality, excavation, filling, draining), the Permittee must minimize all adverse impacts to wetlands by utilizing appropriate measures. Measures used must be based on the nature of the wetland, its vegetative community types and the established hydrology. These measures include in order of preference: a. Avoid all significant adverse impacts to wetlands from site discharges. b. Minimize any unavoidable impacts to wetlands from site discharges. c. Provide compensatory mitigation when the Permittee determines that there is no reasonable and practicable alternative to having a significant adverse impact on a wetland. For compensatory mitigation, wetland restoration or creation shall be of the same type, size and whenever reasonable and practicable in the same watershed as the impacted wetland. [Minn. R. 7001]
2.6.45	If a site discharges to a water of the state that appears on the current U.S. Environmental Protection Agency (USEPA) approved list of impaired waters under Section 303 (d) of the Clean Water Act (33 U.S.C. Sec 303 (d)), the Permittee must review whether changes may be warranted in the site's Pollution Prevention Plan (Plan) to reduce the impact of the discharge. If an USEPA approved Total Maximum Daily Load (TMDL) has been developed, the Permittee must review the adequacy of the Plan to meet the TMDLs Waste Load Allocation. [Minn. R. 7001]
2.6.46	Technology Based Effluent Limits - Stormwater Discharges. [Minn. R. 7001]
2.6.47	Stormwater Management Devices. [Minn. R. 7001]
2.6.48	The Permittee is authorized to use industrial stormwater ponds, sedimentation basins and/or infiltration devices for stormwater management. [Minn. R. 7001]
2.6.49	Industrial stormwater ponds, sedimentation basins and/or infiltration devices shall not be located in areas that receive direct discharges from permanent or stationary vehicle fueling tanks (aboveground or underground storage tanks) and maintenance activity areas (shops), except where adequate secondary containment is provided as required under the SPCC Rule, and/or the basin is designed specifically to satisfy the federal SPCC Rule. Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. [Minn. R. 7001]
2.6.50	When wastewater from authorized activities is co-mingled with stormwater, it is considered wastewater, and a surface water discharge is not authorized under this permit. This does not include stormwater co-mingling with mine dewatering from Subsector J1 and J2 facilities, which is approved for a surface water discharge under this permit. [Minn. R. 7001]
2.6.51	If the Permittee provides documentation to MPCA that the stormwater management device was designed by a registered professional engineer to control a 10-year, 24-hour storm event (based on National Oceanic and Atmospheric Administration Atlas

		14, Volume 8 (NOAA Atlas 14, Volume 8)), then no sampling of a discharge is required upon MPCA approval. If the stormwater management device is already in place at an existing facility, the sizing of the device shall be confirmed by a registered professional engineer before the sampling requirement is waived. This does not include unauthorized non-stormwater discharges to surface waters. This waiver is for monitoring only; effluent limits still apply to the discharge and Permittees must maintain compliance with the limits. This waiver is only effective for the term of the permit. Permittees must reapply for the waiver every permit term. [Minn. R. 7001]
	2.6.52	Erosion and Sediment Control Practices. [Minn. R. 7001]
	2.6.53	Sediment control practices must be established on all down-gradient perimeters and be located up-gradient of any buffer zones. The perimeter sediment control practice must be in place before any up-gradient land disturbing activities begin. Use a range of erosion controls within the broad categories of flow diversion (e.g. swales, berms) and structural controls (e.g. sediment traps, dikes, silt fences). These practices shall remain in place until the site has been stabilized. [Minn. R. 7001]
	2.6.54	The Permittee shall re-install all sediment control practices that have been adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, immediately after the short-term activity has been completed. Short-term activities shall be completed as quickly as possible. Re-installation of sediment control practices shall be completed no later than the next precipitation event, even if the short-term activity is not complete. [Minn. R. 7001]
	2.6.55	The Permittee(s) shall plan for and implement appropriate BMPs such as construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices that minimize erosion. The location of areas not to be disturbed shall be delineated (e.g. with flags, stakes, signs, silt fence etc.) on the project site before work begins. [Minn. R. 7001]
	2.6.56	Temporary stockpiles or stripping/overburden stored outside the pit shall have sediment control mechanisms in place until the material is completely removed. Materials shall not be placed in any natural buffers, surface water, or stormwater conveyances such as curb and gutter systems, or conduits and ditches. [Minn. R. 7001]
	2.6.57	Vehicle Tracking. Vehicle tracking of sediment onto paved surfaces from the site or operation must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street. The MPCA Vehicle Tracking factsheet may be used as guidance in BMP development: http://www.pca.state.mn.us/index.php/view-document.html?gid=7419 . [Minn. R. 7001]
	2.6.58	Good Housekeeping. Permittees conducting the industrial activities described in this permit shall keep exposed areas that may contribute pollutants to stormwater sufficiently clean to reduce or eliminate contaminated stormwater runoff. [Minn. R. 7001]
	2.6.59	BMP Maintenance. [Minn. R. 7001]
	2.6.60	The Permittee shall maintain all BMPs identified in the Pollution Prevention Plan (Plan) and implemented at the facility, to ensure BMP effectiveness. [Minn. R. 7001]
	2.6.61	The Permittee shall develop a schedule for preventive maintenance of all BMPs. The schedule shall be stored with the Plan. [Minn. R. 7001]
	2.6.62	If the Permittee identifies BMPs that are not functioning properly, the Permittee shall replace, maintain, or repair the BMPs within seven (7) calendar days of discovery. If BMP replacement, maintenance, or repair cannot be completed within seven (7) calendar days, the Permittee shall implement effective backup BMPs (temporary or permanent) until effectiveness of the original BMPs can be restored. The Permittee shall document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and store it with the Plan. [Minn. R. 7001]

	2.6.63	The Permittee shall record dates of all maintenance and repairs. The Permittee shall store these records with the Plan. [Minn. R. 7001]
	2.6.64	All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/2 of the height of the device. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access. [Minn. R. 7001]
	2.6.65	If sediment escapes the facility, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets). [Minn. R. 7001]
	2.6.66	Temporary and permanent sedimentation basins must have the sediment removed once the depth of sediment collected in the basin reaches 1/2 the storage volume. Removal must be completed within 72 hours of discovery, or as soon as field conditions allow access. [Minn. R. 7001]
	2.6.67	Spills and Leaks. [Minn. R. 7001]
	2.6.68	The Permittee shall develop and implement a spill prevention and response procedure. If the site already has a separate plan (e.g. Prevention and Response Plan as required by Minn. Stat. 115E, or Spill Prevention Control and Countermeasure Plan as required by Federal Law), that plan can be incorporated by reference into the Pollution Prevention Plan (Plan). In either case, a minimum of the following components shall be included with the Plan, or in a separate document: a. The Permittee shall report and document spills or leaks (as defined in Minn. Stat. Section 115.061) that occur in exposed areas, or that drain to a monitoring location. b. Material handling procedures, storage requirements, and cleanup equipment/materials and procedures necessary to recover as rapidly and thoroughly as possible spills or leaks pursuant to Minn. Stat. Section 115.061. All methods and procedures must be made available to appropriate site personnel. c. Contact information for individuals and emergency and regulatory agencies that must be notified in the event of a spill. When a spill or discharge of a potentially polluting material occurs, the Permittee shall immediately notify the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area) per Minn. Stat. Section 115.061. [Minn. Stat. ch. 115]
	2.6.69	Subsector D1 - Asphalt Production - Additional Spills and Leaks Requirements. [Minn. R. 7001]
	2.6.70	In addition to the requirements in this Section, the Permittee shall use drip pans and splash guards where spills frequently occur at Subsector D1 facilities. [Minn. R. 7001]
	2.6.71	Subsector E2 - Ready-Mix and Other Concrete Operations - Additional Spills and Leaks Requirements. [Minn. R. 7001]
	2.6.72	In addition to the requirements in this Section, the Permittee shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, or settled dust from paved portions of the facility that are exposed to stormwater at Subsector E2 facilities. [Minn. R. 7001]
	2.6.73	The Permittee shall determine the frequency of sweeping or equivalent by the amount of industrial activity occurring at Subsector E2 facilities and the frequency of exposure to stormwater, but it shall be performed at least once per week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed and materials are present on paved surfaces. [Minn. R. 7001]
	2.6.74	The Permittee shall also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, buildings, and under other coverings. [Minn. R. 7001]
	2.6.75	The Permittee shall include measures in the Plan to ensure that process wastewater resulting from washing trucks, mixers, transport buckets, forms, or other equipment

		are discharged in accordance with applicable parts of this permit for Subsector E2 facilities. [Minn. R. 7001]
	2.6.76	Technology Based Effluent Limits - Non-Stormwater Discharges. [Minn. R. 7001]
	2.6.77	Wastewater Basin Design and Construction Requirements. [Minn. R. 7001]
	2.6.78	When constructing new (as of the issuance date of this permit) containment basins to infiltrate authorized non-stormwater discharges, not including uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers, wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers and/or waters used for sawing stone or dust control on crushers, conveyors, associated equipment, stockpiles, and site roadways, of this permit from Subsector J1 and J2 activities, it shall: a. Have at least sufficient capacity to contain all wastewater discharges so as to prevent overflow. b. Be constructed to contain the bounce from precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event. Any overflow of the basin shall not discharge to surface water or any storm sewer system. c. Not be constructed in areas that receive direct discharges from permanent or stationary vehicle fueling tanks (underground or aboveground storage tanks) and maintenance activity areas (shops). Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. [Minn. R. 7001]
	2.6.79	When constructing new (as of the issuance date of this permit) containment basins to infiltrate authorized non-stormwater discharges from Subsector E2 activities, it shall: a. Be designed consistent with accepted engineering practices. Designs shall be approved by a professional engineer or other licensed professional. b. Be constructed and maintained to allow for infiltration of wastewater. Long term soil infiltration rates for new infiltration devices shall not be greater than 1.63 inches per hour unless pretreatment practices are implemented prior to infiltration. c. Be constructed to allow for maximum separation distance from groundwater with a minimum of 3 feet between the bottom of the impoundment and the seasonal high water table. d. Have at least sufficient capacity to contain all wastewater discharges so as to prevent overflow. e. Be constructed to contain the bounce from precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event. Any overflow of the basin shall not discharge to surface water or any storm sewer system. f. Not be constructed in areas with standing water or areas that receive direct discharges from permanent or stationary vehicle fueling tanks (underground or aboveground storage tanks) and maintenance activity areas (shops). Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. The Permittee shall maintain design documentation to demonstrate containment basins meet the requirements of a-f. [Minn. R. 7001]
	2.6.80	When constructing new (as of the issuance date of this permit) containment basins to infiltrate authorized non-stormwater discharges from Subsector E2 activities, it shall: a. Be designed consistent with accepted engineering practices. Designs shall be approved by a professional engineer or other licensed professional. b. Be constructed and maintained to allow for infiltration of wastewater. Long term soil infiltration rates for new infiltration devices shall not be greater than 1.63 inches per hour unless pretreatment practices are implemented prior to infiltration. c. Be constructed to allow for maximum separation distance from groundwater with a

		minimum of 3 feet between the bottom of the impoundment and the seasonal high water table. d. Have at least sufficient capacity to contain all wastewater discharges so as to prevent overflow. e. Be constructed to contain the bounce from precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event. Any overflow of the basin shall not discharge to surface water or any storm sewer system. f. Not be constructed in areas with standing water or areas that receive direct discharges from permanent or stationary vehicle fueling tanks (underground or aboveground storage tanks) and maintenance activity areas (shops). Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. The Permittee shall maintain design documentation to demonstrate containment basins meet the requirements of a-f. [Minn. R. 7001]
	2.6.81	Karst Topography. [Minn. R. 7001]
	2.6.82	New Basins. New infiltration devices for authorized non-stormwater discharges are prohibited within 1000 feet up-gradient or 100 feet downgradient of active karst features. [Minn. R. 7001]
	2.6.83	Existing Basins. The design and construction of containment basins shall include additional or different measures as necessary (e.g. impervious liner in pond bottom) to assure compliance with surface and groundwater standards in Minn. R. chs. 7050 and 7060 and to ensure protection of drinking water supply management areas (see Minn. R. 4720.5100, subp. 13). These measures shall be identified in the Pollution Prevention Plan. [Minn. R. 7001]
	2.6.84	Subsector J1 and J2 - Mine Pit Dewatering to Surface Waters. [Minn. R. 7001]
	2.6.85	Permittees are authorized to discharge mine site dewatering flow to surface waters if the following conditions are met: a. Discharges only from Subsector J1 and J2 facilities. b. Discharges meet the effluent limits applied in this permit. c. The dewatering discharges do not co-mingle with other process wastewater. d. The dewatering discharges are not to ORVWs, DNR-designated trout waters, and/or DNR-posted fish-spawning areas. e. The Permittee has documented in their Pollution Prevention Plan location and initial flow estimates for surface discharge stations. [Minn. R. 7001]
	2.6.86	Dewatering or basin draining must be discharged to a control device on the project site whenever possible, such as a temporary or permanent sedimentation basin or infiltration device. Discharge from the control device must be visually checked to ensure adequate treatment is obtained and that nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. [Minn. R. 7001]
	2.6.87	If the Permittee provides documentation to MPCA that the control device was designed by a registered professional engineer to control a 10-year, 24-hour storm event, then no sampling of a discharge is required upon MPCA approval. If the control device is already in place at an existing facility, the sizing of the control device shall be confirmed by a registered professional engineer before the sampling requirement is waived. This includes overflows caused solely by direct rainfall and groundwater seepage. This does not include unauthorized non-stormwater discharges to surface waters. This waiver is for monitoring only; effluent limits still apply to the discharge and Permittees must maintain compliance with the limits. This waiver is only effective for the term of the permit. Permittees must reapply for the waiver every permit term. [Minn. R. 7001]

2.6.88	If the water cannot be discharged to a control device prior to entering the surface water, it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners. [Minn. R. 7001]
2.6.89	The Permittee(s) must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural riprap, sand bags, plastic sheeting, or other accepted energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids. [Minn. R. 7001]
2.6.90	Any inlet pipe, culvert or hose for the discharge shall be raised above the ground so that the discharge flow does not draw in and transport solids from the sump area. [Minn. R. 7001]
2.6.91	Subsector D1 -Asphalt - BMPs for Wet Scrubber Wastewater. [Minn. R. 7001]
2.6.92	This permit authorizes stormwater discharges from asphalt production areas (SIC Code 2951) and/or stormwater discharges from the installation, construction, and/or operation of wet scrubbers at asphalt production plants. This permit does not authorize the discharge of asphalt production wet scrubber wastewater to surface waters or to groundwater. Any discharge to surface water will require an individual NPDES permit. [Minn. R. 7001]
2.6.93	Wastewater from asphalt production wet scrubbers shall be held within pipes, aboveground tanks or lined impoundments. Pipes and tanks shall be operated and maintained to prevent leaks. Cracks or other failures in pipes or tanks shall be repaired immediately. If pipes are buried, or pipes or tanks are in contact with the land surface, they shall be inspected at least once before each operating year to locate and repair cracks or other failures. [Minn. R. 7001]
2.6.94	An impoundment for containment of wet scrubber wastewater shall meet the design criteria specified in this section. Impoundments that do not meet the criteria in this part may be authorized if requested in writing by the Permittee, and approved in writing by the MPCA, at least 90 days before construction of the impoundment begins. [Minn. R. 7001]
2.6.95	Construction of impoundments in close proximity to drinking water supplies and other areas subject to contamination should be avoided. A minimum separation of four feet between the top of the impoundment seal and the seasonal high water table shall be maintained. Drain tile under the impoundment shall not be used to permanently lower the water table. A minimum separation of ten feet between the top of the impoundment seal and bedrock formations shall be maintained. Impoundments shall not be constructed on locations with karst topography. [Minn. R. 7001]
2.6.96	Impoundments shall be constructed utilizing at least a 30-mil-thick continuous Polyvinyl Chloride (PVC) or High Density Polyethylene (HDPE) liner, or a reinforced Portland cement concrete liner. A PVC or HDPE liner, not replaced on an annual basis, shall be covered with at least one-foot depth of finely textured soil. Liquid depths for impoundments shall be designed for a maximum of six feet. [Minn. R. 7001]
2.6.97	PVC and HDPE liner systems shall be designed and installed in general accordance with the most recent version of MPCA guidance documents High Density Polyethylene Liner Guidance (June 2011) or Polyvinyl Chloride Liner Guidelines (May 2011). [Minn. R. 7001]
2.6.98	No PVC or HDPE liner panels shall be used at more than one site without the prior written approval of the MPCA. The Permittee shall remove and properly dispose of used PVC and HDPE liner materials in accordance with applicable solid waste statutes and rules. [Minn. R. 7001]
2.6.99	The subsoil bed for a PVC or HDPE liner shall be sufficiently prepared to ensure that all holes, rocks, stumps and other debris are eliminated. The subsoil shall be sieved or the area raked after grading to provide a smooth, flat surface free of stones and other sharp objects. The subsoil bed shall be sloped at least 1% upward toward the dike, so

		as to reduce gas and hydrostatic pressures, and to facilitate pumping of the impoundment. [Minn. R. 7001]
	2.6.100	PVC and HDPE liner panels shall be laid out to minimize seams, with an overlap of four to six inches. The PVC or HDPE liner anchor trench shall have a minimum six inch depth and be placed at least nine to twelve inches beyond the slope break at the dike. PVC and HDPE liners shall be installed under the direct supervision of a person experienced in the proper installation of such liners. This person shall inspect all seams on-site for their acceptability prior to the construction certification. [Minn. R. 7001]
	2.6.101	The design of a reinforced Portland cement concrete liner shall be in accordance with the American Concrete Institute (ACI) Manual of Concrete Practice. [Minn. R. 7001]
	2.6.102	The Permittee shall inspect each impoundment for cracks or other failures, at least once each operating year. This inspection shall be conducted after the spring thaw and before the start of the asphalt plant operating season. In addition: a. PVC and HDPE lined impoundments shall complete a water balance test annually after the spring thaw and before the start of the asphalt plant operating season. The water balance test shall be completed in accordance with the MPCA "Prefill and Water Balance Criteria" (December 2010). b. Concrete lined impoundments shall complete water tightness testing at least once per 5 years (once per permit cycle). Water tightness testing for concrete impoundments shall be completed in accordance with the most recent version of ACI 350.1 "Specification for Tightness Testing of Environmental Engineering Concrete Containment Structures." Impoundments that do not pass the water balance or tightness testing may not be placed into service until a passing result is achieved; this may require identifying and repairing problem areas of the impoundment and repeating the testing. The inspector shall prepare a written report of each water balance and inspection. Any cracks or other failures shall be repaired immediately, and certified by an engineer registered in Minnesota. [Minn. R. 7001]
	2.6.103	The Permittee shall keep signed copies of the impoundment design plans and specifications, construction certifications, water balance and inspection reports, and repair certifications with the asphalt plant at all times. [Minn. R. 7001]
	2.6.104	The Permittee shall divert surface water runoff around impoundments, prevent erosion, and protect the structural integrity of exterior embankments from failure. [Minn. R. 7001]
	2.6.105	The Permittee shall maintain impoundments during the winter so that ice layers and frost action do not damage the liner effectiveness and integrity. [Minn. R. 7001]
	2.6.106	Sediments that accumulate in asphalt production wet scrubber wastewater containment structures shall be removed in a manner so as to not damage the integrity and effectiveness of the containment structure. The Permittee may dispose of these sediments at a permitted sanitary landfill, through use as road base or subgrade, or through blending into the paving asphalt mixture. The Permittee may use one of the following options for sediment disposal if the MPCA authorizes this specific in writing: a. Leave in-place, b. Use as clean fill, or c. Land spread. The Permittee shall record in writing the volume of sediments removed from asphalt production scrubber disposal systems, and the method and location of the disposal of such materials. [Minn. R. 7001]

2.6.107	The Permittee may dispose of asphalt production wet scrubber wastewater for the purposes of roadbed preparation or dust control, and in accordance with the following requirements: a. Wastewater may be applied to the surface of unpaved roads or roadbeds only if the asphalt plant is in the process of relocating, has ceased operation for the remainder of the year, or if alterations to the impoundment are needed. b. Wastewater may be applied to the surface of unpaved roads or roadbeds only if that road or roadbed is dry. c. Application to haul roads shall be conducted in such a manner to prevent runoff or prolonged ponding. d. Only the amount of water needed to control or prevent a dust problem may be applied. e. Wastewater used for dust control shall not enter any road ditch, surface water, or wetland. f. Wastewater shall not be applied at a rate greater than one gallon per square yard per year. [Minn. R. 7001]
2.6.108	Asphalt Ingredients, Burner Fuels and Chemical Additives. If the Permittee proposes to use asphalt ingredients, burner fuels and/or chemical additives other than those designated below, at an asphalt production plant with a wet scrubber, the Permittee shall apply in writing to the MPCA for such approval, no later than 60 days before the planned date of utilization of the non-designated material. The Permittee may use these non-designated materials only with the written approval of the MPCA. The designated materials are: a. Clay, silt, sand, gravel and crushed stone produced from naturally occurring geologic formations, and without chemical additives. b. Recycled asphalt. c. Recycled asphalt saturated felt materials. d. Natural gas, butane, propane and methane. e. Gasoline, kerosene, diesel fuel, jet fuel and fuel oils (No. 1, No. 2, No. 3, No. 4, No. 5, No. 6). f. Petroleum derived waste oil as defined in Minn. R. 7045.0020. g. On-specification used oil fuel, as defined in Minn. R. pt. 7045.0020, except that total halogens shall not exceed 1,000 parts per million in the used oil fuel. h. Asphalt cement (AC). i. Hydrated lime. j. Anti-stripping agents approved by the MPCA under this permit. k. Aluminum chloride flocculants. l. Freemont 8201 and anionic polyacrylamide flocculants of similar chemical composition. m. Any mixture of the materials listed in subitems (a) through (l). n. Portland cement concrete. o. Recycled sediments from asphalt plant scrubber operations. p. Fines from asphalt fabric filter operations. q. Silicone. [Minn. R. 7001]
2.6.109	Subsector E2 - Ready-Mix and Other Concrete Operations Discharges to Groundwater. [Minn. R. 7001]
2.6.110	This permit section is intended to cover process wastewater discharges from concrete product operations. Authorized discharges to groundwater specified in the Applicability Section of this permit are covered under this permit. Any discharge to surface water will require an individual NPDES permit. Wastewater discharges from facilities described by the following Standard Industrial Classification (SIC) codes are authorized:

		a. Concrete Block and Brick (SIC 3271) b. Concrete Products, N.E.C. (Not Elsewhere Covered) (SIC 3272) c. Ready-Mix Concrete (SIC 3273). [Minn. R. 7001]
	2.6.111	Containment basins shall be constructed in compliance with this permit. [Minn. R. 7001]
	2.6.112	Authorized E2 activity discharge to new containment basins (as of the issuance date of this permit) must meet the following conditions: a. be constructed to allow for maximum separation distance from groundwater with a minimum of 3 feet between the bottom of the impoundment and the seasonal high water table. b. If the wastewater pH of authorized discharges from E2 activities is outside the range of 6.0-9.0 Standard Units (SU), the wastewater must also be passed through an extra soil zone, mixed with other authorized process waters or rinse waters, or held in a lined or sealed basin to prevent infiltration in order to bring the pH within the range of 6.0-9.0 SU before the wastewater mixes with groundwater. [Minn. R. 7001]
	2.6.113	Authorized E2 activity discharge to existing containment basins must meet the following conditions: a. If the wastewater pH of authorized discharges from E2 activities is outside the range of 6.0-9.0 Standard Units (SU), the wastewater must also be passed through a soil zone, mixed with other authorized process waters or rinse waters, or held in a lined or sealed basin to prevent infiltration in order to bring the pH within the range of 6.0-9.0 SU before the wastewater mixes with groundwater. [Minn. R. 7001]
	2.6.114	Pollution Prevention Plan (Plan). [Minn. R. 7001]
	2.6.115	The Permittee shall develop and implement a Pollution Prevention Plan (Plan) to address the specific conditions at the site. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff, as well as identify and correctly manage non-stormwater discharges. [Minn. R. 7001]
	2.6.116	A Plan shall be developed, implemented, and maintained for each site authorized by this permit. A Plan shall be prepared and maintained in an appropriate and functional manner in accordance with relevant manufacturer specifications and accepted engineering practices. [Minn. R. 7001]
	2.6.117	A Plan shall be completed prior to submitting the permit application for authorization of activities by this permit. Permittees authorized under the previous version of this permit shall modify the Plan to comply with the requirements of this permit prior to submitting the permit application. [Minn. R. 7001]
	2.6.118	A Plan shall be used by the Permittee to document all BMPs used to comply with all control measures required in the Technology Based Effluent Limits sections of this permit. BMPs shall be designed and implemented to address the potential pollutants associated with the activities and materials identified by the Permittee. The documentation shall include a list of all structural and non-structural BMPs designed and implementation at the site. [Minn. R. 7001]
	2.6.119	The Plan shall include documentation of an assessment and inventory/list of materials handled and activities conducted at the site that can potentially be a source of pollutants to stormwater discharges. The assessment shall include but is not limited to the materials and activities identified below: a. Excavation. b. Crushing/Screening. c. Overburden, waste and products stockpiles. d. Raw material and final product storage.

		e. Waste products. f. Sediment washing. g. Material loading/unloading. h. Areas where spills and leaks may potentially contribute pollutants to stormwater. i. Vehicle and equipment maintenance, washing, and fueling. j. Chemical additives/dust suppressant use. [Minn. R. 7001]
	2.6.120	The Plan for each site shall include an inventory of all chemical additives currently used to treat wastewater and/or stormwater including chemical dust suppressants. This inventory shall include: a. The name of the additive. b. The process for which the additive will be used. c. The proposed method of application, application frequency, and daily average and maximum rates of use. d. The date of MPCA approval. MPCA approval is required for any additives that are new, increasing in usage, or not previously approved. See the Total Facilities Requirements section of this permit and go to the chemical additive webpage at http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater-technical-assistance/chemical-additive-approvals.html to find the documents necessary to complete the approval process. [Minn. R. 7001]
	2.6.121	The Plan for each site shall include a site map, which does not need to be a surveyed map, at least to the level of detail indicated on a 7.5-minute U. S. Geological Survey quadrangle map, which identifies: a. Location of the site in relation to surface waters (including the name of the surface water; if the name is not known, indicate that on the map). b. Location of all impaired waters within one mile. The Permittee shall include the name of the impaired water and the impairment (e.g. impaired for biota fish, turbidity, nutrients, etc.). c. Location of all ORVWS, designated trout waters, and wetlands within one mile of the site (Minn. R. 7050.0335, 6264.0050, and 7050.0420). d. Directions of stormwater flow indicated by arrows (including stormwater that is contained/infiltrated on site). e. Location of all discharge points. f. Location of all overflow points from control devices. g. Topography of the area. h. Location of all activities and materials. i. Location of all structural BMPs. j. Location and description of any non-stormwater discharges. k. Dewatering points. l. Water supply wells. m. Surface water supply intakes. Portable sites can meet the requirements of g. through m. above by developing general plant configuration maps. [Minn. R. 7001]
	2.6.122	The Plan for each site shall include a site map, which does not need to be a surveyed map, at least to the level of detail indicated on a 7.5-minute U.S. Geological Survey quadrangle map, which identifies: a. Location of the site in relation to surface waters (including the name of the surface water; if the name is not known, indicate that on the map).

		b. Location of all impaired waters within one mile. The Permittee shall include the name of the impaired water and the impairment (e.g. impaired for biota fish, turbidity, nutrients, etc.). c. Location of all ORVWs, designated trout waters, and wetlands within one mile of the site (Minn. R. 7050.0335, 6264.0050, and 7050.0420). d. Directions of stormwater flow indicated by arrows (including stormwater that is contained/infiltrated on site). e. Location of all discharge points. f. Location of all overflow points from control devices. g. Topography of the area. h. Location of all activities and materials. i. Location of all structural BMPs. j. Location and description of any non-stormwater discharges. k. Dewatering points. l. Water supply wells. m. Surface water supply intakes. Portable sites can meet the requirements of g. through m. above by developing general plant configuration maps. [Minn. R. 7001]
	2.6.123	The Permittee shall review the Plan at least annually and modify the Plan, if: a. There is construction or a change in design, operation, or maintenance at the facility that affects stormwater and wastewater management or compliance with this permit. b. The Permittee has identified a monitoring location from which the discharge flows to, and is within one mile of, an impaired water. c. A routine inspection, compliance evaluation, or visual inspection identified deficiencies in the Plan and/or BMP. d. Additional stormwater and/or wastewater control measures and BMPs are necessary to meet applicable water quality standards or to address exceedances of intervention limits. e. There is an unauthorized discharge from the facility. If the Plan modification is based on a release or unauthorized discharge, include in the modified Plan a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements in the Total Facilities Requirements section of this permit. [Minn. R. 7001]
	2.6.124	The Plan must be kept at the site when the site is Active. If there is no office located on-site, electronic access of the Plan is acceptable. The Plan must be available to the Agency within 72 hours of a request for review. [Minn. R. 7001]
	2.6.125	The Plan shall identify the individual(s) responsible for managing, implementing, maintaining, modifying, and ensuring compliance with the site's Plan, as well as personnel responsible for managing and implementing the Plan. [Minn. R. 7001]
	2.6.126	The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the Plan. The Plan must also identify periodic dates for such training. [Minn. R. 7001]
	2.6.127	Records of all inspections conducted in accordance with permit requirements shall be maintained within the Plan. [Minn. R. 7001]
	2.6.128	Subsector D1 - Asphalt - Additional Plan Requirements. [Minn. R. 7001]
	2.6.129	Asphalt facilities (Subsector D1) must also identify: a. Petroleum storage. b. Fuel Storage. c. Recycled Asphalt Pavement Storage.

		d. Aggregate Storage. e. Recycled concrete, concrete block and brick crushing and storage. f. Cold Patch Storage. g. Release agent storage and application. [Minn. R. 7001]
	2.6.130	Subsector E2 - Ready-Mix Operations - Additional Plan Requirements. [Minn. R. 7001]
	2.6.131	Ready-Mix Operations (Subsector E2) must also identify: a. Bag house or other dust control device. b. Recycle/sediment pond, clarifier, or other device used for the treatment of process wastewater. c. The areas that drain to the treatment device. d. Description of multiple locations of ready-mix and other concrete operations, if applicable. [Minn. R. 7001]
	2.6.132	Inspection Reports. [Minn. R. 7001]
	2.6.133	The Permittee shall develop and implement an inspection schedule that includes a minimum of one site inspection per calendar month that the site is an Active Site and staffed. A minimum of one inspection per calendar year shall be conducted during a runoff event. [Minn. R. 7001]
	2.6.134	If the site is Inactive and unstaffed, Temporarily Inactive and unstaffed as defined, or is a site undergoing final stabilization, the Permittee is waived from the requirement to conduct monthly site inspections, but BMPs must be maintained. [Minn. R. 7001]
	2.6.135	All inspections and resulting maintenance must be recorded and retained within the Plan. Records of each inspection and maintenance activity shall include: a. Date and time of inspections. b. Name of person(s) conducting inspections. c. An evaluation of the facility to determine that the Plan accurately reflects conditions as described in the Pollution Prevention Plan. At a minimum, the Permittee shall inspect storage tank areas, waste disposal areas, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas. d. An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function. e. An evaluation of the facility to determine whether new exposed significant materials or activities have been added to the site since completion of the Plan. f. Findings of inspections, including recommendations for corrective actions. g. Corrective actions taken (including dates, times, and party completing maintenance activities). [Minn. R. 7001]
	2.6.136	In addition to the inspection requirements of this Section, separately from the required annual runoff event inspection, the Permittee shall ensure that one of the required monthly inspections occurs during a snow melt event. The inspection shall include a visual assessment of the runoff to identify any visible sheens or films that indicate the presence of oil or grease in the discharge. If sheens are present in surface discharges, corrective actions to prevent sheen shall be implemented and documented in the Plan. [Minn. R. 7001]
	2.6.137	Subsector D1 - Asphalt - Additional Inspection Reports Requirements. [Minn. R. 7001]
	2.6.138	The operator of an Asphalt Facility shall also inspect the following areas: a. Material storage and handling areas; b. Liquid storage tanks; c. Hoppers and silos; d. Vehicle and equipment maintenance, cleaning, and fueling areas; and

		e. Material handling vehicles, equipment, and processing areas. Ensure that appropriate action is taken in response to the inspection by using follow-up procedures. Document in the Plan the inspections and follow up actions. [Minn. R. 7001]
	2.6.139	Subsector E2 - Ready-Mix and Other Concrete Operations - Additional Inspection Reports Requirements. [Minn. R. 7001]
	2.6.140	Dust collection and containment systems shall be included in the site inspections. [Minn. R. 7001]
	2.6.141	Monitoring Requirements. [Minn. R. 7001]
	2.6.142	Stormwater Monitoring. [Minn. R. 7001]
	2.6.143	Stormwater Monitoring. [Minn. R. 7001]
	2.6.144	The Permittee shall monitor each outfall for all parameters specified in the Limits and Monitoring Section of this permit during stormwater runoff from active site operations. The Permittee shall submit the results of intervention limit monitoring required by this permit on the Discharge Monitoring Report form provided by the Agency. The information must be recorded in the specified areas on the form and in the unit specified. [Minn. R. 7001]
	2.6.145	Two samples shall be collected at each monitoring outfall and analyzed for each intervention limit parameter in a calendar year in order to determine an annual average concentration for each intervention limit parameter. The two samples shall be collected on two separate runoff events, one in the spring and one in the fall, if possible, each calendar year the Permittee is authorized to discharge under this permit. At the Permittee's discretion, more than two samples may be taken during separate runoff events and used to determine the annual average intervention limit(s). For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. [Minn. R. 7001]
	2.6.146	If the Permittee is unable to obtain a minimum of two samples, less than two samples may be used to determine the annual average intervention limit(s) for the discharges during the year. However, for each sample that could not be obtained due to weather conditions and/or soil characteristics, the Permittee shall provide an explanation in the Comments section of the Discharge Monitoring Report and submit it to the Agency. [Minn. R. 7001]
	2.6.147	Samples shall be collected during the first 30 minutes of a measurable runoff event at a monitoring outfall and sampling events shall be at least 72 hours apart, to the extent feasible. [Minn. R. 7001]
	2.6.148	The intervention limit monitoring location(s) selected by the Permittee shall be in a location that: a. Is below the most down-gradient BMP from the source of industrial activity or significant materials, but prior to discharging from the Permittee's operational control. b. Minimizes or eliminates sampling of stormwater from off-site sources (run-on). c. Yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with this permit and that receives discharge from an area of industrial activities, processes, and significant materials exposed to stormwater. [Minn. R. 7001]
	2.6.149	If the Permittee has identified multiple, but separate, stormwater discharges and each area of discharge is substantially similar in terms of exposure, BMPs, and pollutants discharged, the Permittee may choose one intervention limit monitoring location that is most representative and best allows for obtaining a sample. This is applicable to a single site only. Multiple sites may only choose a substantially similar outfall at a single site. [Minn. R. 7001]

2.6.150	An exceedance of an applicable annual average intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable intervention limit occurs as described below. Failure to respond to an intervention limit exceedance is a violation of the permit. If an exceedance of an intervention limit occurs, modify the Plan and document all corrective actions, including improvements to BMPs, necessary to meet the applicable intervention limits. Modifications and upgrades of the Plan and BMPs shall be initiated immediately, but no later than 14 days beyond discovery of an intervention limit exceedance. The Permittee must install a new or modified control and make it operational as soon as possible. If it is infeasible to complete the installation of a new or modified BMP within 14 calendar days, the Permittee must document why it is infeasible to complete the installation or repair within the 14-day timeframe. The Permittee must also outline a schedule for completing the work, and documentation must be completed as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If 45 days is infeasible, the Permittee must complete the installation or repair as soon as practicable and document the reason for delay. All documentation shall be contained within or as an attachment to the Plan. [Minn. R. 7001]
2.6.151	If the site is Temporarily Inactive during a monitoring permit, intervention limit monitoring is not required, but the Permittee shall indicate on their DMR the inactivity and indicate that permanent stormwater BMPs remain in place. Should the site become active, the Permittee is required to sample in accordance with this Section of the permit for the year the site became active. [Minn. R. 7001]
2.6.152	If stormwater does not discharge to surface waters, no monitoring is required. If there is no discharge during the sampling period, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report Form. [Minn. R. 7001]
2.6.153	If the Permittee submits documentation in compliance with this permit and receives approval from MPCA, discharges from the mine dewatering control devices are not required to be sampled. This shall include overflows caused solely by direct rainfall and groundwater seepage. [Minn. R. 7001]
2.6.154	Stormwater Limits and Monitoring Intervention Limits a. Subsectors J1, J2, D1, and E2: Total Suspended Solids, 100 mg/L. b. Subsector E2: Iron, 1.0 mg/L. [Minn. R. 7001]
2.6.155	Mine Dewatering to Surface Waters - Effluent Limit Monitoring. [Minn. R. 7001]
2.6.156	If dewatering flows do not discharge to surface waters, no monitoring will be required. If there is no discharge during the sampling period, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report Form. [Minn. R. 7001]
2.6.157	If the Permittee submits documentation in compliance with this permit and receives approval from MPCA, overflows from the mine pit dewatering control devices are not required to be sampled. This shall include overflows caused solely by direct rainfall and groundwater seepage. [Minn. R. 7001]
2.6.158	One sample shall be collected quarterly from each monitoring outfall identified and analyzed for each required effluent limit parameters specified in the Limits and Monitoring Section of this permit. The sample(s) shall be collected each calendar quarter the Permittee is authorized to discharge under this permit. [Minn. R. 7001]

2.6.159	For active mine dewatering, samples shall be representative of the discharge and collected during any measurable event at an outfall. Flow monitoring shall be monitored using a continuous flow monitor or pump-run times. [Minn. R. 7001]
2.6.160	If the discharge event is an overflow caused by a rainfall event, the sample(s) shall be collected within the first 30 minutes of the measurable runoff event. If it is not possible to collect the sample(s) within the first 30 minutes, the sample(s) shall be collected as soon as practicable after the first 30 minutes and documentation must be included with the Comments field of the Discharge Monitoring Report Form that explains why it was not possible to collect the sample(s) within the first 30 minutes. [Minn. R. 7001]
2.6.161	Mine Dewatering to Surface Waters - Monitoring for Permit Reissuance. The following parameters shall be sampled and analyzed prior to permit expiration and submitted with the application for permit re-issuance. Samples shall be representative of mine dewatering discharge activity, and must comply with the Total Facilities Requirements section of this permit: a. Total Dissolved Solids. b. Hardness. c. Oil & Grease and surfactants. d. Antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, and zinc. e. Aluminum, barium, boron, cobalt, iron, magnesium, manganese, molybdenum, total tin, and total aluminum. [Minn. R. 7001]
2.6.162	Total Facilities Requirements. [Minn. R. 7001]
2.6.163	Definitions. Refer to the 'Permit Users Manual' found on the MPCA website (www.pca.state.mn.us) for standard definitions. [Minn. R. 7001]
2.6.164	Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. ch. 115 and 116. [Minn. R. 7001]
2.6.165	Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. [Minn. R. 7001]
2.6.166	Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. [Minn. R. 7001]
2.6.167	Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. [Minn. R. 7050.0210, Subp. 2]
2.6.168	Property Rights. This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001]
2.6.169	Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. [Minn. R. 7001]
2.6.170	The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. [Minn. R. 7001]

2.6.171	Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. [Minn. R. 7001]
2.6.172	The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. [Minn. R. 7001]
2.6.173	Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. [Minn. R. 7001]
2.6.174	Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility. [Minn. R. 7001]
2.6.175	Inspection and Entry. When authorized by Minn. Stat. ch. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. [Minn. R. 7001]
2.6.176	Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation. [Minn. R. 7001]
2.6.177	Sampling. [Minn. R. 7001]
2.6.178	Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. [40 CFR 122.41(j)(1)]
2.6.179	Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. [Minn. R. 7001]
2.6.180	Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. [Minn. R. 4740.2010, Minn. R. 4740.2050 through 2120]
2.6.181	Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200. [40 CFR 136, Minn. R. 7041.3200]
2.6.182	Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. [Minn. R. 7001]
2.6.183	Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following

		information: a. the exact place, date, and time of the sample or measurement; b. the date of analysis; c. the name of the person who performed the sample collection, measurement, analysis, or calculation; d. the analytical techniques, procedures and methods used; and e. the results of the analysis. [Minn. R. 7001]
	2.6.184	Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. Required forms may include DMR Supplemental/Sample Value Form Individual values for each sample and measurement shall be recorded on the DMR Supplemental/Sample Value Form which, if required, will be provided by the MPCA. DMR Supplemental/Sample Value Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it shall be approved by the MPCA. Note: Required summary information shall also be recorded on the DMR. Summary information that is submitted ONLY on the DMR Supplemental/Sample Value Form does not comply with the reporting requirements. [Minn. R. 7001]
	2.6.185	Submitting Reports. DMRs, DMR supplemental forms and related attachments must be electronically submitted via the MPCA Online Services Portal after authorization is approved. DMRs and DMR Supplemental Forms shall be electronically submitted by the 21st day of the month following the sampling period or as otherwise specified in this permit. Electronic DMR submittal shall be complete on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the reporting period. Other reports required by this permit shall be postmarked by the date specified in the permit to: MPCA, Attn: WQ Submittals Center, 520 Lafayette Road North, St Paul Minnesota 551554194. [Minn. R. 7001]
	2.6.186	Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. If it is impossible to electronically amend the report or DMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. [Minn. R. 7001]
	2.6.187	Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents shall certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, shall be certified by a registered professional engineer. [Minn. R. 7001]

2.6.188	Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows: a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation. b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection. c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. [Minn. R. 7001]
2.6.189	Records. The Permittee shall, when requested by the Agency, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001]
2.6.190	Confidential Information. Except for data determined to be confidential according to Minn. Stat. ch. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee shall follow Minn. R. 7000.1300. [Minn. R. 7000.1300]
2.6.191	Noncompliance and Enforcement. [Minn. R. 7001]
2.6.192	Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. ch. 115.071 and 116.072, including monetary penalties, imprisonment, or both. [Minn. R. 7001]
2.6.193	Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. [Minn. R. 7001.0150, Subp. 3(G), Minn. R. 7001.1090, Subp. 1(G and H), Minn. Stat. ch. 609.671, Subp. 1]
2.6.194	Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 122.41(c)]
2.6.195	Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-

		compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information: a. a description of the event including volume, duration, monitoring results and receiving waters; b. the cause of the event; c. the steps taken to reduce, eliminate and prevent reoccurrence of the event; d. the exact dates and times of the event; and e. steps taken to reduce any adverse impact resulting from the event. [Minn. R. 7001]
	2.6.196	Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee's facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence: a. the specific cause of the upset; b. that the upset was unintentional; c. that the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities; d. that at the time of the upset the facility was being properly operated; e. that the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I; and f. that the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J. [Minn. R. 7001]
	2.6.197	Release. [Minn. R. 7001]
	2.6.198	Unauthorized Releases of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. [40 CFR 122.41, Minn. Stat. ch. 115.061]
	2.6.199	Discovery of a release. Upon discovery of a release, the Permittee shall: a. Take all reasonable steps to immediately end the release. b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area). c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas. [Minn. R. 7001]
	2.6.200	Sampling of a release. Upon discovery of a release, the Permittee shall: a. Collect representative samples of the release. The Permittee shall sample the

		release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues. b. Submit the sampling results on the Release Sampling Form (http://www.pca.state.mn.us/index.php/view-document.html?gid=18867). The Release Sampling Form shall be submitted to the MPCA with the next DMR or within 30 days whichever is sooner. [Minn. R. 7001]
	2.6.201	Bypass. [Minn. R. 7001]
	2.6.202	Anticipated bypass. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is for essential maintenance to assure efficient operation of the facility. The permittee shall submit prior notice, if possible at least ten days before the date of the bypass to the MPCA. The notice of the need for an anticipated bypass shall include the following information: a. the proposed date and estimated duration of the bypass; b. the alternatives to bypassing; and c. a proposal for effluent sampling during the bypass. Any bypass wastewater shall enter waters of the state from outfalls specifically authorized by this permit. Therefore, samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. [40 CFR 122.41(m)(2 and 3), Minn. R. 7001.1090, 1(J)]
	2.6.203	All other bypasses are prohibited. The MPCA may take enforcement action against the Permittee for a bypass, unless the specific conditions described in Minn. R. Ch. 7001.1090 subp. 1, K and 122.41(m)(4)(i) are met. In the event of an unanticipated bypass, the permittee shall: a. Take all reasonable steps to immediately end the bypass. b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon commencement of the bypass. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area). c. Immediately take action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies for implementation of abatement, clean-up, or remediation activities. d. Only allow bypass wastewater as specified in this section to enter waters of the state from outfalls specifically authorized by this permit. Samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. The permittee shall also follow the reporting requirements for effluent violations as specified in this permit. [40 CFR 122.41(m)(4)i, Minn. R. 7001.1090, 1(K), Minn. Stat. ch. 115.061]
	2.6.204	Operation and Maintenance. [Minn. R. 7001]
	2.6.205	The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate

		funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150. subp. 3, item F. [Minn. R. 7001]
	2.6.206	In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided. [Minn. R. 7001]
	2.6.207	Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements. [40 CFR 503, Minn. R. 7041]
	2.6.208	Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health. [Minn. R. 7001]
	2.6.209	Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. [Minn. R. 7001]
	2.6.210	Changes to the Facility or Permit. [Minn. R. 7001]
	2.6.211	Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity. Permittees that propose to make a change to the facility or discharge that requires a permit modification shall follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee shall contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change. [Minn. R. 7001]
	2.6.212	Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval. If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented. [Minn. R. 7001]
	2.6.213	Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. [Minn. R. 7001]
	2.6.214	Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that

		have the potential to change the characteristics, nature and/or quality of the discharge. The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use. This written request shall include at least the following information for the proposed additive: a. The process for which the additive will be used; b. Safety Data Sheet (SDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean; c. a complete product use and instruction label; d. the commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements. Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard. [Minn. R. 7001]
	2.6.215	MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180. [Minn. R. 7001]
	2.6.216	TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.I.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies. [40 CFR 122.44(I)(2)i]
	2.6.217	Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001]
	2.6.218	Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval. Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a

		permit modification or reissuance. The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. [Minn. Stat. ch. 116.07, Subp. 4]
	2.6.219	Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance : Due by 180 days prior to permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160): a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit; b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit; c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001]
	2.6.220	Permit Specific Definitions. [Minn. R. 7001]
	2.6.221	"Active Facility" means a place where work or other activity related to the production of asphalt and ready-mix / concrete products and extraction, removal, or recovery of nonmetallic minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to desired contour and stabilization has begun. This definition is derived from the definition of 'active mining area' found at 40 CFR pt. 440.132(a). [40 CFR 440.132(a), State Definitions]
	2.6.222	"Asphalt cement" means fluxed or unfluxed asphalt specially prepared for direct use in the manufacture of asphalt pavements. [State Definitions]
	2.6.223	"Asphalt Emulsion" means a mixture of asphalt cement, chemical, and water solution. Asphalt emulsions are produced by adding an emulsifying agent to asphalt and water. [State Definitions]
	2.6.224	"Asphalt pavement" means a mixture of asphalt cement (asphalt binder), aggregate, and other additives; may also be referred to as asphalt concrete (AC), bituminous mix (BM), and sometimes asphaltic concrete (HMAC). [State Definitions]
	2.6.225	"Effluent Monitoring Location" for the purposes of this permit means the location(s) within the boundary of the facility where the Permittee will collect mine dewatering and/or authorized non-stormwater discharges. The effluent monitoring location(s) selected by the Permittee shall be in a location that: a. Is immediately below the most down-gradient BMP from the specific industrial activity that has a numeric effluent limit, but prior to where the discharge co-mingles with stormwater from other sources. b. Yields a sample that represents the contribution of the pollutants for which the Permittee is required to monitor. [State Definitions]
	2.6.226	"Energy Dissipation" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion. [State Definitions]

	2.6.227	"Facility" for the purposes of this permit, means land that shares a common border and that has a stormwater discharge associated with industrial activity as defined by 40 CFR Part 122.26(b)(14) with the discharge having a common owner/operator. [40 CFR 122.26(b)(14), State Definitions]
	2.6.228	"Impaired Water" means waters identified as impaired by the Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. Section 303(d)). [CWA Sect. 303.d, State Definitions]
	2.6.229	"Impoundments" mean topographic depressions designed to hold liquid. [State Definitions]
	2.6.230	"Inactive Facility" means a site or portion of a site where nonmetallic mineral mining and/or milling, asphalt reduction and ready-mix concrete production occurred in the past but is not an Active Facility. The Permittee does not anticipate mining and/or associated activities to occur in the foreseeable future, has requested the permit coverage at this inactive portion be terminated, and the inactive portion is no longer covered by an active mining permit. [State Definitions]
	2.6.231	"Infeasible" means not technologically possible or not economically practicable and achievable in light of the best industry practices. [State Definitions]
	2.6.232	"Infiltration Device" for purposes of this permit, means a device to which industrial stormwater runoff is diverted, collected, or conveyed for the purpose of infiltration. This includes all man-made and natural infiltration areas to which runoff are diverted. An infiltration device does not include the parts of the system that diverts, collects, or conveys stormwater. Incidental infiltration from conveyances such as swales or ditches, including those with erosion prevention devices such as vegetation, silt fence, or fiber bails, is not an infiltration device. However, swales, ditches, or similar devices constructed with stop logs, ditch excavation for storage or other retention devices, which are for the purpose of increased infiltration, are infiltration devices. Wetlands (including types 1 through 8) and other natural surface water bodies are not infiltration devices or parts of infiltration device systems, and cannot be used as infiltration devices, unless mitigated in accordance with applicable state rules. [State Definitions]
	2.6.233	"Karst topography" means an area underlain by fractured carbonate bedrock in which erosion has produced geological characteristics such as: sinkholes; springs, subsurface drainage; caves; sinking streams; dissolutionally enlarged joints (grikes) or bedding planes, and bedrock surface channels (karren). Counties known for karst features include parts of Dakota, Rice, Dodge, and Mower, and most of Goodhue, Olmsted, Winona, Wabasha, Houston and Fillmore. [State Definitions]
	2.6.234	"Mine Pit Dewatering" means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. Uncontaminated groundwater and stormwater collecting in a low area in which there is already an existing stormwater outlet for stormwater/seepage by gravity overflow shall not be considered mine pit dewatering. However, if a mine is also used for treatment of process generated wastewater, discharges of commingled water from the facilities shall be deemed discharge of process generated wastewater. [State Definitions]
	2.6.235	"Non-Stormwater Discharge" means any discharge not comprised entirely of stormwater. [State Definitions]
	2.6.236	"Operator" is the person responsible for the overall operation of an industrial facility under Minn. R. pt. 7090.3000. [Minn. R. 7090.3000, State Definitions]
	2.6.237	"Owner" is the person who owns an industrial facility or part of an industrial facility under Minn. R. pt. 7090.3000. [Minn. R. 7090.3000, State Definitions]
	2.6.238	"Person" means any human being, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal

		representative of any of the foregoing, or any other legal entity, but does not include the MPCA. [State Definitions]
	2.6.239	"Pipes" mean hollow cylinders or tubes constructed of non-earth materials. [State Definitions]
	2.6.240	"Pollution Prevention Plan" (Plan) means a plan for stormwater and non-stormwater discharges that include facility-specific activities and actions to, first, identify sources of pollution or contamination at the facility, and second, select and implement BMPs to eliminate or reduce contact of stormwater with significant materials and non-stormwater discharges that may result in polluted runoff from the facility. [State Definitions]
	2.6.241	"Primary Standard Industrial Classification (SIC) Code" for the purposes of this permit, is the SIC code associated with the industrial activity that generates the greatest revenue. If revenue data is not available, the owner/operator shall base the determination on the number of employees engaged in the industrial activity. If it is not possible to determine the primary SIC code using either of these two methods, the owner/operator shall base the determination on the SIC code with the greatest production. The industrial activity that generates the greatest revenue, employs the most personnel, or has the greatest production, is the industrial activity assigned the primary SIC code. [State Definitions]
	2.6.242	"Reclamation" means activities undertaken in compliance with applicable mined land reclamation requirements following the cessation of activities associated with extraction, removal and recovery of nonmetallic minerals, intended to return the land to an appropriate post-mining land use. [State Definitions]
	2.6.243	"Seasonal High Water Table" means the highest level the water table reaches during a given year. Methods of determining the seasonal high water table are given in part 7041.3400, subpart 3. [Minn. R. 7041.0100, Subp. 48]
	2.6.244	"Sediment Control" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins. [Minn. R. 7041.0100, Subp. 48, Minn. R. 7041.3400, Subp. 3, State Definitions]
	2.6.245	"Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g. the material's solubility, transportability, and toxicity characteristics) to determine the material's pollution potential. [40 CFR 122.26(b)(12)]
	2.6.246	"Small Construction Activity" means small construction activity as defined in 40 C.F.R. part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. [State Definitions]
	2.6.247	"Stormwater Pond" for purposes of this permit means constructed detention or retention facilities for the treatment of stormwater runoff under the requirements of this permit. This includes permanent ponds, dry ponds, flow equalization ponds (followed by other BMPs), and constructed wetlands. However, natural wetlands

		(including types 1-8) and other natural surface water bodies are not industrial stormwater ponds, parts of ponds or pond systems, and cannot be used as BMPs for stormwater treatment unless mitigated in accordance with applicable state rules. [State Definitions]
	2.6.248	"Structural BMPs" refers to the installation of devices that will reduce or eliminate pollutants to stormwater through installation of permanent structural devices to treat or control runoff. Examples of structural BMPs include but are not limited to installation of stormwater diversion berms or channels; sedimentation basins (retention or detention basins); oil/water separators; grit chambers; roofs, awnings, or buildings to cover significant material. [State Definitions]
	2.6.249	"Tanks" means a container, vessel, or enclosure designed to contain substances and is constructed of materials such as concrete, steel, plastic, or fiberglass reinforced plastic, and provides structural support. [State Definitions]
	2.6.250	"Temporarily Inactive Facility" means a site or portion of a site where nonmetallic mineral mining and/or milling, asphalt production and ready-mix concrete production occurred in the past but currently are not being actively undertaken and permit coverage is being maintained for the possibility of mining and/or associated activities in the foreseeable future. [State Definitions]
	2.6.251	"Treatment Works" means any plant, disposal field, lagoon, dam, pumping station, constructed drainage ditch or surface water intercepting ditch, or other works not specifically mentioned herein, installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes. For the purposes of this permit, this includes stormwater ponds, sedimentation basins and/or infiltration devices for stormwater management. [Minn. Stat. ch. 115.01, Subd. 21, State Definitions]
	2.6.252	"Water Quality Standards" means those provisions contained in Minn. R Chapters 7050 and 7052. [Minn. R. 7050, Minn. R. 7052, State Definitions]
	2.6.253	"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes: a. a predominance of hydric soils; b. inundated or saturated by surface water or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and, c. under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, Subp. 1(a)B, State Definitions]

3. Submittal action summary

SD 001	MNG49 Stormwater, Non-specific	
		Surface Discharge: MNG49 Subsectors D1, J1, J2
	3.1.1	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 002	MNG49 Stormwater, Non-specific	
		Surface Discharge: MNG49 Subsector E2
	3.2.1	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 003	MNG49 Stormwater, Non-specific	
		Surface Discharge: MNG49 Dewatering from Construction Sand and Gravel (1442)
	3.3.1	The Permittee shall submit a quarterly DMR : Due by 21 days after the end of each calendar quarter following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
	3.3.2	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 004	MNG49 Dewatering	
		Surface Discharge: MNG49 Dewatering from Industrial Sand Mining (1446)
	3.4.1	The Permittee shall submit a quarterly DMR : Due by 21 days after the end of each calendar quarter following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
	3.4.2	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
SD 005	MNG49 Dewatering	
		Surface Discharge: MNG49 Dewatering from Subsector J2 (1411, 1422, 1423, 1429)

	3.5.1	The Permittee shall submit a quarterly DMR : Due by 21 days after the end of each calendar quarter following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
	3.5.2	The Permittee shall submit an annual DMR : Due by 21 days after the end of each calendar year following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
MNG490000	Nonmetallic Mining/Associated Activities General Permit	
		Non-Metallic Mining and Associated Activities General Permit Requirements
	3.6.1	Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance : Due by 180 days prior to permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160): a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit; b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit; c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001]

4. Limits and monitoring

Subject item	Parameter	Discharge limitations			Monitoring requirements							Effective period	Notes
		Quantity /Loading avg.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality/ Conc. units	Frequency	Sample type			
SD 001 ISW D1, J1 and J2	Solids, Total Suspended (TSS)					Monitor only. calendar year average intervention		milligrams per liter	twice per year	Grab	Jan-Dec	Any reported value >100 mg/L exceeds the intervention limit. If the discharge is within 1 mile of an ORVW, trout stream, or trout lake, the intervention limit is 65 mg/L.	
SD 002 ISW E2	Iron, Total (as Fe)					Monitor only. calendar year average intervention		milligrams per liter	twice per year	Grab	Jan-Dec	Any reported value >1.0 mg/L exceeds the intervention limit.	
SD 002 ISW E2	Solids, Total Suspended (TSS)					Monitor only. calendar year average intervention		milligrams per liter	twice per year	Grab	Jan-Dec	Any reported value >100 mg/L exceeds the intervention limit. If the discharge is within 1 mile of an ORVW, trout stream, or trout lake, the intervention limit is 65 mg/L.	
SD 003 SIC 1442	Flow		Monitor only. calendar quarter total	million gallons		Monitor only. calendar quarter average		million gallons per day	once per quarter	Measurement, Continuous	Jan-Dec		
SD 003 SIC 1442	Nitrite Plus Nitrate, Total (as N)					Monitor only. calendar year average		milligrams per liter	once per year	Grab	Jan-Dec		
SD 003 SIC 1442	Nitrogen, Kjeldahl, Total					Monitor only. calendar year average		milligrams per liter	once per year	Grab	Jan-Dec		

Subject item	Parameter	Discharge limitations			Monitoring requirements							Notes
		Quantity /Loading avg.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality /Conc. units	Frequency	Sample type	Effective period	
SD 003 SIC 1442	pH				6.5 calendar quarter minimum		8.5 calendar quarter maximum	standard units	once per quarter	Grab	Jan-Dec	
SD 003 SIC 1442	Phosphorus, Total (as P)					Monitor only. calendar quarter average		milligrams per liter	once per quarter	Grab	Jan-Dec	
SD 003 SIC 1442	Solids, Total Suspended (TSS)						30 daily maximum	milligrams per liter	once per quarter	Grab	Jan-Dec	
SD 004 SIC 1446	Flow		Monitor only. calendar quarter total	million gallons		Monitor only. calendar quarter average		million gallons per day	once per quarter	Measurement, Continuous	Jan-Dec	
SD 004 SIC 1446	Nitrite Plus Nitrate, Total (as N)					Monitor only. calendar year average		milligrams per liter	once per year	Grab	Jan-Dec	
SD 004 SIC 1446	Nitrogen, Kjeldahl, Total					Monitor only. calendar year average		milligrams per liter	once per year	Grab	Jan-Dec	
SD 004 SIC 1446	pH				6.5 calendar quarter minimum		8.5 calendar quarter maximum	standard units	once per quarter	Grab	Jan-Dec	
SD 004 SIC 1446	Phosphorus, Total (as P)					Monitor only. calendar quarter average		milligrams per liter	once per quarter	Grab	Jan-Dec	
SD 004 SIC 1446	Solids, Total Suspended (TSS)					25 calendar quarter average	45 daily maximum	milligrams per liter	once per quarter	Grab	Jan-Dec	
SD 005 SUBSECTOR j2	Flow		Monitor only. calendar quarter total	million gallons		Monitor only. calendar quarter average		million gallons per day	once per quarter	Measurement, Continuous	Jan-Dec	

Subject item	Parameter	Discharge limitations				Monitoring requirements						Notes
		Quantity /Loading avg.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality /Conc. units	Frequency	Sample type	Effective period	
SD 005 SUBSECTOR j2	Nitrite Plus Nitrate, Total (as N)					Monitor only. calendar year average		milligrams per liter	once per year	Grab	Jan-Dec	
SD 005 SUBSECTOR j2	Nitrogen, Kjeldahl, Total					Monitor only. calendar year average		milligrams per liter	once per year	Grab	Jan-Dec	
SD 005 SUBSECTOR j2	pH				6.5 calendar quarter minimum		8.5 calendar quarter maximum	standard units	once per quarter	Grab	Jan-Dec	
SD 005 SUBSECTOR j2	Phosphorus, Total (as P)					Monitor only. calendar quarter average		milligrams per liter	once per quarter	Grab	Jan-Dec	
SD 005 SUBSECTOR j2	Solids, Total Suspended (TSS)						30 daily maximum	milligrams per liter	once per quarter	Grab	Jan-Dec	

BMP Implementation Worksheet

STORMWATER POLLUTION PREVENTION PLAN BEST MANAGEMENT PRACTICES (BMPs) IMPLEMENTATION WORKSHEET			Completed By: Wenck Associates, Inc. Title: M.R. Paving - Kohn Pit Revision: 1 December 2017	
Area/Activity	Best Management Practice	Stormwater Control Category	Potential Pollutant	Inspection Schedule
Mining Area				
Mining	1. Site grading directs all stormwater to low areas or onsite ponds. 2. Monthly inspections are conducted to check for erosion or drainage issues. 3. Berms are constructed, as necessary, to direct drainage away from Facility boundaries.	Housekeeping Elimination and Reduction of Exposure Inspections Recordkeeping	TSS	Monthly
Conveyors	1. Site grading directs all stormwater to onsite ponds. 2. Monthly inspections are conducted to check for equipment issues.	Housekeeping Elimination and Reduction of Exposure Inspections Recordkeeping	TSS	Monthly
Stock Piles	1. Site grading directs all drainage water to onsite ponds. 2. Stock is kept in piles to minimize exposure. 3. Monthly inspections are conducted to check for erosion or drainage issues.	Housekeeping Elimination and Reduction of Exposure Inspections Recordkeeping	TSS	Monthly
Aboveground Storage Tank (Diesel)	1. Inspect tank and complete any corrective action necessary to maintain container integrity. 2. Maintain secondary containment structures to prevent a release. 3. Ensure that transfers are monitored at all times. Immediately clean up any drips or spills using spill equipment and dispose of appropriately. 4. Only required amount of fuel is delivered to fill empty equipment. "Topping off" is prohibited.	Housekeeping Elimination and Reduction of Exposure Inspections Recordkeeping	Diesel Fuel, Used Oil	1. Monthly 2. Monthly 3. Each transfer 4. Each transfer
General trash	1. Keep cover on solid waste dumpsters in the closed position. 2. Empty contents as needed to prevent overfilling. 3. Inspect dumpster for holes, rusting and leaking. Call for replacement as necessary. 4. Inspect area around dumpster for accumulated trash.	General Housekeeping Elimination and Reducing Exposure Inspections	Sediment Solid waste Metals	1 - 2. Ongoing 3 - 4. Monthly
Equipment and Vehicle Parking Areas				
Throughout facility	1. Adequately maintain facility equipment and vehicles to minimize the potential for leaks. 2. Inspect parking and traffic areas for presence of leaked product and promptly clean up any released product.	Housekeeping Elimination and Reduction of Exposure Inspections Recordkeeping	Petroleum products Antifreeze	1-2. Ongoing 3. Monthly
Traffic Routes				
Traffic routes and parking areas - Throughout Site	1. Sweep impervious areas, facility entrances and roadways to prevent the spread of sediment off-site. 2. Enforce slow traffic speeds to minimize dust generation and vehicle tracking. 3. Provide dust control as-needed on unpaved driveways, material storage areas, and other processes which may produce excessive dust.	General Housekeeping Elimination and Reducing Exposure Inspections	Sediment	1. Weekly (permit) 2 - 3. Ongoing 4. Monthly

STORMWATER POLLUTION PREVENTION PLAN BEST MANAGEMENT PRACTICES (BMPs) IMPLEMENTATION WORKSHEET			Completed By: Wenck Associates, Inc. Title: M.R. Paving - Kohn Pit Revision: 1 December 2017		
Area/Activity	Best Management Practice	Stormwater Control Category	Potential Pollutant	Inspection Schedule	
Training and Inspections Team member training program	1. Provide training as required by Permit and provided in SWPPP Section 9.	Employee Training Program Recordkeeping	NA	Upon employment and annually thereafter	
Monthly inspections and discharge monitoring	1. Complete monthly inspections and maintain records as specified by Permit. 2. Document issues observed and corrective actions taken. 3. Collect discharge sampling and submit to MPCA as required by Permit.	Inspections Recordkeeping	NA	Monthly	

MPCA Site Inspection Form



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

Industrial Stormwater Site Inspection Form

NPDES/SDS Industrial Stormwater Permit

Doc Type: Self Audit

Instructions: Use this form to document the inspections required in the Minnesota Pollution Control Agency (MPCA) Industrial Stormwater Permit (MNR050000, Part III.G). Conduct inspections once each calendar month for a total of 12 inspections per year. At least one of the 12 inspections must occur when there is runoff from rain or snowmelt.

Facility information

Facility name: M.R. Paving - Kohn Pit

Facility address: Parcel ID 04.201.0205

City: Courtland State: MN Zip code: 56021

Inspector information

Inspector name: _____ Date and time: _____

Weather: _____

Inspector has been trained to do inspections: ☐ Yes (required)

Have the following areas been inspected at your facility?

- a. Bulk storage areas (tanks, drums, fuels, pallets, etc.) ☐ Yes ☐ No

Describe findings:

Actions needed:

- b. Waste storage and disposal areas ☐ Yes ☐ No

Describe findings:

Actions needed:

- c. Maintenance areas ☐ Yes ☐ No

Describe findings:

Actions needed:

- d. Loading/unloading or shipping/receiving areas ☐ Yes ☐ No

Describe findings:

Actions needed:

- e. Raw material, intermediate product, by-product and final product storage areas ☐ Yes ☐ No

Describe findings:

Actions needed:

Evaluate stormwater management methods

Evaluate each of the stormwater management methods (also called Best Management Practices or BMPs) that you developed for your Stormwater Pollution Prevention Plan (SWPPP). If changes or repairs are needed, make them within seven calendar days and record them in your SWPPP. If the work cannot be done in seven calendar days, put backup methods in place.

Management method	Describe changes or repairs needed	Changes and repairs recorded in SWPPP?
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No

New materials and activities

Describe any materials or activities that are newly exposed to rain, snow, snowmelt, or other runoff since the last inspection. Either move them indoors, or come up with a way to minimize exposure and add it to the management methods section of your Stormwater Pollution Prevention Plan.

New material or activity exposed to stormwater	Choose one:
	☐ Moved indoors ☐ Added to SWPPP
	☐ Moved indoors ☐ Added to SWPPP
	☐ Moved indoors ☐ Added to SWPPP
	☐ Moved indoors ☐ Added to SWPPP

Runoff Inspection

Each year, at least one of your monthly inspections must be done when there is runoff from rain or snowmelt. Visually inspect the runoff for evidence of pollutants. For example, the runoff may have an oily sheen or be rusty, milky, muddy, etc.

Did you conduct a runoff inspection as part of today's inspection? ☐ Yes ☐ No

Runoff was from: ☐ Snowmelt ☐ Rain

Describe the runoff (color, transparency, amount, etc.)

If evidence of pollutants is found, what changes will you make to clean up the runoff, and when will you make the changes?

Oil and grease runoff inspection (if applicable)

Certain industries must do at least two of their 12 monthly inspections when there is runoff from rain or snowmelt, and inspect the runoff for grease or oil sheens. One runoff inspection must be snowmelt.

Does your industry have to do two oil and grease runoff inspections annually? (See Part VII, Sector-specific requirements of the permit)	☐ Yes (continue) ☐ No (done with inspection)
Did you conduct a runoff inspection as part of today's inspection?	☐ Yes (continue) ☐ No (done with inspection)
Runoff was from:	☐ Rain ☐ Snowmelt
Was this the first or second runoff inspection for the calendar year?	☐ 1st ☐ 2nd
Was there an oily sheen?	☐ Yes ☐ No
If yes, have you come up with a management method to prevent the oil or grease from contacting stormwater and added it to the management methods section of your SWPPP?	☐ Yes ☐ No

File this completed inspection with your SWPPP.

Emergency Contacts

EMERGENCY CONTACTS

M.R. Paving & Excavating, Inc.
Kohn Pit
Courtland, MN 56021

Facility Emergency Contacts

- ▲ Timothy Rahe - CEO
Office: 507-354-4171
Cell: 507-276-7400
- ▲ Matt Mathiowetz – Pit Manager
Office: 507-354-4171
Cell: 507-276-3763
- ▲ Jeff Carlson – Pit Supervisor
Office: 507-354-4171
Cell: 507-276-7405

Reporting Contacts:

- | | |
|--|--------------|
| a. Emergency (fire, police, hospital): | 911 |
| b. Minnesota State Duty Officer: | 800-422-0798 |
| c. Minnesota Pollution Control Agency: | 800-657-3864 |
| d. National Emergency Response Center: | 800-424-8802 |

Other Important Numbers

- | | |
|--|---------------------|
| New Ulm Medical Center: | 507-217-5000 |
| New Ulm Fire Department (non-emergency) | 507-359-8225 |
| New Ulm Police Department (non-emergency) | 507-233-6750 |
| Wenck Response Services (24-hour Response contractor) | 800-368-8831 |

SWPPP Training Form

Record of Annual SWPPP Briefing & Training Form
M.R. Paving & Excavating – Kohn Pit
Courtland, MN 56021

Instructions: Facility employees and contractor personnel using the facility will be trained in and informed of preventative measures in place at the facility. Employee training shall be conducted once a year. A copy of this Record will be completed during the training and kept with other SWPPP records at the facility. Add additional pages as needed.

Date: _____

Attendees: _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Items to review during annual training:

1. Ensure operation personnel have adequate understanding of the SWPPP.
2. Personnel shall be instructed in operation and maintenance of equipment to prevent the discharge of oil and other vehicle maintenance chemicals used and stored on-site.
3. Review the Spill Response Actions & Emergency Contacts and ensure that it has been publicized and posted at the facility.
4. Highlight any past spill events or failures and recently developed precautionary measures, spill prevention, containment, and retrieval methods.
5. Ensure spill kits are in place and properly stocked (may conduct exercises with simulated spills to prepare for possible spill response).
6. Review inspection records and annual comprehensive review/report(s).
7. Other subjects and issues (use this as an opportunity for personnel to share recommendations concerning spill prevention and response at the facility).

Updates or changes to the SWPPP based on this training: _____



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
Michaletz Properties Llc	150 St Andrews Ct Ste 210	Mankato MN 56001
Timothy & Brooke Guldán	46198 561st Ave	New Ulm MN 56073
Brenda & James Guldán Living Trust	46194 561st Ave	New Ulm MN 56073
Brian & Judy Rahe	45691 561st Ave	New Ulm MN 56073-9132
David & Grace Stoering Trust	430 Zieske Rd	Courtland MN 56021
Joleen Schugel A Life Estate	55299 456th Ln	Courtland MN 56021-4229
John & Debora Sanford	55452 US Highway 14	Courtland MN 56021
Michael Schuckert & Theresa A Klossner	55532 US Highway 14	Courtland MN 56021
James & Loni Ostermann	55572 US Highway 14	Courtland MN 56021
Ruth Rewitzer	55921 US Highway 14	New Ulm MN 56073
Schugel Family Trust	55299 456th Ln	Courtland MN 56021-4229
Heim Irrevocable Trust	55712 US Highway 14 W	Courtland MN 56021
Mark & Michele Kohn	46091 551st Ave	Courtland MN 56021
State Of Minnesota	2151 Bassett Dr	Mankato MN 56001-6888
Mark Kohn	46091 551st Ave	Courtland MN 56021
Gary Kohn & Timothy Kohn	54650 US Highway 14 - Po Box 69	Courtland MN 56021
Timothy Kohn	46266 547th Ln	Courtland MN 56021
Corey Hulke, Courtland Township	51377 460th St	Courtland MN 56021



NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant/ M.R Paving & Excavating, INC.
Property Owner: Gary Kohn, Timothy Kohn, Mark Kohn,
Ruth Rewitzer

Date: September 19, 2022

File #: PLN22-15

Use Requested: The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, and locate a bituminous/concrete batch-plant and portable wash plant onsite.

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

8. The requested use is reasonably related to the existing land use and environment.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

10. The requested use will/will not (Circle One) have aderse effect upon public health, safety and welfare due to the following other factors:

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Hermanson	☐	☐	☐	☐	
Dave Ubel	☐	☐	☐	☐	
Justin Laven	☐	☐	☐	☐	
Lloyd Hoffmann	☐	☐	☐	☐	
Marie Dranttel	☐	☐	☐	☐	

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE PERMIT AND IN THE RECORD
THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:
(☐ APPROVES) (☐ DENIES)
THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

- ☐ Hermanson
- ☐ Ubel
- ☐ Laven
- ☐ Hoffmann
- ☐ Dranttel
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____ Chair: _____

Floodplain Ordinance & Zoning Map Amendment



SUMMARY OF FLOODPLAIN ORDINANCE CHANGES

The following is a summary of the proposed changes to the Nicollet County Zoning Ordinance pursuant to Minnesota State Statute 375.51 and Minnesota State Statute 331A.01:

Section 2: Intent and Purpose

- 201 Removed a provision requiring the Federal Emergency Management Agency to determine the location of contested Floodplain Zoning District boundaries.

Section 3: Rules and Definitions

- 302 Clarified, added, or removed the following definitions: farm fence, lowest floor, PPSD, substantial damage, substantial improvement, flood fringe, floodplain, floodproofing, regulatory flood protection elevation, flood protection elevation regulatory, and floodway.

Clarified citations.

Section 4: General Provisions

- 401 Clarified grammar.
- 404 Removed a provision relating to nonconforming structures in the Floodplain Zoning District. Added enhanced nonconforming floodplain standards.

Clarified grammar.

Section 5: Variances

- 503 Removed floodplain variance language.
- Added Section 503.4 Floodplain Variance Procedures.
- 505 Added language to allow the prevention of soil erosion and pollution of public waters as a condition.
- Clarified grammar.
- 506 Clarified grammar.

Section 6: Zoning Districts and District Provisions

- 601 Removed FIRM dates of July 21, 1999 and added October 13, 2022.
- Removed Commissioner of Natural Resources.

Changed the location of the Official Zoning Map from the Office of the County Auditor, Office of the County Recorder and the Office of Property Services to PPSD.

Clarified citation.

Clarified gender terminology.

Clarified elevation is the determining factor when conflict exists between the floodplain limits on the Zoning Map and field conditions.

Added farm fences as a permitted use.

Require the floodplain boundaries to be marked on site plans within the Floodplain Zoning District.

Clarified the applicant is responsible to provide plans to a designated engineer when necessary.

Removed the requirement that floodproofed structures be certified by a registered engineer or architect.

Removed recordkeeping requirements for elevation data of new or altered structures.

Clarified noticing to the Department of Natural Resources by email.

Added Subsection 610.9 Recordkeeping, which details document record keeping requirements.

Added Subsection 610.10 Notifications, which details notifications for watercourse alterations, and notifications to the Federal Emergency Management Agency when a watercourse is changed or when the Base Flood Elevation is increased or decreased.

Clarified grammar.

Section 7: Performance Standards

712 Clarified the lowest acceptable elevation for a new dwelling from three (3) feet above the ordinary high water mark to any height above the Regulatory Flood Protection Elevation.

716 Clarified that no structure, fill, or object may increase the velocity of the 500 year flood.

Added provisions requiring that all uses be designed to prevent flotation, collapse, or movement; be constructed with methods and materials resistant to flooding; be safe from flooding and adequately drained to reduce exposure to flooding; not be detrimental to adjoining areas; not affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Added a provision requiring heating, ventilation, duct work, air conditioning equipment, and other service facilities to be elevated at least up to the Regulatory Flood Protection Elevation; Water, sewage, electrical, and other utility lines below the Regulatory Flood Protection Elevation must be constructed so as to prevent water from entering or accumulating within them during flooding.

Added a provision requiring a Public Waters Work Permit from the Department of Natural Resources when altering the current, course, or cross section of a public water.

Clarified all floodplain requirements for public utilities with an enhanced provision, requiring construction to minimize or eliminate flood damage and infiltration of flood waters, banning new solid waste management facilities per Minnesota Rules Part 7035.0300, and referencing Part 4725.4350 for water supply systems. Existing regulations for floodproofing or placement above the Regulatory Flood Protection Elevation have been retained, with the exception of reference to the “floodproofing regulations”.

Removed a requirement that levees, berms, or floodwalls in the floodway shall not cause an increase to the 100-year flood.

Clarified that dredge spoil sites and gravel or sand operations may not be located in a floodplain when the floodway is not delineated.

Removed an alternative allowing conditional approval of dredge spoil sites and mineral extraction operations which would cause rise in the 100-year floodplain, but have a material removal plan.

Removed dry floodproofing as an option for accessory structures in floodplain. Removed references to Federal Emergency Management Agency Floodproofing Bulletins 1-4.

Removed all existing requirements for floodproofed accessory structures, including: Anchoring to prevent flotation and equalize hydrostatic loads; mechanical and utility equipment elevated above the Regulatory Flood Protection Elevation; the placement of fill above the 100-year flood elevation plus floodway stage increase, or higher; the walking surface of the lowest floor is above the Regulatory Flood Protection Elevation.

Clarified that accessory structures must have a low flood damage potential by adding the following standards: construction with the longitudinal axis parallel to the direction of flood flow; placement along the same flood flow lines of adjacent structures; Structures with two (2) or fewer walls may be below the Regulatory Flood Protection Elevation; structures with two (2) or more walls must accommodate for internal flooding or be elevated on fill.

Clarified that elevated accessory structures in floodplain must be certified by a survey and floodproofing must be certified by a registered professional engineer or architect.

Clarified grammar.

Section 9: Separability, Supremacy, and Effective Date

903 Clarify language pertaining to the adoption and effective date of the ordinance.



Zoning Ordinance

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NICOLLET COUNTY ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND AND WATER IN
NICOLLET COUNTY.

THE NICOLLET COUNTY BOARD ORDAINS IN ACCORDANCE WITH
AUTHORITY GRANTED IN LAWS OF MINNESOTA, CHAPTER 394 AS
AMENDED, AS FOLLOWS:

SECTION 1 TITLE, REPEALS

101 TITLE

This Ordinance shall be known, cited and referred to as the Nicollet County Zoning Ordinance and will be referred to herein as THIS ORDINANCE.

102 REPEALS

The existing Nicollet County Zoning Ordinance adopted as amended, is hereby repealed. The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the previous said Nicollet County Zoning Ordinance if the violation is also a violation of this Ordinance.

SECTION 2 INTENT AND PURPOSE

201 INTERPRETATION AND APPLICATION

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes and are adopted for the purpose of:
 - A. Protecting the public health, safety, morals, comfort, convenience, and general welfare.
 - B. Protecting and preserving economically viable agricultural land.
 - C. Promoting orderly development of residential, commercial, industrial, recreational, and public areas.
 - D. Conserving the natural and scenic beauty and attractiveness of the County.
 - E. Conserving and developing natural resources in the County.
 - F. Providing for the compatibility of different land uses and the most appropriate use of land throughout the County.
 - G. Minimizing environmental pollution.
2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment and Appeals shall make the necessary interpretation. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and Appeals and to submit technical evidence. ~~In the case of the floodplain boundary, the Federal Emergency Management Agency (FEMA) will review the technical data and make the necessary interpretation.~~

SECTION 3 RULES AND DEFINITIONS

301 RULES

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

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

302 DEFINITIONS

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. Access – A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
2. Accessory Use of Structure – A land use or structure which is subordinate to and serving the principal use or structure on the same lot, and customarily incidental thereto, including signs, garages, sheds, farm structures, landscaping, fencing, and necessary for the operation of a permitted or an approved permitted use.
3. Administrator, Zoning – The duly appointed person charged with enforcement of this Ordinance.
4. Agricultural Use – The use of land for the growing and/or production and processing for local use of field crops, livestock and livestock products for the production of income including but not limited to the following:
 - A. Field crops, including but not limited to: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, wheat, and tree farming.
 - B. Livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, cats, ponies, deer, rabbits and milk.
 - C. Livestock products, including but not limited to: milk, butter, cheese, eggs, meat, fur, and honey.

The definition includes sale of raw products, but not processing or sale of processed goods. It also includes feedlots.

5. Agricultural Use, Industrial – Agricultural processing in excess of that which would occur on the family farm for local use. The definition includes sale of processed farm goods.
6. Airport or Heliport – Any land or structure which is used or intended for use, for the landing and taking off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways.
7. Animal Unit – A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. Based on Minnesota Rules Chapter 7020, incorporated by reference as amended by the Minnesota Pollution Control Agency.

8. Apartment – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
9. Applicant – See Petitioner.
10. Application – Applications include, but are not limited to, requests to the PPSD for permits, conditional use permits, variances, rezonings, administrative appeals, zoning map amendments, and plats. Applications are not considered complete unless an official electronic application is completed, all associated fees are paid, any necessary preliminary reviews and site visits are completed, and all required information and documents are submitted. Additional information may be requested by the Zoning Administrator to process the request.
11. Application Deadline – The date, as established by the Property Services, by which an applicant shall submit an application for consideration by the Planning and Zoning Advisory Commission or the Board of Adjustment and Appeals.
12. As-Built – Drawings and documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.
13. Authorized Representative – An employee or agent of the Nicollet County PPSD.
14. Automobile or Motor Vehicle Reduction Yard – A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)
15. Awning – A roof-like cover, often of fabric, plastic, metal, or glass, designed and intended for protection from the weather, or as a decorative embellishment, and which projects from a wall or roof of a structure, primarily over a storefront, walk, window, patio, deck, or the like. Any part of an awning which also projects over a door shall be counted as an awning.
16. Basement – Means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
17. Beauty Salon – A place where generally women go for hair styling, tinting, manicures and pedicures.
18. Bed and Breakfast – An owner-occupied dwelling unit where short-term lodging rooms and meals are provided.

19. Bedroom – Any room used principally for sleeping purposes, an all-purpose room, a study, or a den. For the sole purpose of estimating design flows for dwellings, an area that is:
- A. A room designed or used for sleeping; or
 - B. A room or area of a dwelling that has a minimum floor area of seventy (70) square feet with access gained from the living area or living area hallway.

Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

20. Bluffline – A line along the top of a slope connecting the points at which the slope becomes less than twelve (12) percent. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.
21. Boarding House (Rooming or Lodging House) – A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty (20) persons.
22. Board of Adjustment and Appeals – A board established by County ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, Sections 394.21 to 394.37, as amended, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.
23. Boathouse – A one (1) story structure not to exceed fifteen (15) feet in height for the purpose of storage of boats and accessories, the top of which may be used as an enclosed deck with safety railing.
24. Building – A structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
25. Building Line – A line parallel to the street right-of-way line at any story of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

26. Building Line, Shoreland – A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark.
27. Building Height – The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
28. Buildable Lot – A contiguous parcel which will have access by way of a public road. The lot shall also meet current one (1) new dwelling per quarter-quarter standards and current setbacks.
29. Building Setback – The minimum horizontal distance between the building and a lot line.
30. Bulk Storage (Liquid) – Bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of 2,500 gallons in above ground storage containers.
31. Business – Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
32. Business Day – The Nicollet County PPSD hours of operation shall be from 8 a.m. to 4:30 p.m., not including legal holidays.
33. Camping Establishment, Seasonal – Any recreational camping area which operates for a continuous period of six (6) months (183 days) or less during a calendar year.
34. Camping Establishment, Year-Round – Any recreational camping area which operates on a year-round basis, in excess of six (6) months (183 days).
35. Camping Unit – Tents, recreational camping vehicles, or any other device or vehicular-type structure as may be developed, marketed, and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.
36. Campsite – Any plot of ground within a recreational camping area used or intended for the exclusive occupation by a camping unit or units under the control of a camper.
37. Campsite Accessory Storage Structure – Any temporary or permanent structure designed for storage purposes intended for use by occupants of a campsite.
38. Campsite, Dependent – Campsites which do not have sewer connections and are dependent upon a central facility for this utility.

- 39. Campsite, Independent – Campsites which are provided with individual sewer connections.
- 40. Campsite, Seasonal – A campsite intended for occupancy by the same camping unit for a period of thirty (30) days or longer.
- 41. Campsite, Transient – A campsite intended for occupancy by camping unit and rented by the day or week and occupied by the same camping unit for up to thirty (30) days.
- 42. Canopy – A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.
- 43. Carport – An automobile shelter having one or more sides open.
- 44. Certificate of Compliance, SSTS – A document, from a licensed sewage treatment inspector fully licensed by the State of Minnesota or a Qualified Employee, provided to the owner of property on which a dwelling is located which is required to have an SSTS that is not a failing system nor an imminent threat to public health or safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.
- 45. Certified Statement – Is a statement by a licensed or Qualified Employee, identified by license or registration numbers, certifying that the licensed or Qualified Employee completes work in accordance with applicable requirements.
- 46. Church – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 47. Cistern – An artificial reservoir where water is collected and stored for use.
- 48. Class V Injection Well – A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two (2) family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than twenty (20) persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 Code of Federal Regulations Parts 144 & 146).
- 49. Clear Cutting – A regeneration or timber harvesting method that removes essentially all trees from an area in one operation.

50. Cluster System – A SSTS under some form of common ownership that collects wastewater from two (2) or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.
51. Clustering/Cluster Housing – The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
52. Common Interest Community (CIC) – A development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.
53. Compliance Inspection – An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.
54. Comprehensive Plan or Policies – A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the County and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
55. Commercial WECS – A WECS which is equal to or greater than two hundred (200) feet in total height.
56. Commissioner – Commissioner of the Department of Natural Resources and/or Minnesota Pollution Control Agency.
57. Community Water and Sewer Systems – Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.
58. Conditional Use – See “Use, Conditional”.
59. Condominium – A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
60. Conservancy – A zoned area, the purpose of which is to protect the natural resources and manage areas unsuitable for development.
61. Cooperative – A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

- 62. County – Nicollet County, Minnesota.
- 63. County Board – Nicollet County of Board Commissioners.
- 64. Curb Level – The grade elevation of the curb in front of the building as established by the governing body. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
- 65. Deadline Date – The date as established by the PPSD in reference to an application for the Planning and Zoning Advisory Commission or the Board of Adjustment and Appeals.
- 66. Department – The Nicollet County Zoning Administrator, the Environment Services Department, or other designated agent.
- 67. Design Flow – The daily volume of wastewater for which an SSTS is designed to treat and discharge.
- 68. Dewatering (Mineral Extraction) – The pumping, extraction, or removal of surface and subsurface water.
- 69. Distilled Spirits – Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.
- 70. Ditch (public or private) – As defined in under and with reference to the provisions of Minnesota Statutes Chapter 103E.
- 71. Drive-In – Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
- 72. Dwelling – A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.
- 73. Dwelling Attached – A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.
- 74. Dwelling Detached – A dwelling which is entirely surrounded by open space on the same lot.
- 75. Easement – A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

76. Encroachment, Equal Degree of – A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
77. Erosion Control and Wildlife Developments – Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife, including but not limited to; erosion control structures, dams, diversions, terraces, waterways, culverts, pits and ponds.
78. Essential Services – Overhead or underground electric, gas, communication, sewage, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
79. Expansion – Enlargement or intensification; any increase in a dimension, size, area, volume or height, any increase in the area of use, any placement of a structure or part thereof where none existed before.
80. Exterior Storage (including open storage) – The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
81. Failing Systems – Any ISTS that fails to protect groundwater, discharges sewage to a seepage pit, drywall or leaching pit and any system constructed prior to June 3, 1997 with less the two (2) feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition any system posing an imminent threat to public health or safety as defined in Minnesota Rules 7080.0020 Subpart 19a shall be considered failing.
82. Failure to Protect Groundwater – At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in Minnesota Rules Chapter 7080.1500 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions shall be made by a Qualified Employee or an individual licensed inspector.
83. Family – An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
84. Farm – A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

85. **Farm Fence** – An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, Section 344.02, Subdivision 1(a)-(d).
86. **Farm Winery** – A winery operated by the owner of a Minnesota farm which produces table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota.
87. **Feedlot** – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.
88. **Feedlot, New** – A feedlot permitted after the adoption of the December 12, 2000 Ordinance revision.
89. **Felling** – The process of severing trees from stumps.
90. **Fence** – A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.
91. **Flood** – A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
92. **Flood Frequency** – The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
93. **Flood Fringe** – That portion of the floodplain which is located outside of the floodway and which has been or hereafter may be covered by ~~the regional flood the 0.2-percent annual chance (500 year) flood. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Nicollet County.~~
94. **Floodlight** – A device which casts a wide beam of light, between forty-five (45) and one hundred and twenty (120) degrees.
95. **Flood Plain Floodplain** – The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the ~~regional flood~~ 0.2-percent annual chance (500 year) flood.

96. ~~**Flood Proofing**~~ Floodproofing – A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages. ~~For the purposes of this Ordinance, the classification of buildings and structures (FP-1 through FP-4 shall be as defined in Section 210.1 of the 1972 Edition of “Flood Proofing Regulations,” as developed by the Office of Engineers, U.S. Army, Washington, D.C., and adopted by reference and declared to be a part of this Ordinance.~~

~~96. Flood Protection Elevation, Regulatory—A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofing.~~

97. Floodway – The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining ~~flood plain~~ floodplain, which are reasonably required to carry or store the regional flood discharge ~~without cumulatively increasing the water surface elevation more than one-half (.5) foot.~~
98. Floor Area – The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor areas shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
99. Floor Area Ratio – The numerical value obtained through dividing the gross floor area of a building or buildings by the net areas of the lot or parcel of land on which such building or buildings are located.
100. Floor Plan, General – A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
101. Forestry – The use and management of a forest, woodland, or plantation for commercial, research, and educational activities, including timber harvesting and the construction, alteration, or maintenance of wood roads, skidways, landings, and fences.
102. Frontage – That boundary of a lot which abuts an existing or dedicated public street.
103. Garage – An accessory building or portion of the principal building which is intended for and used to store the private passenger vehicles of the family or family’s resident upon the premises.

104. Governing Body – Nicollet County Board of Commissioners.
105. Government Buildings – Government offices, garages, and utility buildings.
106. Habitable Room – A space used for living, sleeping, eating or cooking, or a combination thereof, but not including bathrooms, toilet compartments, closets, halls storage rooms, laundry and utility rooms, cellars and similar spaces.
107. Highly Permeable Soil – Means soils whose soil leaching potentials are rated as severe, poor filter for pesticide loss, by the Natural Resources Conservation Service using the procedure found in part 620, Soil Interpretation Rating Guides of the United States Department of Agriculture-Natural Resources Conservation Service National Soil Survey Handbook.
108. Highway – Any public thoroughfare or vehicular right-of-way with a federal, state or county numerical route designation.
109. Holding Pond – An impoundment made by excavation, earth fill, concrete, fabricated steel or other suitable material for the safe non-water polluting temporary storage of animal or other agricultural waste, usually for a period of six (6) to twelve (12) months.
110. Home Occupation – Any occupation or profession engaged in by the occupant of a dwelling which is clearly secondary to the principal use of the property as a residence, when carried on within said dwelling, or an accessory building or structure located on the same property. The occupant engaged in the home occupation must legally and physically reside at the location on which the home occupation is permitted.
111. Horse Stable – A horse raising and breeding operation that involves traffic of persons living offsite in connection with horse training, riding lessons, shows and boarding.
112. Horticulture – Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
113. Hotel – A building which provides a common entrance, lobby, halls and stairway and in which twenty (20) or more people are, for compensation, lodged with or without meals.
114. Hunting Shack – A limited use structure, the purpose of which is for the enjoyment of the natural environment, which may or may not be utilized for overnight shelter and/or short term habitation, with no indoor plumbing, and which is greater than sixty-four square feet in size.
115. Incorporation – The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as disking, plowing, rototilling, injection or other mechanical means.

116. Imminent Threat to Public Health and Safety – At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions shall be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Article IV Section 5 hereof, as amended.
117. Indemnification Agreement – An agreement provided to the County and signed by the permittee which indemnifies and saves the County, holding it harmless from all losses, damages, costs and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provision of this Ordinance.
118. Individual Sewage Treatment System (ISTS) – An individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, Sections 115.03 and 115.55, as amended, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevated final grade that are designed to receive a sewage design flow of five thousand (5,000) gallons per day or less. ISTS includes the holding tanks and privies that serve these same facilities. ISTS does not include building sewers or other components regulated under Chapter 4715 or collection systems.
119. Industrial Sewage Waste – Sewage containing waste from activities other than sanitary waste from industrial activities including, but not limited to, the following uses defined under the Standard Industrial Classification (SIC) Codes established by the U.S. Office of Management and Budget.
120. Inspector – An individual qualified to review proposed plans and inspect SSTS and who meets the licensure and registration requirements of the Minnesota Pollution Control Agency.
121. Intersection Functional Area – The functional area on the approach to an intersection or driveway consists of three basic elements: (1) perception reaction distance, (2) maneuver distance, and (3) queue-storage distance. The maneuver distance includes the length needed for both braking and lane changing when there is a left or right turning lane. In the absence of turn lanes, the maneuver distance is the distance to brake to a comfortable stop. For all roads in the County, the intersection functional area is set at six hundred (600) feet from the intersection as measured at the intersecting point of the right of ways of the roads.
122. Irrigation System – Any structure or equipment, mechanical or otherwise, used to supply water to cultivate fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

123. Junk Yard – An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to: scrap iron, and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
124. Kennel, Dog/Cat – Commercial Boarding – A commercial boarding kennel is a for-profit activity where dogs/cats are brought to the facility by their owner and boarded for limited periods of time. Boarded animals are kept separate, are not allowed to engage in breeding, and are not for sale.
125. Kennel, Dog/Cat – Commercial Breeding – A commercial breeding kennel is a commercial activity where four (4) or more dogs/cats over six (6) months of age are kept for breeding purposes, engage in breeding activities and birthing, and where resulting young are raised for sale.
126. Kennel, Dog – Commercial Guard, Attack, or Personal Protection Training – A facility which trains, sells, rents, leases, or loans guard dogs for the purpose of defending, patrolling, or protecting properties or persons.
127. Kennel, Dog/Cat – Commercial Training – A facility used for training dogs/cats either individually or in classes. Said facility may include training in obedience, search and rescue, substance detection, or assistance to individuals with disabilities, but shall not include guard, attack, or personal protection dog training.
128. Lagoon (Animal) – An impoundment made by excavation of earth fill for the safe non-water polluting biological treatment of animal or other agricultural waste.
129. Land Excavation – Any non-agricultural artificial digging and removal of earth exceeding fifty (50) square feet of surface area of two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, breaking or undermining the surface of the earth.
130. Land Spreading – The placement of septage of human waste from septic or holding tanks on or into the soil surface.
131. Land Use – Any activity that involves use of the land or environmental quality involving structures, alteration of the land form or alteration of land, air or water quality. This includes, but is not limited to, buildings, essential services, agriculture, natural resource harvesting, commerce, industry, residential development, and storm water systems.
132. Land Use Development Application – The term includes, but is not limited to, applications for the following: construction permits, ISTS permits, vegetative

alteration permits, topographic alterations permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the PPSD unless all fees are paid, preliminary reviews and approvals are completed, associated supporting information and documents are submitted, and such other information as required by the Zoning Administrator.

- 133. Landfill, Demolition – A place for the disposal of demolition wastes including waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition.
- 134. Landfill, Solid Waste – A place for the disposal of solid waste including garbage, refuse and other discarded solid materials resulting from residential, commercial, industrial and community activities.
- 135. Landscaping – Plantings such as trees, grass, and shrubs.
- 136. Livestock Waste Lagoon – A bermed enclosure for disposal of livestock waste by natural process.
- 137. Lodging Room – A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.
- 138. Logging – See Timber Harvesting.
- 139. Lot – A parcel or portion of land, separated from other parcels or portions by description as on a subdivision or record of survey map, or recorded metes and bounds description for the purpose of sale or lease or separate use thereof. See Property.
- 140. Lot Area – The area of a lot in a horizontal plane bounded by the lot lines.
- 141. Lot Area, Buildable – That contiguous portion of a lot remaining after the deletion of any floodplain, road right-of-ways, setback areas, wetlands, slopes of twelve (12) percent or greater, and protected waters.
- 142. Lot Corner – A lot situated at the junction of, and butting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-five (135) degrees.
- 143. Lot Depth – The mean horizontal distance between the front lot line and the rear lot line of a lot.

144. Lot Line – The property line bounding a lot except that where any portion of a lot extends into the public right-of-way. The right-of-way line shall be the lot line for applying this Ordinance.
145. Lot Line, Front – That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimensions on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Board.
146. Lot Line, Rear – That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
147. Lot Line, Side – Any boundary of a lot which is not a front lot line or a rear lot line.
148. Lot of Record – Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey of Subdivision of land by metes and bounds description that has been recorded in the office of the County Recorder for Nicollet County, Minnesota.
149. Lot, Substandard – A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.
150. Lot, Through – A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
151. Lot Width – The horizontal distance between the side lot lines measured at the building setback line.
152. **Lowest Floor - The lowest floor of the lowest enclosed area (including basement).**
153. Malfunction – The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.
154. Management Plan – A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations, including a planned course of action in the event a system does not meet performance expectations.
155. Manufactured Home – Manufactured homes are living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A manufactured home will be defined by

reference to the latest publication of the Federal Manufactured Home Construction and Safety Standards Act of 1974 and Minnesota Statutes, Chapter 327.

- 156. Manufactured Home, Derelicts – Means any pre-code manufactured home or manufactured home that no longer complies with the Minnesota Manufactured Home Code. This definition is applicable when said manufactured home is parked, stored, or abandoned and when it is no longer fit (or being used) for human habitation.
- 157. Manufactured Home Park – Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structure, vehicle or enclosure intended for use as part of the equipment of such manufactured home park.
- 158. Manufactured Home Stand – The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.
- 159. Marquee – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
- 160. Meteorological Tower – Towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
- 161. Metes and Bounds Description – A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
- 162. Micro-WECS – A WECS which is less than one hundred (100) feet in total height.
- 163. Midsized Subsurface Sewage Treatment System (MSTS) – A midsized subsurface sewage treatment system under single ownership that receives sewage from dwellings or other establishments having a design flow of more than five thousand (5,000) gallons per day to a maximum of ten thousand (10,000) gallons per day.

164. Migratory Labor Camp – Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.
165. Mineral Extraction – The definition of mineral extraction includes, but is not limited to, the following activities:
- A. Any process or method of extracting, mining, digging, excavating, drilling, blasting, tunneling, dredging, stripping, or removing metals, minerals, or materials from the land surface or underground.
 - B. The processing, crushing, washing, separation, compounding, cleaning, screening, filtering, sorting, stockpiling, mixing, blending, and storage of extracted material.
 - C. The removal and transportation of extracted material.
 - D. All activities occurring at extraction sites, including sites identified as quarries and sand pits.
166. Mineral Extraction Facility – Any area that is being used for the removal, stockpiling, processing, transportation, or storage of extracted metals, minerals, or materials; any area where an activity occurs which meets the definition of mineral extraction, as defined in this Ordinance.
167. Mineral Extraction Operation – The process, or series of actions, involved in mineral extraction, including all removal, processing, transportation, and storage of minerals and their related structures and equipment
168. Mineral Extraction Operator – Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.
169. Mineral Extraction Site – The property on which mineral extraction is permitted.
170. Mining – See Mineral Extraction.
171. Minor Repair – The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition provided it is not failing to protect ground water or an imminent threat to public health and safety. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.
172. Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

173. Motel (Tourist Court) – A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
174. Mottling – As applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown, or grey in the soil. In subsoils with a color value of four (4) or more, the term mottling also includes soil having matrix colors with chroma of two (2) or less as described in “Keys to Soil Taxonomy” 5th edition, 1992 Soil Management Support Services, technical monograph No. 19, which is incorporated by reference.
175. MPCA – Minnesota Pollution Control Agency.
176. Multiple Dwelling (Apartment Building) – Three or more dwelling units in one (1) structure.
177. Non-Commercial WECS – A WECS equal to or greater than one hundred (100) feet in total height, but less than two hundred (200) feet in total height.
178. Notice of Noncompliance – A document written and signed by a certified inspector after a compliance inspection that gives notice that an ISTS is not in compliance as specified under part Minnesota Rules Chapter, 7080.1500, as amended.
179. Nursery – A tract of land that is principally used for the planting and growing of trees, flowering and decorative plants, and shrubs, for experimental purposes or for transplanting.
180. Nursery, Retail – The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
181. Nursery, Wholesale – The growing, cultivation, storage and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail nurseries.
182. Nursing Home – A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provide for in Minnesota Statute, Section 144.50, as amended.
183. Obstruction – Any dam, wall, wharf, embankment, levee, berm, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse, or regulatory ~~flood plain~~ floodplain which may impede,

retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

- 184. Off Street Loading Space – A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one (1) vehicle of the type typically used in the particular business.
- 185. Open Sales Lot (Exterior Storage) – Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise, and for the storing of same under the open sky, prior to sale.
- 186. Operating Permit – A permit required for an MSTs, Type IV and Type V systems or any other system deemed by the Department to require operational oversight. Operating permits shall include monitoring and maintenance requirements and a mitigation plan.
- 187. Ordinary High Water Mark – A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water; the main channel, adjoining side channels, backwaters and sloughs.
- 188. Parcel – See Property.
- 189. Parking Space – A suitable surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store a standard automobile.
- 190. Pasture – A fenced in area for livestock where a vegetative cover is maintained.
- 191. Pedestrian Way – A public or private right-of-way across or within a block to be used by pedestrians.
- 192. Permeability – The maximum rate of water movement through the soil, usually expressed in inches per hour.
- 193. Petitioner – The owner of the land or their legally appointed representative who is seeking action on a request submitted to the PPSD for permits, a variance, a conditional use permit, or any other official control administered by the department.

- 194. Pipeline – An essential service that involves underground piping of flammable or hazardous material, not including distribution of natural gas to area users (service lines).
- 195. Planned Unit Development (PUD) – See Common Interest Community.
- 196. Planning Commission – The Planning and Zoning Advisory Commission of Nicollet County, except when otherwise designated. See Planning and Zoning Advisory Commission.
- 197. Planning and Zoning Advisory Commission – The County Planning Commission, created by ordinance with the responsibility for reviewing and approving applications for development, preparation of plans, and other duties as specifically provided for in the State Enabling Act.
- 198. **PPSD – The Nicollet County Property and Public Services Department.**
- 199. Prefabricated Home – A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.
- 200. Principal Structure or Use – One which determines the predominant use as contrasted to accessory use or structure.
- 201. Property – A lot, site, parcel, or tract of land together with the buildings and structures located thereon.
- 202. Property Line – The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.
- 203. Protective Covenant – A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- 204. Public Land – Land owned or operated by municipal, school district, county, state or other governmental units.
- 205. Qualified Employee – A state or local government employee who designs, installs, maintains, pumps, or inspects SSTS as part of the person’s employment duties and is listed on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.
- 206. Quarter/Quarter Section – A division of a section of land according the survey and rules of the original United States Government Land Survey, containing approximately forty (40) acres.
- 207. Reach – A term used to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment

of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

208. Reclamation – To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.
209. Recreation, Commercial – Includes uses relating to outdoor recreation, such as hunting and shooting facilities, shooting ranges, driving ranges, and golf courses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public. The definition does not include recreational camping areas, movie theaters, bowling alleys, or lodging facilities.
210. Recreation Equipment – Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats, and trailers not exceeding twenty (20) feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, or play houses exceeding twenty five (25) square feet of floor area, or sheds utilized for storage of equipment.
211. Recreation, Public – Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
212. Recreational Camping Area – Any area whether privately, or publicly, owned, used for the accommodation of five or more camping units free of charge or for compensation. This definition is not intended to include: children's camps, industrial camps, migrant labor camps, United States Forest Service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area, as defined by Minnesota State Statute.
213. Recreational Camping Vehicle – Recreational camping vehicles include the following:
 - A. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation use.
 - B. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
 - C. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

- D. Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.
214. Recreational Camping Vehicle Addition – Any attachment to a recreational camping vehicle, including, but not limited to, decks, screened porches, solid walled additions, or any combination thereof.
215. Redoximorphic Features – Redoximorphic concentrations, redoximorphic depletions, reduced matrices, a positive reaction to alpha, alpha-dipyridyl, and other features indicating the chemical reduction and oxidation of iron and manganese compounds resulting from saturation.
216. Refuse – Putrescible and non-putrescible solids wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ashes, incinerator residue, street cleanings, and market and industrial solid wastes, and sewage treatment wastes which are in a dry form.
217. Regional Flood – A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 1 ~~%~~-percent flood / one hundred (100) year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.
218. Registered Land Survey – A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.
219. Regulatory Flood Protection Elevation—~~The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.~~
- A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed.
220. Road – A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.
221. Road Impact Agreement – A negotiated and legally binding arrangement between a party, or parties, and a road authority. The arrangement concerns real or

potential impacts to public infrastructure (e.g. a public road) resultant from the actions of the party.

- 222. Roof – The exterior surface and its supporting structure on the top of a building or structure.
- 223. Roof line – The upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade.
- 224. Rural Repair Garage – General repair, maintenance, rebuilding, and reconditioning of small engine, automobile, truck, trailer, marine, and farm implement motor vehicles, machinery, and equipment.
- 225. Rutting – The creation of linear depressions with significant soil displacement and/or tearing of the root mat by the tires or tracks of vehicles, often under wet conditions.
- 226. Saturated Soil (or seasonal high water table) – The upper surface of the zone of soil (or underlying material) that is saturated by water.
- 227. Searchlight – A device which casts a narrow beam of light, less than forty-five (45) degrees.
- 228. Seasonal Produce Stand – A temporary stand, structure, or place that is used for the seasonal selling of fresh fruit and vegetable produce grown on the property.
- 229. Selective Cutting – The removal of individual scattered trees.
- 230. Septage – Solids and liquids that are removed from an SSTS and includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets. Waste from Type III marine sanitation devices, as defined in Code of Federal Regulations, Title 33, Section 159.3, as amended, and material that has come into contact with untreated sewage within the past twelve (12) months is also considered septage.
- 231. Sewage – Means waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners and other constituents in sewage restricted to amounts normally used for domestic purposes.
- 232. Shoreland – Land located within the following distances from public waters:
 - A. One thousand (1,000) feet from the normal high water mark of a lake, pond or flowage; and

- B. Three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater.

The practical limits of Shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner.

233. Shoreland Setback – The minimum horizontal distance between a structure and the normal high water mark.
234. Sign – A name, identification, description, display, illustration, object, or device which is affixed to, or represented directly or indirectly upon, a building, structure, or land in view of the general public and which directs attention to a product, service, place, activity, person, institution, business, destination, event, or organization by any means, including, but not limited to, words, letters, figures, designs, symbols, fixtures, colors, drawing, pictures, illumination, animation, or video.
235. Sign, Abandoned – Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or longer. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.
236. Sign, Dynamic Display – Any sign that appears to have movement or appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement is in the display, the sign structure, or any other component of the sign, including, but not limited to, any flashing, blinking, animated, or video display, and any sign that incorporates rotating panels, LED lights or screens manipulated through digital input, or any other method or technology that allows the sign to present a series of images or messages.
237. Sign, Flashing – An exteriorly or interiorly illuminated sign which exhibits changing light intensity or color effect by any means, so as to provide pulsing intermittent illumination, including the illusion of pulsing intermittent flashing light by means of animation or video, and also any mode of lighting that resembles blinking, zooming, twinkling, or sparkling.

238. Sign, Height of – The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
239. Sign, Illuminated – Any sign which has characters, letters, figures, designs or outlines illuminated by an exterior or interior artificial light source.
240. Sign, Interior – A sign which is located within the interior of any building, or within an enclosed lobby or court of any building.
241. Sign, Legally Established Nonconforming – Any sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirements of this Ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this Ordinance and which does not comply with this Ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed an illegal sign.
242. Sign, Off-Premise – A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold, or offered upon the premises where such sign is located.
243. Sign, On-Premise - A sign which directs attention to a business, commodity, service, activity, or entertainment conducted, sold, or offered upon the premises where sign is located.
244. Sign, Pole – See Pylon sign.
245. Sign, Projecting – Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface, wall, or building face.
246. Sign, Pylon – A freestanding sign erected upon a single pylon or post, which is in excess of ten (10) feet in height with the sign mounted on the top thereof.
247. Sign, Roof – Any sign erected and constructed wholly on or above the roof of a building and supported by the roof structure.
248. Sign, Rotating – A sign which revolves or rotates on its axis by mechanical means.
249. Sign, Surface Area of – The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one (1) side of a double face or V-type sign structure shall be used in computing total surface area.

250. Sign, Temporary – Any sign which is intended to be displayed for a period of two (2) weeks or less and is not permanently affixed to the ground or a structure including, but not limited to, balloons, banners, blimps, flags, freestanding signs, pennants, posters, reader boards, or portable signs. Signs that are not temporary shall be considered to be permanent.
251. Sign, Wall – Any sign affixed to, or otherwise supported by, a building which is attached parallel to, but within two (2) feet of a wall, or erected and confined within the limits of, an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.
252. Silica Sand – Sand having composition and grain-size distribution suitable for industrial applications, including, but not limited to, use in the hydraulic fracturing process. Characteristics of silica sand include: spherical shape, high silica (silicon dioxide, or quartz) content, hardness (can withstand high pressure), uniform particle shape, and larger grain size, found primarily in high concentration in the Jordan and Wonewoc Geologic Formations.
253. Site – See Property.
254. Site Plan – The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority. At the discretion of the Zoning Administrator or their designated representative may relieve the applicant of some of the submission requirements.
255. Slashings – Residual woody material created by timber harvesting or timber stand improvement.
256. Solar Energy System – A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar energy. This definition also includes structural design features, the purpose of which is to provide daylight for interior lighting.
257. Solar Energy System, Large – A solar energy system with a nameplate capacity of forty (40) kilowatts or more.
258. Solar Energy System, Small – A solar energy system with a nameplate capacity of less than forty (40) kilowatts.

259. Solar Energy System, Reflecting – A solar energy system that employs one (1) or more devices designed to reflect solar radiation onto a solar collector. This definition includes systems of mirrors that track and focus sunlight onto collectors located at a focal point. The collectors may be thermal or photovoltaic.
260. Solid Waste – Means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. (Waste Management Act of 1980 and related acts and laws.)
261. State – The State of Minnesota.
262. Story – That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
263. Street – A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.
264. Street, Collector – A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.
265. Street, Major or Thoroughfare – A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
266. Street, Local – A street intended to serve primarily as an access to abutting properties.
267. Street, Pavement – The wearing or exposed surface of the roadway used by vehicular traffic.
268. Street, Width – The width of the right-of-way, measured at right angles to the centerline of the street.
269. Structure – A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface land or water; or attached to something having a permanent location on the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the

exemption criteria specified in this Ordinance, dense vegetation used for screening or windbreaks, including trees and landscaping along a public road, and cisterns.

270. Structural Alteration – Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
271. Subdivision – A subdivision is the dividing of any parcel of land into two (2) or more parcels. The definition includes both platted and unplatted subdivisions.
- A. Platted Subdivision – If any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels shall be platted in accordance with the terms and procedure of the Nicollet County Subdivision Regulations.
 - B. Unplatted Subdivision – A division of any parcel of land into two (2) or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no new road is involved. These do not require platting.
272. Substantial Damage – Damage of any origin sustained by a structure within the Floodplain District where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
273. Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure within the Floodplain District, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by Nicollet County and which are the minimum necessary to assure safe living conditions; or
 - B. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. For the purpose of this Ordinance, “historic structure” is defined in Title 44 CRF § 59.1.

274. Subsurface Sewage Treatment System (SSTS) – An individual sewage treatment system as defined in ~~part MR Chapter Minnesota Rules~~, Part 7080.1100, Subpart 41, or a mid-sized sewage treatment system as defined in Minnesota Rules, Part 7081.0020, ~~Ssubpart 4. as published in the State Register, volume 31, page 1027, and as subsequently adopted, as applicable.~~
275. Timber – Trees which because of their species, size, quality, and number are marketable.
276. Timber Harvesting – The felling and removing of five thousand (5,000) or more board feet of timber on any public or private land for the purpose of selling the timber for profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or terminally diseased trees.
277. Toilet Waste Treatment Devices – Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.
278. Townhouse – A single family dwelling attached by party walls with other single family dwellings, and oriented so that all exits open to the outside.
279. Tract – See Property.
280. Transfer of Property – The act of a party by which the title to property is conveyed from one (1) person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.
281. Tree Removal – The felling and removal of trees, or other woody material, from any public or private land for non-commercial purposes.
282. Travel Trailer – A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term “trailer” shall include camp car, camp bus, camper, and house car. A permanent foundation shall not change its character unless the entire structure is built in accordance with the standards as found in the Minnesota Building Code.
283. Type I System – An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.
284. Type II System – An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions

acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

- 285. Type III System – An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.
- 286. Type IV System – An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing.
- 287. Type V System – An ISTS designed by a Professional Engineer that does not meet the prescriptive designs for Types I-IV. Type V systems shall meet the public health and safety standards of Minnesota Rules Chapter 7080.1500.
- 288. Use – The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
- 289. Use, Accessory – A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
- 290. Use, Conditional – Means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - A. Certain conditions as detailed in this Ordinance exist; and
 - B. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- 291. Use, Non-Conforming – Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
- 292. Use, Permitted – A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- 293. Use, Principal – The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.
- 294. Variance – A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a

specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

- 295. Vehicle – Car, truck, motorcycle, recreation vehicle or similar equipment which is permitted by license to operate on public roads.
- 296. Vehicle, Inoperable – Any vehicle from which the engine, wheels or other essential parts have been removed, or on which the engine, wheels or other essential parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power and has no substantial potential for further use consistent with its usual functions.
- 297. Vehicle, Junk – Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.
- 298. Vehicle, Motor – A self-propelled device licensed as a motor vehicle and used for transportation of people or goods over roads.
- 299. Vehicle, Recreational – A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.
- 300. Vertical Separation – The vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.
- 301. Vineyard – An area where grapes or other agricultural products are grown in order to produce wine.
- 302. Warehouse – A building used primarily for the storage of commercial goods, products, cargo, and other materials.
- 303. Wetland – Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.
- 304. Width (Structure) – The narrowest side, regardless of setting.
- 305. Wildlife Management Area – A lot or lots where the main land use is for promotion of wildlife through raising of feed or provision of environmental conditions.
- 306. Wind Energy Conversion System (WECS) – A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers,

substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.

- 307. Wine – The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one-half ($\frac{1}{2}$) of one (1) percent nor more than twenty-four (24) percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in Minnesota State Statute.
- 308. Wine, Fortified – Wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than twenty-four (24) percent alcohol by volume for nonindustrial use.
- 309. Wine, Table or Sparkling – A beverage made without rectification or fortification and containing not more than twenty-five (25) percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.
- 310. Wine Tasting Room – A room in conjunction with a farm winery where the following may occur:
 - A. Tasting of wine or non-alcoholic fruit juices takes place at a charge or no charge to the individual.
 - B. The retail sales of winery products, incidental retail sales of non-food items, products by the bottle for off-premises consumption, and packaged food items are allowed. Gratuitous offerings of cheese, crackers, or condiments associated with wine sampling are allowed.
- 311. Winery, Special Events – Events that are above the normal tasting or sales activities for a farm winery, such as charitable, religious, or other non-profit organization, promotional, or tour group events.
- 312. Yard – A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky and underground essential service except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or with specified in the setback regulations for the zoning district in which such lot is located.
- 313. Yard, Front – A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

- 314. Yard, Rear – The portion of the yard on the same lot with the principal structure located between the rear line of the structure and the rear lot line and extending for the full width of the lot.
- 315. Yard, Side – The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
- 316. Zoning Amendment – A change authorized by the County Board either in the allowed use within a district or in the boundaries of a district.
- 317. Zoning District – An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.

SECTION 4 GENERAL PROVISIONS

401 APPLICATION OF THIS ORDINANCE

1. The jurisdiction of this Ordinance shall apply to all the area of Nicollet County outside of incorporated municipalities.
2. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
3. No land use shall hereby be permitted in any manner which is not in conformity with this Ordinance. This Ordinance divides the County into zoning districts in which only specified permitted and conditionally permitted uses are allowed. Land uses are further regulated with standards relating to some activities and most physical development. Provisions are provided for amending the regulations and for variances to some provisions.

~~A.~~ USES NOT PROVIDED FOR IN ZONING DISTRICTS

In any zoning district, a use is neither specifically listed as permitted or a conditional use shall be considered prohibited.

In allowing and regulating land uses, the following will be considered as new uses and shall meet the provisions herein unless otherwise stated: extensions, additions, and increases in intensity.

4. Permits, conditional use permits, or Shoreland Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 8 of this Ordinance.
5. Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodplain District, all uses not listed as permitted uses or conditional uses in Section 610 of this Ordinance, shall be prohibited. In addition, a caution is provided here that:
 - A. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures

or land are regulated by the general provisions of this Ordinance and specifically Section 404 of this Ordinance; and

- B. As-built elevations for elevated or ~~flood-proofed~~ floodproofed structures shall be certified by ground surveys, and ~~flood-proofing~~ floodproofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section ~~644~~ 716 of this Ordinance.

402 SEPARABILITY

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

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

403 EXISTING LOTS

A substandard lot of record may be used for that or those purposes as described in its district provided that it has direct access to a public right-of-way and that all other provisions of this Ordinance are complied with.

404 NON-CONFORMING USES AND STRUCTURES

1. Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for a certain period of time subject to the following conditions:
 - A. No such use or structure shall be expanded, changed, altered or enlarged except in conformity with the provisions of this Ordinance, nor shall such expansion, change, alteration or enlargement increase the non-conformity of use.
 - B. If a non-conforming use is discontinued for a period of twelve (12) months, further use of the structures or property shall conform to this Ordinance. The County Assessor shall notify the Zoning Administrator or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve (12) consecutive months.

- C. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty (50) percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
- D. Normal maintenance of a dwelling or other structure containing or related to a lawful non-conforming use is permitted, including necessary repairs and incidental alterations which do not extend or intensify the non-conforming use.
- ~~E. In the case of non-conforming uses or structures within the Floodplain District, the following conditions apply in addition to (A) to (D) above:~~
 - ~~i. Alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the "Flood Proofing Regulations", except as further restricted in (ii) below.~~
 - ~~ii. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls shall be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost place on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure shall meet the standards of Section 610 of this Ordinance for new structures.~~
- E. Structures within the Floodplain District which have been substantially damaged or will be substantially improved, as defined by this Ordinance, shall meet the standards for a new structure as listed in Sections 610 and 716 of this Ordinance. A determination of damage or improvement must be made in accordance with the following procedures:
 - i. Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

- ii. Estimate the cost of the project. The property owner shall allow for an inspection, and furnish other documentation needed by the Zoning Administrator to evaluate costs.
 - (a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one (1) year.
 - (b) Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if the structure is being restored beyond its pre-damaged condition.
- iii. Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure.
 - (a) For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

Based on this determination, the Zoning Administrator shall prepare a determination letter and notify the property owner of the determination. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this Ordinance.

- 2. Uses that existed previously and would be considered as conditional uses under the present Ordinance are not non-conforming, but are considered as legal conditional uses.

405 ZONING COORDINATION

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to the Planning Commission, and the adjacent community for review and comment prior to action by the County Board granting or denying the zoning district classification change.

A period of at least thirty (30) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

406 ZONING AND THE POLICIES PLAN

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

503 VARIANCES

503.1 CRITERIA FOR GRANTING VARIANCES

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the official control creates practical difficulties for the property owner in the use of their land.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. No variance shall ~~have the effect of allowing the Floodplain District a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area~~ or permit standards lower than those required by state law. A variance may be granted only in the event that the following circumstances exist:

1. The variance is in harmony with the general purposes and intent of the official control?
2. The variance is consistent with the intent of the comprehensive plan?
3. The variance establishes a practical difficulty in complying with the official controls?
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
5. The variance will not alter the essential character of the locality?
6. The practical difficulty includes more than economic considerations alone?

503.2 CRITERIA FOR GRANTING AFTER-THE-FACT VARIANCES

In consideration of an after-the-fact variance request, and in addition to the criteria listed in Section 503.1, the Board shall take into consideration the following:

1. Did the applicant make a good faith effort to obtain a zoning permit prior to completion of the construction?
2. In relation to the subject variance, are there similar structures in the area?
3. Does the burden on the applicant of compliance outweigh the benefit to the County?
4. Was the act of the violation by the applicant unintentional?

503.3 PROCEDURES

1. The petitioner applying for a variance shall complete an official variance application with the Zoning Administrator or their designated representative. The petitioner's request will be heard at the next available Board of Adjustment and Appeals meeting.

Unless otherwise determined by the Zoning Administrator, the following information shall be submitted at the time of application:

- a. A legal description.
- b. A survey of the property completed by a licensed surveyor in the State of Minnesota; the survey shall depict the purpose of the request, including the proposed structure/addition and the calculated distance of the variance request.
- c. A site plan showing minimally the locale, size, shape, and use of all existing buildings and all proposed buildings, and the width and depth of existing or proposed yards of the property.

- d. ~~If an applicant is requesting a variance from floodplain elevation the Zoning Administrator shall notify the applicant that:~~

~~i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.~~

~~ii. Such construction below the one hundred (100) year or regional flood level increases risks to life and property.~~

~~Such notification shall be maintained with a record of all variance actions. The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in an annual or biennial report submitted to the Administrator of the National Flood Insurance Program.~~

2. The Zoning Administrator shall refer the application to the Board for review.
3. The Board shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities in the County. In unincorporated areas of the County, property owners of record within five hundred (500) feet of the affected property or the nearest ten (10) landowners, whichever is greater, shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within five hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a

~~variance. If the variance request is for land lying within the Floodplain District, the Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances so that the Commissioner will receive notice at least ten (10) days prior to the hearing.~~

4. The petitioner or his/her representative shall appear before the Board in order to answer questions concerning the proposed variance.
5. The Board must take action on the application within sixty (60) days after receiving the application. If the Board grants the variance, the Board may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
6. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions.
7. The Board may impose conditions in the granting of variances. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 8.
- ~~8. A copy of all decisions granting variances in the Floodplain Zoning District shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.~~
8. All decisions by the Board in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within thirty (30) days, after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.
9. Variance applications shall be submitted no later than 3:30 p.m. on the deadline date for the next available meeting.
10. Following denial of an application for a variance, no similar, or substantially similar, application for a variance on the same property, from the same standard, shall be filed for six (6) months from the date of denial.

503.4 FLOODPLAIN VARIANCE PROCEDURES

~~In addition to the procedures listed in 503.3, variance requests in the Floodplain District must comply with this section.~~

1. Adherence to State Floodplain Management Standards. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
2. Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - B. Variances may only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - C. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Flood Insurance Notice. The Zoning Administrator shall notify the applicant for a variance in writing that:
 - A. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - B. Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
4. Additional Criteria for Approval. The Board may consider the following factors in granting variances and imposing conditions on variances in the Floodplain District:
 - A. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others.

- C. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 5. Conditions of Approval. The Board may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - A. Limitations on period of use, occupancy, and operation.
 - B. Imposition of operational controls, sureties, and deed restrictions.
 - C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - D. Other conditions as deemed appropriate by the Board.
- 6. All notices of public hearings to consider floodplain variances under this Ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings.
- 7. A copy of all decisions granting variances under this Ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

503.4 5 ADMINISTRATIVE VARIANCES

Modifications to existing structures or upgraded septic systems that are located or will be located within the setback areas of a lot are allowed without a public hearing if they do not further encroach into the existing setback provided that in the case of:

- 1. An encroachment on a public road, the road authority voices no objections on the basis of safety, future road projects, or right-of-way widening on that road.
- 2. An encroachment on any other lot line setback, written consent from the abutting property owners affected.

The consent as outlined in (1) and (2) shall be made upon official forms with the Zoning Administrator or their designated representative and shall be recorded in the Office of the County Recorder, with any recording fees being paid by the applicant. A listing of permits issued under these provisions shall be provided monthly (as needed) to the Planning Commission and Board.

505 CONDITIONAL USE PERMITS

505.1 CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

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

Criteria for Granting a Conditional Use Permit

- A. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.
- B. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.
- C. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.
- D. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.
- E. The requested use is consistent with the County Zoning Ordinance.
- F. The requested use is not in conflict with the County Comprehensive Plan.
- G. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.
- H. The requested use is reasonably related to the existing land use and environment.
- I. There are no apparent unreasonable health risks posed to neighbors or the public in general.
- J. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

In passing upon conditional use applications that include land lying in the Floodplain District, the County Board shall, in addition, consider all relevant factors specified in other Sections of this Ordinance, and:

- A. The danger to life and property due to increase flood height or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

505.2 ADDITIONAL CONDITIONS

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition, in addition to the standards and requirements expressly specified by this Ordinance, of additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off street parking spaces.
6. Limiting the number, size, location or lighting of signs.

7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. In considering applications that include land lying in the Floodplain District, the Planning Commission shall also attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of the floodplain portions of this Ordinance. Such conditions may include, but are not limited to, the following:
 - A. Modification of waste treatment and water supply facilities.
 - B. Limitations on period of use, occupancy, and operation.
 - C. Imposition of operational controls, sureties, and deed restrictions.
 - D. Requirements for construction of channel modifications, compensatory storage, berms, levees, and other protective measures.
 - E. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - F. ~~Flood-proofing~~ Floodproofing measures in accordance with this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the ~~flood-proofing~~ floodproofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

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

505.3 PROCEDURE

1. The petitioner applying for a conditional use permit shall complete an official conditional use application with the Zoning Administrator or their designated representative. A complete application will be heard at the next available Planning Commission hearing.
2. The Zoning Administrator shall refer the application to the Planning Commission for review.

3. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. If the application is for land lying in the Floodplain District, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for the proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice of the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities in the County. In unincorporated areas of the County, property owners of record within one quarter ($\frac{1}{4}$) mile of the affected property, or the ten (10) closest properties, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional use permit. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a conditional use permit.
4. The petitioner or their representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
5. The report of the Planning Commission shall be placed on the agenda of the County Board, at the designated meeting following referral from the Planning Commission, but not later than sixty (60) days after the applicant has a complete application.
6. The County Board shall take action on the application within sixty (60) days from the date of application and after receiving the report from the Planning Commission. If the County Board grants the conditional use permit, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
8. Following denial of an application for a conditional use permit, no similar, or substantially similar, application for a conditional use permit on the same property, for the same purpose, shall be filed for six (6) months from the date of denial.
9. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. The petitioner shall complete an official application with the Zoning Administrator or their designated representative in the Property Services office and will be heard at the first available Planning Commission meeting. A public hearing for a periodic review of a conditional use permit may be granted at the discretion of the Planning Commission.

10. In the event that the applicant violates any of the conditions set forth in the permit, the County Board shall have the authority to revoke the conditional use permit.
11. Applications for a conditional use permit shall be submitted no later than 3:30 p.m. on the deadline date for the next available meeting.

SECTION 6 ZONING DISTRICTS AND DISTRICT PROVISIONS

601 ZONING DISTRICTS

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

For the purposes of this Ordinance, Nicollet County is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
AG	Agricultural Preservation
C	Conservancy
R-1	Urban/Rural Residential
R-2	Multi-Family Urban
B-1	Highway Business
B-2	General Business
I-1	Limited Industry
I-2	General Industry
FP	Floodplain
SP	Special Protection
RT	Rural Townsite

601.1 ZONING MAP

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

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the County of Nicollet prepared by the ~~Federal Insurance Administration~~ Federal Emergency Management Agency dated ~~July 21, 1999~~ October 13, 2022, and the Flood Insurance Rate Maps therein dated ~~July 21, 1999~~ October 13, 2022. The Official Zoning Map shall be on file in the ~~Office of the County Auditor, Office of the County Recorder and the Office of Property~~ PPSD Office.

610 FLOODPLAIN (FP)

610.1 PURPOSE

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F ~~and, Minnesota Statutes Chapter 394, as amended and Minnesota Rules, Parts 6120.5000 - 6120.6200, as amended~~, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

The development of the Floodplain District of the County could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community and since these lands are suitable for open space uses that do not require structures or fill, the following standards are herewith established as part of this Ordinance.

This Ordinance does not imply that areas outside the Floodplain District or land uses permitted within such district will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

This Section of the Ordinance shall apply to all lands within the jurisdiction of the County shown on the Official Zoning ~~in~~Map and/or the attachments thereto as being located within the boundaries of the ~~General~~ Floodplain District.

610.2 AMENDMENTS

The Floodplain designation on the official Zoning Map shall not be removed from Floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the Floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if ~~he determines that it is determined~~ through other measures, lands are adequately protected for the intended use.

~~All amendments to this Ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The Floodplain Ordinance shall not be considered valid until approved.~~

610.3 FLOODPLAIN DISTRICT AREAS

The Flood Insurance Study for Nicollet County, Minnesota and Incorporated Areas, dated ~~July 21, 1999~~ October 13, 2022 and all Flood Insurance Rate Map panels published therein as indicated on the Flood Insurance Rate Map Index dated ~~July 21, 1999~~ October 13, 2022, are hereby adopted by reference and declared to be part of the Official Zoning Map for the County and this Ordinance. The Flood Insurance Study and Flood Insurance Rate Map panels shall be on file in the ~~Property Services~~ PPSD office. The Floodplain District for the

County shall include those areas which lie within all areas designated within the ~~one-hundred~~ ~~(100)-year~~ 1-percent annual chance (100 year) and ~~five-hundred~~ ~~(500) year~~ 0.2-percent annual chance (500 year) flood boundaries on the Flood Insurance Rate Map panels adopted herein.

Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the outer boundaries of the Floodplain District.

610.4 PERMITTED USES

The following uses have low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodplain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, storage of materials, or equipment.

1. Airport landing strips
2. Archery ranges, target ranges, trap and skeet ranges
3. Boat launching ramps
4. Fish hatcheries
5. Game farms and shooting preserves
6. General farming, pasture, grazing, truck farming, sod farming, and wild crop harvesting
7. Hunting and fishing areas
8. Lawns, gardens, and play areas
9. Outdoor plant nurseries and horticulture
10. Parking areas
11. Parks, wildlife and nature preserves
12. Picnic grounds and swimming areas
13. Private and public golf courses and driving ranges
14. Single or multipurpose recreational trails
15. Tennis courts
16. Timber harvesting
17. ~~Farm fences~~

610.5 CONDITIONAL USES

1. Erosion control in accordance with Soil and Water Conservation District and Department of Natural Resource practices
2. Cutting, filling, or grading in excess of ten (10) cubic yards that is not in connection with another permitted use
3. Railroads, streets, bridges, utility transmission lines, pipelines, and water wells
4. Structural works for flood control such as levees, berms, and floodwalls constructed to any height where the intent is to protect individual structures and levees or berms where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten (10) year frequency flood event
5. Accessory structures on existing dwelling sites

6. Wildlife ponds (dugouts and impoundments)

610.6 DIMENSIONAL STANDARDS

1. Front Yard

- A. Required Setback from road right-of-way

State Highway	Eighty-five (85) feet
County Road	Fifty (50) feet
Township/Private Roads/Easement	Thirty-five (35) feet

- B. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

2. Side Yard

- A. Twenty (20) foot setbacks.

3. Rear Yard

- A. Fifty (50) foot setbacks.

4. Lot Area

- A. The minimum lot size shall be ten (10) acres.

5. Lot Width and Depth

- A. A minimum width of not less than two hundred (200) feet and a minimum depth of not less than two hundred fifty (250) feet.

6. General Regulations

- A. Additional requirements and other regulations are set forth in Section 7.

610.7 INFORMATION REQUIRED

Procedures to be followed by the Planning Commission in passing conditional use permit applications within the Floodplain District:

1. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use and whether the stage of the one hundred (100) year flood will be increased due to the proposed activity:

- A. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing structures, fill, storage of materials, ~~flood proofing measures~~ and the relationship of the above to the location of the stream channel ~~and boundaries of the floodplain~~.
 - B. Specifications for building construction and materials, ~~floodproofing~~, ~~flood proofing~~ filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
2. ~~Transmit~~ The applicant shall provide one copy of the information described in Section 610.7(1.A) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matter.
 3. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
 4. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. ~~Flood proofing measures shall be certified by a registered professional engineer or registered architect.~~
 5. ~~The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the Floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.~~

610.8 DECISIONS

In granting a conditional use permit the Planning Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 505.2(10), which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 8. A copy of all decisions granting conditional use permits shall be forwarded by email to the ~~Commissioner of Natural Resources~~ Department of Natural Resources' area hydrologist within ten (10) days of such action.

610.9 RECORDKEEPING

The Zoning Administrator shall maintain applicable records in perpetuity documenting:

1. Analysis of rise within the 0.2-percent annual chance (500 year) flood, where applicable.
2. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
3. The cost of any structural alterations or additions, as detailed in Section 404.1(E), including the cost of improvements, repairs, and market value.
4. All variance and conditional use permit actions, including justification for their issuance. Nicollet County must report such variances as requested to the Federal Emergency Management Agency.

610.10 NOTIFICATIONS

1. Notifications for Watercourse Alterations

Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

2. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations

Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Nicollet County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six (6) months after the date such supporting information becomes available.

712 DWELLINGS (INCLUDING TEMPORARY DWELLINGS)

712.1 PROHIBITED DWELLINGS

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

712.2 DWELLING STANDARDS

1. No more than one (1) dwelling shall be placed on any one (1) lot except in the cases of temporary dwellings.
2. ~~The lowest floor elevation of any dwelling shall be at least three (3) feet above the ordinary high water mark of adjoining protected waters.~~ The lowest floor elevation of any dwelling shall be placed at an elevation at least above the Regulatory Flood Protection Elevation. Where this elevation is not known, the lowest floor must be place at an elevation of at least three (3) feet above the ordinary high water level of adjoining protected waters.
3. All dwellings shall be on foundations, piles, or other foundation systems extending below the frost line, technologically proven to be sound as determined by the Zoning Administrator or their designated representative.
4. The minimum dwelling width shall be twenty (20) feet except in the case of temporary dwellings.
5. All dwellings shall conform to the sewage treatment regulations of this Ordinance and no zoning permits will be issued for new dwellings prior to sewage treatment system approval.
6. The lot for a new dwelling shall have access to an existing public road.
 - A. The applicant shall consult with the proper road authority before receiving a single family dwelling zoning permit to verify access to a public road. The road authority shall verify that if converted from a farm approach, the access will not increase the risk of injury to the health, safety, and welfare of the residents of the County.
7. Lots of record that are substandard in area shall conform to all other applicable regulations herein to qualify for placement of a dwelling.
8. Manufactured homes shall bear a State seal as verification of construction and inspection to American National Standards Institute A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 and June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with Federal Housing and Urban Development Code of Federal Regulations 3280 Construction Standards.

9. Dwellings to be constructed within Project River Bend shall provide certification from a licensed surveyor, verifying the lowest floor elevation is above the five hundred (500) year flood elevation.
10. A replacement dwelling may be constructed on a lot containing an existing dwelling, provided that:
 - A. Only one (1) dwelling shall be inhabited at any time.
 - B. The dwelling being replaced is removed and properly disposed of within one (1) year of the completion of the replacement dwelling.

712.3 TEMPORARY DWELLING STANDARDS

1. Temporary dwelling applicants shall demonstrate a need for housing of elderly, farm and business helpers, or occupants of principal dwelling during construction or repair of principal dwelling.
2. The use shall be secondary to the primary dwelling use and a time frame shall be estimated and added as a condition for the conditional use.
3. All dwelling standards and dimensional standards apply, except:
 - A. The treatment system of the main dwelling can be utilized if it is up to present standards and has enough capacity, otherwise it shall be brought into conformity and/or enlarged.
 - B. They cannot be placed on a separate lot with no other dwelling intended.
 - C. There are no minimum width requirements.
 - D. There are no foundation requirements, but the dwelling shall be secure to the ground.
 - E. In cases of use for the elderly, they may be attached to the main dwelling
 - F. Detached temporary dwellings are only allowed where the lot size for the primary dwelling is forty (40) or more acres except when being used only during construction or repair of primary dwelling
4. Temporary dwellings for seasonal or temporary migrant agricultural workers shall meet MDH Migrant Labor Camp standards.

712.4 TEMPORARY CONSTRUCTION BUILDINGS

A temporary construction building will be permitted if the following conditions are satisfied:

716 FLOODPLAIN

716.1 GENERAL STANDARDS

1. All uses

~~A. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed that will cause any increase in the stage or velocity of **the one hundred (100) year or regional flood** the 0.2-percent annual chance (500 year) flood or cause an increase in flood damages in the reach or reaches affected.~~

~~B. The use shall have a low potential for flood damage.~~

~~C. The use shall be permissible in the underlying zoning district if one exists~~

A. Structures shall be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Structures shall be constructed with materials and equipment resistant to flood damage.

C. Structures shall be constructed by methods and practices that minimize flood damage.

D. Structures shall be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.

E. Structures shall be reasonably safe from flooding and consistent with the need to minimize flood damage.

F. Structures shall be assured to provide adequate drainage to reduce exposure to flood hazards.

G. Structures shall not be detrimental to uses in adjoining areas.

H. Structures shall not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

- I. Any development in the beds of public waters that will change the course, current, or cross section is required to obtain a Public Waters Work Permit in accordance with Minnesota Statutes, Section 103G.245, or a Utility Crossing License in accordance with Minnesota Statutes, Section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required before applying for a local permit.

2. Public Utilities

~~All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the "Floodproofing Regulations" or elevated to above the Regulatory Flood Protection Elevation.~~

All public utilities and facilities such as gas, electric, sewer, and water supply systems to be located within the floodplain shall: Be elevated and/or floodproofed up to the Regulatory Flood Protection Elevation; be located and constructed to minimize or eliminate flood damage; be designed to eliminate infiltration of flood waters into the systems; be designed against discharge from the systems into flood waters; and be designed to minimize an increase in flood elevation. New solid waste management facilities, as defined in Minnesota Rules, Part 7035.0300, are prohibited within the Floodplain District. Water supply systems are subject to the provisions found in Minnesota Rules, Part 4725.4350.

3. Public Transportation Facilities

Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 5 & 610 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to public health or safety, or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services will not endanger public health or safety.

4. Structural Works for Flood Control

- A. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

~~B. A levee, berm, or floodwall constructed in the floodway shall not cause an increase to the one hundred (100) year or regional flood and the technical analysis shall assume equal conveyance or storage loss on both sides of a stream.~~

5. Fill

- A. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
- B. Dredge spoil sites and ~~sand and gravel operations~~ mineral extraction operations shall not be allowed in a floodway, ~~unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan~~ or in a floodplain where the floodway is not delineated.
- C. ~~As an alternative, and consistent with Subsection B immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on site storage of fill or other materials which would have caused an increase to the stage of the one hundred (100) year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit shall be title registered with the property in the Office of the County Recorder.~~

6. Storage of Materials and Equipment

- A. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- B. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning, ~~and also~~ in accordance with a plan approved by the Governing Body.

7. On-Site Sewage Treatment and Water Supply Systems

Where public utilities are not provided:

- A. On-site water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- B. New or replacement on-site sewage treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. **Additionally**, they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined compliant with this Section.

8. Accessory Structures

~~A. Accessory structures shall not be designed for human habitation.~~

~~B. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of the flood waters.~~

~~i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.~~

~~ii. So far as feasible, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.~~

~~C. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the "Floodproofing Regulations". As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and, for a detached garage, the detached garage shall be used solely for parking of vehicles and limited storage. All floodproofed accessory structures shall meet the following additional standards, as appropriate:~~

~~i. The structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.~~

~~ii. Any mechanical and utility equipment in a structure shall be elevated to or above the Regulatory Flood Protection Elevation or properly floodproofed.~~

~~iii. The placement of fill shall be at the 100-year flood elevation plus floodway stage increase, or higher, extending at least fifteen (15) feet horizontally from all sides of the structure.~~

~~iv. The top (walking surface) of the lowest floor (including basement or crawl space) is at or above the Regulatory Flood Protection Elevation.~~

~~v. The structure is designed to internally flood and is constructed with flood resistant materials.~~

~~D. As built elevations for elevated or floodproofed structures shall be certified by ground surveys and floodproofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 610 of this Ordinance.~~

- A. Accessory structures shall not be designed for human habitation and shall have a low flood damage potential by meeting the following requirements:
 - i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow so as to offer the minimum obstruction to the flow of the flood waters.
 - ii. So far as feasible, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- B. Structures with fewer than two (2) rigid walls, such as carports and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
- D. Structures with two (2) or more rigid walls must meet one (1) of the following construction methods:
 - i. Internally flooded. Structures may accommodate internal flooding. Such structures shall:
 - (a) Not exceed five hundred seventy-six (576) square feet in size, and one (1) story in height.
 - (b) Only be used for parking and limited storage.
 - (c) Allow for the equalization of hydrostatic pressure. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The openings shall have a minimum net area of no less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - (d) Allow automatic entry and exit of floodwaters without human intervention.
 - ii. Elevation on fill. Structures to be erected, constructed, reconstructed, altered, or moved on fill shall be placed so that the lowest floor, as defined, is elevated at or above the Regulatory Flood Protection Elevation. The finished fill elevation shall be at or above the elevation associated with the regional flood, plus any stage increases that result from designation of a floodway.
- E. As-built elevations for elevated or floodproofed structures shall be certified by ground surveys, and floodproofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance, and specifically as stated in Section 610 of this Ordinance.

724.3 USE RESTRICTIONS

The following uses shall be prohibited unless specifically authorized in the conditional use permit for mineral extraction:

1. The crushing, washing, refining, or processing of material.
2. The production or manufacturing of veneer stone sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
3. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready mixed concrete, and any similar production or manufacturing processes, such as asphalt or concrete batch plants, which might be related to the mining operation.

The governing body may impose additional performance standards as part of the conditional use permit.

724.4 PROHIBITED ACTIVITY

The following mineral extraction activities are prohibited:

1. The extraction of any material using any process or method that injects, drills with, applies, or uses any chemical or toxic substance.
2. Extraction activities which cause or result in any chemicals, metals, minerals or materials leeching, spilling, or flowing into any water resource, including aquifers, water tables, rivers, springs, streams, or other underground or surface waters.
3. Underground mineral extraction activities. Such activities shall include, but are not limited to, tunneling, augering, shafting, hydraulic dredging, or any similar methods.
4. The washing, processing, or other application of any chemicals or flocculants to extracted materials. Operators may dry screen and sort extracted materials at the mineral extraction facility, but shall transport all extracted materials to sites outside of the County for further washing or processing.
5. Any material that has been processed with chemicals or flocculants is prohibited from being brought back to the mineral operation site. Any suspect material shall be subject to testing at the owners and/or operators expense.
6. The extraction of any material using any process or method within the floodway or in the floodplain when the floodway is not delineated.

SECTION 9 SEPARABILITY, SUPREMACY, AND EFFECTIVE DATE

901 SEPARABILITY

Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

902 SUPREMACY

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions or covenants, relating to the use of land or imposed lands within the community by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

903 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after _____, ~~2016~~ **2022** of the date of its passage and publication according to law, whichever occurs first.

Dated this ____ day of _____, ~~2016~~ **2022**

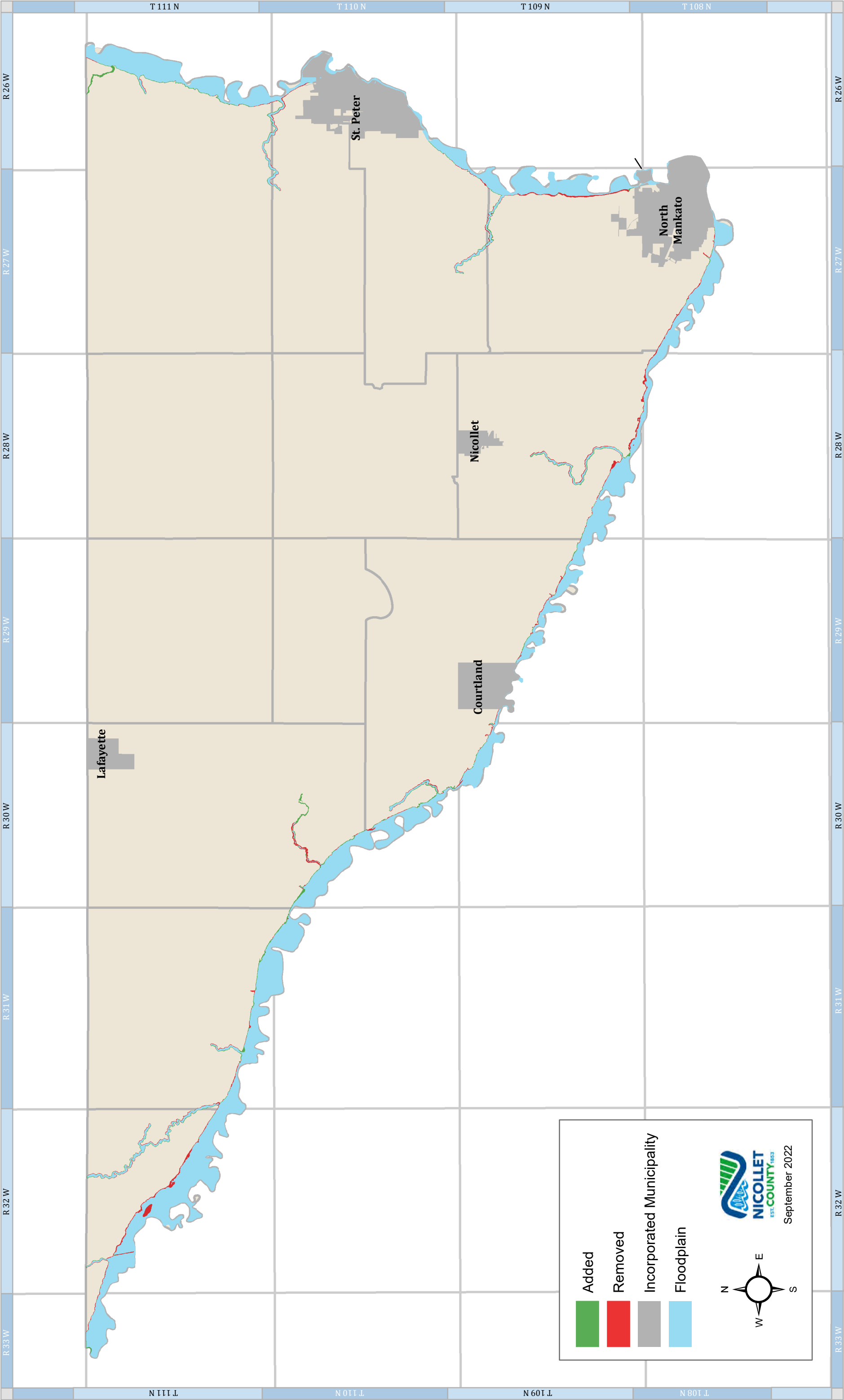
~~James S. Stenson~~ Marie Dranttel, Chair
Nicollet County Board of Commissioners

ATTEST:

~~Ryan Kroese~~ Mandy Landkamer
Clerk to the Board

Original	September 15, 1965
Revised	July 29, 1981
Revised	August 22, 1989
Revised	April 24, 1990
Revised	October 13, 1992
Revised	July 26, 1994
Revised	January 2, 1996
Revised	March 25, 1997
Revised	May 13, 1997
Revised	December 9, 1997
Revised	May 25, 1999
Revised	December 12, 2000
Revised	June 26, 2001
Revised	February 12, 2002
Revised	November 7, 2005
Revised	August 11, 2009
Revised	February 23, 2010
Revised	July 8, 2014
Revised	November 25, 2014
Revised	January 5, 2016
Revised	September 27, 2022

Nicollet County Floodplain Changes



Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
01.115.0605	GRIMSHAW EMILY J	39504 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.116.1800	SMITH RAY A	43920 STATE HIGHWAY 99	NICOLLET MN 56074
01.115.0200	DIDIT INC	22922 N RIVERFRONT	MANKATO MN 56001
01.116.1200	JOHNSON GLENETTE	53998 DAKOTA LN	NORTH MANKATO MN 56003
01.116.1300	BLOM DAVID & DONNA BLOM	40273 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.116.1700	LOWE MARTIN D & LINDA L LOWE	53975 DAKOTA LN	NORTH MANKATO MN 56003
01.115.0100	CRAIG MELVIN V	53971 DAKOTA LN	NORTH MANKATO MN 56003
01.109.2400	JOHNSON CLAYTON L & JULEE M JOHNSON	40299 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.106.1210	SMITH-BIEDSCHEID FAMILY LLC	520 W 8TH ST	MANKATO MN 56001
09.101.0215	ARCHER JAMES R & ANGELA K ARCHER	43459 JUDSON BOTTOM RD	NORTH MANKATO MN 56003-4250
09.103.0100	POATE JOY MARGARET	7544 CEDAR AVE S #104	RICHFIELD MN 55423
01.036.0700	WINDSCHITL WARREN M & BONNIE L WINDSCHITL	51524 US HIGHWAY 169	NORTH MANKATO MN 56003
09.033.0200	D & G FARMS LLC	9531 LEE BOULEVARD	LEAWOOD KS 66206
09.033.0400	NELSON GREGORY E & SARAH NELSON	51034 461ST AVE	NORTH MANKATO MN 56003
09.033.0315	ANDERSON ROGER	22202 532ND LN	LAKE CRYSTAL MN 56055
09.028.2100	MACK VANESSA K & JONATHAN M MACK	46114 506TH ST	NICOLLET MN 56074
09.028.1910	MAMER RANDY S & LORA J MAMER	46154 506TH ST	NICOLLET MN 56074
09.028.1005	WEAR PATRICK M & SUSAN J WEAR	46299 HILL TOP LN	NICOLLET MN 56074
09.028.0400	ZINS MICHAEL E	10055 OAK ST	COLOGNE MN 55322
09.028.0200	STEFFEN GARY M & ANNE E	50065 475TH AVE	NICOLLET MN 56074
09.030.0400	WILKING PROPERTIES	104 N BELMONT DR	MANKATO MN 56001
09.029.0200	DALLMANN MARGARET I	47420 461ST AVE	NICOLLET MN 56074
09.028.0500	THOMPSON GARY W & PATSY J THOMPSON	PO BOX 445	NICOLLET MN 56074
09.028.0100	JORGENSEN KATHLEEN	20114 US HIGHWAY 169	LAKE CRYSTAL MN 56055
04.324.2005	STEVENSEN MICHAEL & ALAN JAMES STEVENSEN	49107 506TH ST	COURTLAND MN 56021-4286
09.020.0800	THOM JASON D	PO BOX 331	QUECHEE VT 05059
04.324.2100	HOPP GARY D & MONICA R HOPP	49451 506TH ST	COURTLAND MN 56021
04.324.1800	BODE KEVIN	49527 506TH ST	COURTLAND MN 56021
09.021.1605	GOETZKE ROBERT D & RONALD SCHIRMERS & RYAN HINIKER ETAL	121 CAPRI DR	MANKATO MN 56001
09.020.0700	EMICH JONATHAN G & JANE A EMICH	46196 SHADY RIDGE LN	NICOLLET MN 56074
09.021.2100	DAUER FREDERICK H TRUST	3908 XYLON AVE N	NEW HOPE MN 55427
09.020.0600	HERMEL ROGER A TRUST SHARE	316 CEDAR ST E	MOTLEY MN 56466
09.021.2000	T C HEWITT LLC	46209 SHADY RIDGE LN	NICOLLET MN 56074
04.324.1300	NELSON WALLACE D & CLARA J NELSON	49795 506TH ST	COURTLAND MN 56021
04.324.1900	BODE JUDITH G REVOCABLE TRUST	48642 491ST AVE	COURTLAND MN 56021
04.324.1200	KOSEK RICHARD A - LE	49889 506TH ST	COURTLAND MN 56021
09.021.1900	BLANK BRENT K	47714 461ST AVE	NICOLLET MN 56074
01.024.0300	MANN ERIK L	49579 US HIGHWAY 169	NORTH MANKATO MN 56003
09.021.0600	WARD CHARLANE M	200 DAVIDSON RD	SMITHVILLE TN 37166-2953
09.020.0900	BRUNS LUCY M	49287 475TH AVE	NICOLLET MN 56074
09.021.0500	STOLT TODD	33640 481 AVE	GAYLORD MN 55334-9544
04.323.0205	VOGES LYNN M & NANCY J VOGES	50488 506TH ST	COURTLAND MN 56021
04.323.0100	BRUNS VIRGIL & MARY BRUNS	108 1ST ST APT 3	COURTLAND MN 56021
09.021.0700	THOM CEDRIC F REVOCABLE TRUST	47030 478TH ST	NICOLLET MN 56074
09.021.0800	VON OHLEN MARLENE R	1310 LLOYD LN	SAINT PETER MN 56082
09.021.0300	HINIKER JOHN R & ROSEMARY HINIKER	48999 471ST AVE	NICOLLET MN 56074
09.016.1415	KLOCKZIEM DAVID & TIFFANY YOUNG KLOCKZIEM	46298 RED OAK DR	NICOLLET MN 56074
09.016.1410	OTTO BRENT & DESIRAE OTTO	46296 RED OAK DR	NICOLLET MN 56074-4007
09.016.1405	KOPPENDRAYER LESLIE W	46294 RED OAK DR	NICOLLET MN 56074
09.016.1400	DIERENFELD DAVID L & CHERYL DIERENFELD	46258 RED OAK DR	NICOLLET MN 56074-9631
04.314.1600	BRUNS MARY A	108 1ST ST APT #3	COURTLAND MN 56021
04.315.0815	STRUSS TIMOTHY HAROLD & JANE MARIE STRUSS	51154 506TH ST	COURTLAND MN 56021
09.016.1600	SOOST JOHN C & MARY BETH SOOST	50059 461ST AVE	NICOLLET MN 56074
09.016.1300	SOOST JEREMY C & AMY J SOOST	46595 478TH ST	NICOLLET MN 56074
09.016.0605	BRUNS CRAIG S	46305 478TH ST	NICOLLET MN 56074
09.016.0800	LAHR ALAN	46498 478TH ST	NICOLLET MN 56074
04.315.0200	N&V GLEASON FAMILY TRUST	51945 506TH ST	COURTLAND MN 56021
10.303.0610	ERKEL GORDON BRUCE & CYNTHIA ERKEL	46743 COUNTY ROAD 13	SAINT PETER MN 56082
04.202.1800	GULDAN TIMOTHY J & BROOKE M GULDAN	46198 561ST AVE	NEW ULM MN 56073
10.303.0305	VOGEL HOWARD W & PHYLLIS E VOGEL TRUST	46675 COUNTY ROAD 13	SAINT PETER MN 56082
10.303.0200	MOLITOR MAGDALEN M LIVING TRUST	650 MORNING SKY PLACE	ELIZABETH CO 80107
10.304.0500	VANZEE RODNEY L & BARBARA A VANZEE	46421 COUNTY ROAD 13	SAINT PETER MN 56082
10.304.0505	VANZEE MARK & PAULA VANZEE	46301 COUNTY ROAD 13	SAINT PETER MN 56082
10.303.0110	STUEVEN ANDREW M & LAURA BETH STUEVEN	46261 COUNTY ROAD 13	SAINT PETER MN 56082
10.301.0600	DANIELSON RANDY R	1007 N MINNESOTA ST	NEW ULM MN 56073
10.304.0430	MOLITOR WAYNE M	42878 470TH ST	NICOLLET MN 56074
10.304.0415	BOLINT ELIZABETH X & STEVEN G BOLINT	46133 COUNTY ROAD 13	SAINT PETER MN 56082
10.304.0425	MURPHY MICHAEL EDWARD & PAMELA JEAN MURPHY	46130 COUNTY ROAD 13	SAINT PETER MN 56082
10.304.0400	WILLSON DEIDRA	46077 COUNTY ROAD 13	SAINT PETER MN 56082
10.133.1110	DONATO TESSA	39859 460TH	SAINT PETER MN 56082

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
10.133.1100	O'CONNOR LIVING TRUST DAN	45859 COUNTY ROAD 13	SAINT PETER MN 56082
10.231.1550	HICKEY JAMES D	45631 US HWY 169	SAINT PETER MN 56082
04.792.0030	HERTLING JOHN P & DEBORAH M HERTLING	45162 EDGEWOOD DR	NEW ULM MN 56073
04.792.0040	DOMIER MARK VINCENT	45134 EDGEWOOD DR	NEW ULM MN 56073
04.034.0800	HEYMANN JOHN H	316 S STATE ST	NEW ULM MN 56073
04.027.1000	WIERING GARY J	57184 446TH ST	NEW ULM MN 56073
04.027.0800	NEW ULM TELECOM INC	PO BOX 697	NEW ULM MN 56073-0697
04.027.1300	KITZBERGER DENNIS WILLIAM	57228 446TH ST	NEW ULM MN 56073
04.022.1105	KOHN GARY M & TIMOTHY L KOHN	54650 US HIGHWAY 14 - PO BOX 69	COURTLAND MN 56021
06.108.4300	STILLWELL KAREN L	59501 414TH LN	NEW ULM MN 56073
06.108.1400	DINSE LUKE M & HANNAH L DINSE	41576 595TH LN	NEW ULM MN 56073
06.108.1300	LINDSTROM MARLYS M	41544 595TH LN	NEW ULM MN 56073
06.108.1200	VANROEKEL RICK A & KATHY JO VANROEKEL	41520 595TH LN	NEW ULM MN 56073
06.108.1000	BARTELS JAMES O LIVING TRUST JAMES O BARTELS & KONNIE L BARTELS	59536 414TH LN	NEW ULM MN 56073
06.108.0900	LUX DENNIS P & KATHLEEN J LUX	41424 595TH LN	NEW ULM MN 56073
06.108.3000	HUELSKAMP JOHN G & ROBERT J HUELSKAMP	41612 581ST AVE	NEW ULM MN 56073
06.108.2800	BERDAN JEFF C	18 JONATHON DR	NEW ULM MN 56073
06.107.0200	ROBLING PAUL & JANET ROBLING	19891 HARLOW AVE	JORDAN MN 55352
06.108.2600	ROESCH RICHARD ATTN THOMAS H ROESCH	138 PARKVIEW CT	COURTLAND MN 56021
06.103.2900	ALLEN JERRY L	41421 595TH LN	NEW ULM MN 56073
06.106.3800	PRECHEL ROBERT H & MONICA PRECHEL	60514 COUNTY ROAD 21	NEW ULM MN 56073
06.106.3600	SELLNER BRUCE G	40998 597TH AVE	NEW ULM MN 56073
12.105.0500	MCCABE AMBROSE R & SCHELLI O MCCABE	40497 COUNTY ROAD 20	SAINT PETER MN 56082
12.001.0200	WENNER RUTH FAMILY SHARE TRUST	41923 387TH AVE	SAINT PETER MN 56082
07.132.1000	SOROKA JACEK T & MALGORZATA D SOROKA	39877 COUNTY ROAD 20	SAINT PETER MN 56082
07.611.0060	ANDERSON KIRK H & AMY M ANDERSON	39870 COUNTY ROAD 20	SAINT PETER MN 56082
07.131.1300	SODERLUND WILLIAM A JR & BETH A SODERLUND	40293 STATE HWY 22 PO BOX 492	SAINT PETER MN 56082
07.133.0200	KENDALL MARK & SUSAN KENDALL	39956 US HIGHWAY 169	SAINT PETER MN 56082
07.132.0600	HART MARILYN C	35697 398TH LN	SAINT PETER MN 56082
07.131.1005	SEITZER MERLIN H REVOCABLE TRUST	35698 398TH LN	SAINT PETER MN 56082
13.033.0400	KRAL JOHN H	64325 COUNTY ROAD 21	NEW ULM MN 56073
13.033.0405	SEIFERT KATHERINE A	800 N WASHINGTON	NEW ULM MN 56073
13.032.0400	SCHROEDER MATTHEW	64431 COUNTY ROAD 21	NEW ULM MN 56073
13.034.0100	RATHMANN RICKY & KATHLEEN RATHMANN	39067 641ST AVE	NEW ULM MN 56073
13.029.0900	SCHLUMBERGER MARLYS M - LE	1118 S FRANKLIN	NEW ULM MN 56073
13.029.1205	KNAAK JANE M	38886 645TH AVE	NEW ULM MN 56073
13.029.0800	FRUHWIRTH HARVEY & RUTH FRUHWIRTH	64794 COUNTY ROAD 21	NEW ULM MN 56073
13.029.1000	PALMER MARION A LIFE ESTATE	1223 KARL DR APT 107	NEW ULM MN 56073
13.029.0200	BROWN CAROL E	38511 661ST AVE	NEW ULM MN 56073
13.029.0300	BRANDEL ROBERT W & COLLEEN P BRANDEL	294 GRACE POINTE CT	WAYZATA MN 55391-2900
13.029.0150	HILLESHEIM JEREMY R AND STACEY L HILLESHEIM	60950 FORT RD	NEW ULM MN 56073
13.020.0600	BIANCHI MICHAEL	35695 663RD AVE	GIBBON MN 55335
07.121.1415	ZIEGLER JOHN O & SHANNON M ZIEGLER	37477 345TH LN	SAINT PETER MN 56082
07.121.1410	WAGNER GERALD	23895 STOPPELMANN BLVD	BELLE PLAINE MN 56011
07.121.0915	RIVERLAND LLC	6216 SHAMROCK DR	MADISON LAKE MN 56063
07.121.0910	TORBENSON TIMOTHY J & SARRA G TORBENSON	37379 345TH LN	SAINT PETER MN 56082
11.124.0400	DUMMER JOHN & MARIA COFFMAN	17408 135TH AVE	FERGUS FALLS MN 56537-7211
07.121.0610	DAVIS M MITCHELL & LAURIE A DAVIS	PO BOX 328	EXCELSIOR MN 55331
11.111.0900	FORST CHAD S & AUDRA L FORST	67377 FORT RD	FAIRFAX MN 55332
11.111.0705	MEYER NICHOLAS M & RACHEL A SCHWARTZ	67517 FORT RD	FAIRFAX MN 55332
07.109.0715	PHILLIPS MARK W	33850 330TH ST	LE SUEUR MN 56058
07.109.0705	KOTASEK CHARLES F & BRENDA KOTASEK	34600 358TH ST	SAINT PETER MN 56082
07.109.0700	ERNSTING CHRISTOPHER J	108 N PARK LN	LE SUEUR MN 56058
07.103.1200	GENELIN TERRANCE L REVOCABLE TRUST	33901 348TH ST	LE SUEUR MN 56058-3448
07.103.0705	GENELIN STEVEN J & SANDRA L GENELIN	33866 348TH ST	LE SUEUR MN 56058
07.103.0600	BRANCAMP JOHN B & KAREN L BRANCAMP III	33952 348TH ST	LE SUEUR MN 56058
07.103.0410	LEE PHILLIP C & DIANE K LEE	36313 FAIRWAY LN	LE SUEUR MN 56058
07.103.0200	HUNSAKER FAMILY TRUST ETAL	217 HILLCREST WAY	LE SUEUR MN 56058
11.001.0300	MARWEDE CALVIN D	76467 410TH ST	BIRD ISLAND MN 55310
07.104.0100	DEPUYDT GEORGE W	34927 351ST LN	LE SUEUR MN 56058
10.303.0400	VOGEL CHARLES A & KATHRYN M VOGEL	39315 460TH ST	SAINT PETER MN 56082
01.036.0800	HENSEL THOMAS C & JOANN C HENSEL	229 BITTERSWEET LN	MANKATO MN 56001
01.036.0100	HERMEL BLAKE D	23099 N RIVERFRONT DR	MANKATO MN 56001
13.035.1000	GIESEKE PATRICK E & SHANA E GIESEKE	62208 COUNTY RD 21	NEW ULM MN 56073
13.035.0805	CORDES RONNY L & SUSAN CORDES	62664 COUNTY ROAD 21	NEW ULM MN 56073
04.792.0070	WHITTINGTON ADAM & LAURA WHITTINGTON	56040 BROOKVIEW LN	NEW ULM MN 56073
01.025.0905	BECKER TOD T & DIANE M BECKER	50542 OLD RIVER BLUFF RD	NORTH MANKATO MN 56003
04.021.1300	KRAUS GREGORY C & SUSAN KRAUS	615 SO FRONT ST	NEW ULM MN 56073
06.117.0400	STILLWELL BLAKE O	58699 COUNTY ROAD 21	NEW ULM MN 56073
04.022.1010	BREHMER MICHAEL A & JENNIFER R BREHMER	58009 COUNTY ROAD 21	NEW ULM MN 56073

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
10.301.1700	OSBORNE MARK MICHAEL	36995 351ST LN	SAINT PETER MN 56082
10.301.1800	RASMUSSEN DARBY D & REBECCA A RASMUSSEN	46821 US HIGHWAY 169	SAINT PETER MN 56082
10.231.1500	GUSTAFSON DONALD & BEVERLY TRUST	45684 367TH AVE	SAINT PETER MN 56082
10.301.1000	WINDOM RICHARD L & REBECCA J WINDOM REVOCABLE TRUST	46613 US HIGHWAY 169	SAINT PETER MN 56082
13.030.1000	WURTZBERGER FLORIAN B LIVING TRUST	66142 COUNTY ROAD 21	NEW ULM MN 56073
13.030.0810	MN HISTORICAL SOCIETY	200 TOWER AVE	SAINT PAUL MN 55111
13.030.0820	GLEISNER BRIAN & EMILY GLEISNER	66366 COUNTY ROAD 21	NEW ULM MN 56073
07.133.0300	GELDNER BROTHERS SAND & GRAVEL LLC	28808 W LAKE DR	MADISON LAKE MN 56063
12.105.0400	WOELPERN DAVID F	40196 US HWY 169	SAINT PETER MN 56082-4392
07.121.0905	RETTIG RODNEY W	37302 345TH LN	SAINT PETER MN 56082
07.121.0800	NELSEN EUGENE N & SHIRLEY A NELSEN	37499 US HIGHWAY 169	SAINT PETER MN 56082
07.103.1000	HRDLICKA CASSANDRA A	34980 US HIGHWAY 169	LE SUEUR MN 56058
07.103.0800	BOYS THEODORE M & KATHRYN J REVOCABLE TRUST	34876 US HIGHWAY 169	LE SUEUR MN 56058
07.110.0500	BORTH DEBRA M	33925 337TH LN	LE SUEUR MN 56058
07.116.1000	DAVIS MARK E	PO BOX 558	SAINT PETER MN 56082-0558
01.024.0805	VALLEY LANDSCAPE SUPPLY LLC	23371 610TH AVE	MADISON LAKE MN 56063
01.024.0810	FALLENSTEIN JAMES C & JENICE & JENICE FALLENSTEIN	2271 NORTHRIDGE DR	NORTH MANKATO MN 56003
01.025.0605	SCHEURER DANIEL J	1810 MARY LN	NORTH MANKATO MN 56003
01.025.0100	LARSON JOHN R & GAE L LARSON	50298 OLD RIVER BLUFF RD	NORTH MANKATO MN 56003
01.010.0310	BLUE LEE E & KATHLEEN T	47005 COUNTY ROAD 13	SAINT PETER MN 56082
01.010.0500	DARGE DAWN WILSON & WAYNE DARGE	47190 391ST LN	SAINT PETER MN 56082
01.109.2300	JUDSON BOTTOM ROAD LLP	4240 HEATHCOTE RD	DEEPHAVEN MN 55391
04.201.0800	MICHALETZ PROPERTIES LLC	150 ST ANDREWS CT STE 210	MANKATO MN 56001
04.034.0305	NEW ULM QUARTZITE QUARRIES INC	PO BOX 55038	LEXINGTON KY 40555
04.034.0100	KORNERSTONE LLC	3800 STONE POINT DR NE	ROCHESTER MN 55906
04.316.0300	HULKE SHERI L	51771 COUNTY ROAD 21	COURTLAND MN 56021
04.316.0100	DRILL KENNETH	28 FIEMEYER DR	COURTLAND MN 56021
06.103.2700	BOETTGER KEITH	41114 581ST AVE	NEW ULM MN 56073
06.104.0800	MUEHLBAUER MYRON	2698 SHADOW WOOD CT	CHASKA MN 55318
06.104.0900	MUEHLBAUER PAUL L	608 2ND AVE SW	SLEEPY EYE MN 56085
06.104.1700	DREXLER HAROLD W	40726 581ST AVE	NEW ULM MN 56073
06.104.1800	BARNELL FAMILY TRUST	40730 581ST AVE	NEW ULM MN 56073
06.108.2750	STARK ALAN D & LAURI A STARK	41431 593RD AVE	NEW ULM MN 56073
06.110.0100	HOTTMAN MITCHELL	117 S JEFFERSON ST	NEW ULM MN 56073
07.109.0800	WATER FARM LLC	506 S MAIN ST	LE SUEUR MN 56058
07.128.0102	LAGER JESSE C & CARRIE K LAGER	37517 375TH AVE	SAINT PETER MN 56082
09.020.0200	HERMEL ORPHA S A	49583 475TH AVE	NICOLLET MN 56074
09.021.3705	KOEHLER VERNON W LIVING TRUST 1/2 & MONA M KOEHLER LIVING TRUST 1/2	52771 222 LN	LAKE CRYSTAL MN 56055-2250
09.101.0200	POWERS MICHAEL F & PATRICIA A POWERS	44432 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
10.133.1000	PETERS FAMILY LLLP	41129 STATE HIGHWAY 99	SAINT PETER MN 56082
10.304.0420	JOHNSON DAVID & BEVERLY MARIE THORN	50297 405TH AVE	NORTH MANKATO MN 56003
12.104.0200	MNR 130 LLC	130 DELAWARE ST SE	LONSDALE MN 55046
10.231.1200	PETE ALISHIA RAE	PO BOX 286	KASOTA MN 56050
12.001.0700	PELL LEE H	36601 450TH LN	SAINT PETER MN 56082
12.001.0400	MILLER FRED W & JOAN R REV TRUST	39536 STATE HIGHWAY 22	SAINT PETER MN 56082
12.105.0100	CONLON JAMES A & KATHRYN A CONLON FAMILY IRREVOCABLE TRUST	40297 STATE HIGHWAY 22	SAINT PETER MN 56082
07.611.0030	SKOOG DAVID MICHAEL & ROSEMARIE SKOOG	35689 398TH LN	SAINT PETER MN 56082
07.132.0700	KIENHOLZ JEFFERY L & DEBORAH J KIENHOLZ	35693 398TH LN	SAINT PETER MN 56082
01.012.0910	ROSSOW BRENT E & ANDREA L ROSSOW	47847 US HIGHWAY 169	SAINT PETER MN 56082
06.116.0700	SAUER MARLENE M LIFE ESTATE	58560 COUNTY ROAD 21	NEW ULM MN 56073
01.036.0105	HINIKER STEVEN J & JULIE A HINIKER	38691 512TH ST	NORTH MANKATO MN 56003
06.116.0910	MEYER LOU ANN M	25 INDIAN POINT DR	NEW ULM MN 56073
13.019.0710	KNISLEY LAWRENCE A & PATRICIA A KNISLEY	1221 SETTLER TR	NEW ULM MN 56073
11.002.1400	SATHER ELLSWORTH O & PATRICIA	471 E 5TH ST PO BOX 295	FRANKLIN MN 55333
11.108.0500	NOSBUSH DARYL & JANE NOSBUSH	69328 FORT RD	FAIRFAX MN 55332
11.105.0315	KRENZ RICKY T AND PATRICIA M	26085 280TH AVE	SLEEPY EYE MN 56085
11.108.0400	NOSBUSH DOUGLAS P & LOUETTE NOSBUSH	68849 FORT RD	FAIRFAX MN 55332
11.103.0605	RIDGELY FARMS LLC	68808 FORT RD	FAIRFAX MN 55332
11.109.0500	HELLENDRUNG LIVING TRUST RICHARD L & SANDRA J HELLENDRUNG LIVING TRUST	61081 480TH ST	FAIRFAX MN 55332
11.113.0400	BASTIAN MARK J	36839 693RD AVE	FAIRFAX MN 55332
11.111.0800	KORKEMEIER FRANCIS G & DEBORAH KORKEMEIER	36137 693RD AVE	FAIRFAX MN 55332
11.111.1000	GROSAM CHARLES JR	67798 FORT RD	FAIRFAX MN 55332
11.113.0700	LAGERSTEDT CAROL L	502 LINCOLN ST	ADAMS MN 55909
11.113.0600	BLAALID DAVID	60057 520TH ST	GIBBON MN 55335
11.113.1200	DUMMER FAMILY REVOCABLE LIVING TRUST	36774 667TH AVE	NEW ULM MN 56073
11.115.0700	HELLENDRUNG JANE KATHRYN	4501 PARK GLEN RD APT 235	SAINT LOUIS PARK MN 55416
11.114.0100	BASTIAN STEVEN	68170 362ND ST	FAIRFAX MN 55332
11.114.0200	WAGER CONSTANCE L REVOCABLE TRUST	37714 693RD AVE	FAIRFAX MN 55332
11.111.0300	PEICHEL JEROME J LIVING TRUST	7205 DAHLGREN RD	CHASKA MN 55318
11.123.0115	WENDINGER JAMES & PHYLLIS WENDINGER LE	201 SCOTT ST SE	SLEEPY EYE MN 56085-1871

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
11.124.0500	MERKEL GARY A	37639 693RD AVE	FAIRFAX MN 55332
11.115.0200	MURNAN BLAKE T & JOAN MELDAHL	8101 OAKMERE RD	BLOOMINGTON MN 55438
11.109.0800	KIENLEN PATRICK J & DAWN S KIENLEN	70313 COUNTY ROAD 21	FAIRFAX MN 55332
11.108.0100	MERKEL ALLAN	31653 COUNTY ROAD 10	SLEEPY EYE MN 56085
11.105.1000	MANGEN DENNIS B & CHRISTINE A MANGEN	71475 COUNTY ROAD 21	FAIRFAX MN 55332
13.871.0050	BODE GLENN E & LOIS J BODE	24 WOODLAND DR	NEW ULM MN 56073
13.871.0040	FRANK D MATTER & ARLENE M MATTER	61935 ZEMPEL DR	NEW ULM MN 56073
11.113.1100	BASTIAN JEROME L	35410 693RD AVE	FAIRFAX MN 55332
12.104.0600	DRANTTEL MARIE	117 S 3RD ST	SAINT PETER MN 56082
10.231.1100	RODER DAVID E	45461 HIGHWAY 169	SAINT PETER MN 56082
01.012.0200	CATTRYSSE WAYNE R & GWENDOLYNN CATTRYSSE	46828 381ST AVE	SAINT PETER MN 56082
07.121.1405	STIEN KENT & DANA STIEN	43325 OTTAWA RD	SAINT PETER MN 56082
04.021.0805	BUSHARD DALE	43252 WINDHAVEN LN	NEW ULM MN 56073
06.108.4100	GAG JOHN & JENNIFER GAG	1500 N FRONT ST	NEW ULM MN 56073
06.531.0040	KUESTER JASON J & JENNIFER L KUESTER	18951 RIVERBLUFF DR	NEW ULM MN 56073
04.792.0010	FLITTER DAVID B & PAULINE D FLITTER	57054 HILLCREST LN	NEW ULM MN 56073
04.792.0020	BORTH RONALD J & SANDRA M BORTH	45184 EDGEWOOD DR	NEW ULM MN 56073
09.742.0050	OTTO SCOTT J & AMY R OTTO	46218 RED OAK DR	NICOLLET MN 56074
09.742.0040	KOEHLER BRIAN & DANIELLE M KOEHLER	46182 RED OAK DR	NICOLLET MN 56074
07.131.0900	MILLER MARIE A	39803 365TH LN	SAINT PETER MN 56082
07.131.0620	MEYER JOSEPH F & CHRISTINA R MEYER	39804 365TH LN	SAINT PETER MN 56082
11.116.0105	SELLNER PATRICK & KATHRYN SELLNER	36152 701ST AVE	FAIRFAX MN 55332
11.111.0500	LIEBL FAMILY TRUST, A & K	41287 441ST AVE	NICOLLET MN 56074
11.113.0200	FORST MARK B & LINDA F FORST REVOCABLE LIVING TRUST	67379 FORT RD	FAIRFAX MN 55332
13.020.0710	BIANCHI GERALD B	1800 REDBUD RD	NEW ULM MN 56073
06.104.1400	HOFFMANN ANITA C ETAL	19995 200TH AVE	NEW ULM MN 56073
06.104.0515	GIESEKE CLAIR V	58331 FORT RD	NEW ULM MN 56073
06.104.0605	GRIEBEL GERALD A LIVING TRUST	58409 FORT RD	NEW ULM MN 56073
09.101.0105	GRUBER BENJAMIN D & SHAY L WASINGER	43583 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.101.0205	RIVERS DANIEL F & CLARE M RIVERS	43291 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.101.0210	PETERSON JON D & MELINDA L KJARUM	43141 JUDSON BOTTOM RD	NORTH MANKATO MN 56003-4262
01.106.0905	JAVENS JEAN E REVOCABLE TRUST	20009 589TH AVE	MANKATO MN 56001
01.106.1205	SMITH DUANE R	16009 3RD ST NE	ANOKA MN 55304
01.105.1300	HOLCOMB MARION J	42024 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1905	STOKESBARY STANLEY & JOSEPHINE A STOKESBARY	40997 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.024.0100	HIGH DONALD W	49161 OLD RIVER BLUFF RD	SAINT PETER MN 56082
11.002.1300	WELDY JERRY	41560 660TH ST	FRANKLIN MN 55333
11.001.0510	SOMMER TODD J	73329 COUNTY ROAD 21	FAIRFAX MN 55332
11.001.0505	SOMMER JOAN	72535 COUNTY ROAD 21	FAIRFAX MN 55332
07.131.0860	CONLON MARY ROSE REVOCABLE TRUST	39954 STATE HWY 22	SAINT PETER MN 56082
13.030.0600	CARSON STEVEN R	706 N MINNESOTA	NEW ULM MN 56073
06.105.1500	MARTENS MICHAEL & MELISSA TRUST	48113 232ND ST	NEW ULM MN 56073-5258
06.104.0700	PORTNER JOSEPH E	432 E ROBERTSON AVE	APPLETON MN 56208
06.104.0105	ALBRECHT CHARLES W & KAREN ALBRECHT	58539 FORT RD	NEW ULM MN 56073-4303
06.108.2300	BAUER NATHAN S & ALEXA L BAUER	41407 593RD AVE	NEW ULM MN 56073
06.105.1400	PORTNER LEON L	440 SKYVIEW AVE	LAFAYETTE MN 56054
06.103.2800	WENNINGER LESLIE	57688 412TH ST	NEW ULM MN 56073-9351
04.022.1020	DAUER JACOB & ALISHA BROWN	43852 SPRUCE HAVEN LN	NEW ULM MN 56073
10.301.0800	HALL-FERGUSON LYNN C & TEDDY FERGUSON	46309 US HIGHWAY 169	SAINT PETER MN 56082
01.013.0435	NESS ANNETTE K	38793 TIMBER LN	SAINT PETER MN 56082
13.030.0800	PALMER DARRELL G & LINDSAY C PALMER	66289 COUNTY ROAD 21	NEW ULM MN 56073
09.030.0100	BODE RACHEL M	48955 506TH ST	COURTLAND MN 56021
01.115.1605	MUELLER COREY A & JENNIFER M	39516 JUDSON BOTTOM ROAD	NORTH MANKATO MN 56003
01.115.0300	REDS WOODS LLC	2 CARDINAL LN	NORTH OAKS MN 55127
09.034.1305	MORGAN JONATHAN P	45669 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.034.1200	MCKAHON JOSHUA J & MEGAN A MCKAHON	45727 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.034.1100	BROWN MATTHEW J	46007 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.033.0500	BROWN RICHARD & TERRY FAMILY TRUST	51411 465TH AVE	NICOLLET MN 56074
09.029.0400	DALLMANN L M FAMILY TRUST	47633 506TH ST	NICOLLET MN 56074
06.107.0100	GRUBER RONALD J & MARY C GRUBER	60918 COUNTY ROAD 21	NEW ULM MN 56073
13.451.0020	GRIEBEL MICHAEL W	61278 COUNTY ROAD 21	NEW ULM MN 56073
06.451.0010	SCHAEFER PETER J & SHERYL K SCHAEFER	61256 COUNTY ROAD 21	NEW ULM MN 56073
13.452.0030	PATTERSON DOUGLAS S	61346 COUNTY ROAD 21	NEW ULM MN 56073
13.452.0010	SCHULTZ CYNTHIA B	61352 COUNTY RD 21	NEW ULM MN 56073
07.121.1100	GUENTZEL CHAD T & KIRSTEN J GUENTZEL	37989 VALLEYVIEW RD	SAINT PETER MN 56082
09.029.0520	GOODELL MICHAEL J	47399 506TH ST	NICOLLET MN 56074
06.108.2100	ACHMAN TIMOTHY J & MELISSA L ACHMAN	41400 593RD AVE	NEW ULM MN 56073-4349
06.661.0155	FRAUENHOLTZ BENJAMIN P & SHANNON R FRAUENHOLTZ	41402 593RD AVE	NEW ULM MN 56073
06.108.3200	LONG DANIEL W & JULIE R LONG	41427 595TH LN	NEW ULM MN 56073
06.108.3700	APITZ RICK & KIM APITZ	419 2ND ST S	NEW ULM MN 56073

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
11.124.0700	KIENLEN FREDERICK J LIVING TRUST	68093 COUNTY ROAD 21	FAIRFAX MN 55332
11.110.0600	DUCKSTAD ETAL RICHARD PAUL	22077 WAGON WHEEL TRL	LAKEVILLE MN 55044
04.307.0100	STOERING DAVID E & GRACE R STOERING TRUST	430 ZIESKE RD	COURTLAND MN 56021
04.202.0400	LEGARE DENNIS	46126 571ST LN	NEW ULM MN 56073
13.033.0500	RATHMANN RICKY	38864 641ST AVE	NEW ULM MN 56073
13.030.0900	JAUS MARTIN A	22891 651 AVE	GIBBON MN 55335
11.002.1200	ATHMANN MARVIN & KAREN	1266 DIAMOND CT	SHAKOPEE MN 55379
11.002.0400	ZEGAR GREGORY MICHAEL DANIEL	13401 87TH WAY NORTH	MAPLE GROVE MN 55369
13.101.0800	OWENS WENDY L	25679 COUNTY RD 27	SLEEPY EYE MN 56085
13.792.0010	FREITAG BRYANNE N & JOEY R FREITAG	61430 COUNTY RD 21	NEW ULM MN 56073
13.792.0020	SORENSEN ROBERT J	61436 COUNTY RD 21	NEW ULM MN 56073
13.101.0200	RAABE RENATE	925 N PAYNE	NEW ULM MN 56073
13.101.1600	JOHNSON GERALD E & MARY JO JOHNSON	PO BOX 292	NEW ULM MN 56073
09.742.0020	BARRER GARY L & BONNIE J BARRER	46138 RED OAK DR	NICOLLET MN 56074
04.793.0160	BODE GRANT T & GAIL M BODE	57034 BROOKVIEW LN	NEW ULM MN 56073
04.035.0400	CORDES WADE & VELEDA CORDES	56936 BROOKVIEW LN	NEW ULM MN 56073
04.026.0500	HIPPERT MICHAEL	200 SUMMERSET DR	ASHLAND OH 44805
04.794.0010	NELSON PATRICK W & MELISSA R NELSON	57063 BROOKVIEW LN	NEW ULM MN 56073
01.109.1400	SMITH CHARLES R & SALLY ANN L SMITH	40629 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1900	OLEARY MEREDITH S	41051 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1100	NUEHRING DANIEL L & TARA L ROCHEL-NUEHRING	40967 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.1400	SMITH CRAIG LEE - LIFE ESTATE	41296 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0705	SMITH CRAIG L SMITH & CRAIG L JR	41355 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0405	MEYER STEVEN A & SARA E MEYER	41567 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0205	AHL DAVID H	41896 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0300	MICHEL JOSEPH P & BEVERLY J MICHEL	41887 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.106.0910	KOESTLER KERRY K & RUTH C KOESTLER	42635 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1600	JOHNSON ANDREW JAMES	530804 ROCKFORD RD	NORTH MANKATO MN 56003
01.109.2200	MADISON HEATHER & MICHAEL MADISON	2294 BALSAM DR	NORTH MANKATO MN 56003
04.021.0410	RANWEILER BRADLEY A	58375 COUNTY RD 21	NEW ULM MN 56073
01.011.0600	SCHLUETER ROBERT	47104 391ST LN	SAINT PETER MN 56082
04.315.0700	DRILL MARVIN R & LISA A	54 ROSYLN RD	NEW ULM MN 56073
13.101.0300	VANDERBOSCH KAREN REVOCABLE TRUST	8246 ENCLAVE RD	WOODBURY MN 55125
01.115.1300	ANDERSON JASON R & JODELL L ANDERSON	PO BOX 580	LAKE CRYSTAL MN 56055-0580
01.115.0500	GOETTLICHER JAMES J & NORMA J GOETTLICHER	39266 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.115.1100	GOETTLICHER BRADLEY J	39152 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.115.1500	BENZKOEFER BETH MARIE	39191 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.115.1400	MUELLER JEFFREY & ELIZABETH L MUELLER	39099 512TH ST	NORTH MANKATO MN 56003
01.115.0600	GOETTLICHER CHARLES A & CATHERINE GOETTLICHER	39260 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
12.105.0200	WALTER WILLIS JOSEPH	40512 COUNTY RD 20	SAINT PETER MN 56082
06.451.0030	FRANTA JAMIE	14132 LEADWELL ST	VAN NUYS CA 91405
06.451.0020	PETERSON KEVIN	61238 COUNTY ROAD 21	NEW ULM MN 56073
11.105.0400	HEIDERSCHIEDT ADAM B	1607 NORTH GARDEN ST	NEW ULM MN 56073
13.871.0060	PIETZ ROBERT E & LORI L PIETZ	61851 ZEMPEL DR	NEW ULM MN 56073
09.034.1500	HOPP ALLAN L & PATRICIA L HOPP	44089 490TH ST	NORTH MANKATO MN 56003
11.109.0300	PALMER JOHN & ELAINE LIVING TRUST	70474 FORT RD	FAIRFAX MN 55332
09.034.1600	TRULLINGER JASON & SHERRY TRULLINGER	45514 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
13.030.0210	MERKEL DANIEL R & ANDREA MERKEL	72055 COUNTY ROAD 21	FAIRFAX MN 55332-4532
11.105.0320	HOFFBECK CURT A	47142 298TH ST	BERESFORD SD 57004
11.103.0500	SELLNER FRANCIS A & EUGENE L & LOIS R SELLNER	23342 250TH AVE	SLEEPY EYE MN 56085
11.105.0300	KRENZ JOSHUA T & AMANDA J KRENZ	71831 COUNTY ROAD 21	FAIRFAX MN 55332
11.125.0200	MOWAN JON JAY	900 SOUTH MINNESOTA ST	NEW ULM MN 56073
04.021.0405	RANWEILER BRADLEY A & MARLYS L RANWEILER	58375 COUNTY ROAD 21	NEW ULM MN 56073
04.022.0800	SCHAEPEKAHM ALEX	43922 SPRUCE HAVEN LN	NEW ULM MN 56073
04.034.1800	HIPSTER LLC	1220 SOUTH VALLEY ST	NEW ULM MN 56073
04.035.0605	BERG JAMIE & GINA M BERG	45304 KOHN DR	NEW ULM MN 56073
04.027.0300	HART JO ANN	20202 COUNTY ROAD 25	NEW ULM MN 56073
04.027.0105	KLINGLER JEFFREY J	57930 US HIGHWAY 14	NEW ULM MN 56073
09.016.0700	JOHN ALBERT PROSCH REVOCABLE TRUST	6505 SW 111TH LOOP	OCALA FL 34476
13.034.1400	PUHLMANN JOHN A & BETTE L PUHLMANN	626 S STATE ST	NEW ULM MN 56073
04.022.0600	NETZKE CARROLL H & BARBARA A NETZKE	58023 US HIGHWAY 14	NEW ULM MN 56073
04.034.0300	ENTER JASON P & JODY M ENTER	57108 422ND ST	NEW ULM MN 56073-4321
11.125.0205	KNUTZEN ANGELA MERKEL	8201 FOXBERRY DR	SAVAGE MN 55378
07.131.0605	MILLER GARY A	40415 STATE HIGHWAY 22	SAINT PETER MN 56082
07.131.1205	RODNING PAUL E & GAYLA J RODNING	40027 STATE HIGHWAY 22	SAINT PETER MN 56082
07.131.0705	DANIELS CHRISTOPHER D	1612 ASPEN DR	SAINT PETER MN 56082
07.131.1100	HERBERG ANTHONY R & BRYAN L HERBERG	39342 391ST AVE	SAINT PETER MN 56082
06.116.0100	FILZEN CALEB P	42064 581ST AVE	NEW ULM MN 56073
04.201.0605	KOHN MARK G	46091 551ST AVE	COURTLAND MN 56021
12.106.0110	CONLON THOMAS G & ANN M CONLON REVOCABLE TRUST	40018 STATE HWY 22	SAINT PETER MN 56082



8/31/2022

RE: Proposed Zoning Map Amendment

Dear Property Owner:

This letter is to serve as notice that the Nicollet County Planning and Zoning Advisory Commission will consider the rezoning of certain properties within the County. You are receiving this notice because our records indicate you own land that is to be rezoned as part of the proposal.

The purpose of the rezoning is to align the County's Zoning Map to the proposed Flood Insurance Study and Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA). The proposal will result in multiple areas being added to or removed from the Floodplain Zoning District and/or rezoned to the Shoreland, Conservancy, or Agricultural Preservation Zoning Districts. A map of the proposed changes can be found at <https://www.co.nicollet.mn.us/787/Floodplain-Management>. Contact Nicollet County Property Services for an explanation on how the new FEMA maps and rezoning affect your property.

This matter will be considered by the Planning and Zoning Advisory Commission on September 19, 2022. The meeting will be located in the County Board Room of the Nicollet County Government Center in Saint Peter. The meeting will begin directly following adjournment of the 7:00 PM Board of Adjustment and Appeals meeting.

You have the right to comment on this rezoning. You may appear at the hearing or provide comments and information to Nicollet County Property Services before the hearing. Please contact us before 4:00 PM on September 19 if you require special accommodations to attend.

Sincerely,

Spencer Crawford
Deputy Zoning Administrator
Property & Public Services
501 South Minnesota Avenue
St. Peter, MN 56082
Phone: 507-934-7070

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.



08.01.22 - 08.31.22 Permit Report

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD22-00174	SSTS Permit	Holding tank for shop.	47052 435TH AVE NICOLLET, MN 56074	THOMPSON STEPHANIE & TYLER THOMPSON
BLD22-00176	Structure Permit	New 36' diameter grain bin.	39801 436TH ST ST PETER, MN 56082	JOHNSON NEAL C & THOMAS D JOHNSON
BLD22-00177	SSTS Permit		49794 491ST AVE COURTLAND, MN 56021	RENGSTORF NICHOLAS L
BLD22-00178	Renewable Energy Permit	New roof mounted small solar energy system. 18 panels, 6.57 KW DC, 5 KW AC. Grid intertied.	37808 HILLSIDE DR ST PETER, MN 56082	ROLOFF ROBERT J & LINDAL Y ROLOFF
BLD22-00179	Renewable Energy Permit	New small solar energy system. 64 panels, 25.6 KW DC, 18.56 KW AC.	40218 425TH AVE ST PETER, MN 56082	SPANGENBERG CORNELIUS J & YVETTE SPANGENBERG
BLD22-00180	Structure Permit	28' x 28' home addition. 12' x 12' bedroom, remaining is open space.	34869 601ST AVE LAFAYETTE, MN 56054	MAIDL JOSEPH PAUL & DEBORAH KAY MAIDL
BLD22-00181	SSTS Permit	new mound for trailer house	42423 FORT RD ST PETER, MN 56082	WEBER STEVEN C
BLD22-00182	SSTS Permit		46500 US HIGHWAY 169 ST PETER, MN 56082	CARLSON KEITH REV INTER-VIVOS TRUST
BLD22-00183	SSTS Compliance Inspection	1500/2 septic tank, 750 pump tank, and mound w/ 10' x 50' rockbed w/ 12" of sand	50566 OLD RIVER BLUFF RD N MANKATO, MN 56003	LANGER JEFFREY W & KIM LANGER
BLD22-00184	Structure Permit	New 2,744' square foot dwelling. 1,424' main floor, 1,102' garage, 144' screen porch, 74' mechanical room.	0	LANGLIE PROPERTIES INC
BLD22-00185	SSTS Compliance Inspection	1500 gallon septic, 750 gallon pump, and mound	34869 601ST AVE LAFAYETTE, MN 56054	MAIDL JOSEPH PAUL & DEBORAH KAY MAIDL
BLD22-00186	SSTS Permit	New construction of house and septic	0	LANGLIE PROPERTIES INC
BLD22-00187	SSTS Permit	new system for 3 bedroom house	42423 FORT RD ST PETER, MN 56082	WEBER STEVEN C
BLD22-00188	SSTS Permit		0	
BLD22-00189	SSTS Permit		61785 SUNSET LN NEW ULM, MN 56073	Mark and Brenda Weiheart
BLD22-00191	Structure Permit	New 12' x 24' building for electrical components for grain bins	0	MANN ERIK
BLD22-00192	Structure Permit	New 12' x 12' accessory structure, treehouse.	43171 513TH LN NEW ULM, MN 56073	OLSON DAVID A
BLD22-00193	Sign Permit	New 911 address.	MN	Lake Prairie Pork, LLC
BLD22-00194	SSTS Permit		37789 STATE HIGHWAY 22 ST PETER, MN 56082	QUIST NATHAN & MARIA QUIST
BLD22-00195	Structure Permit	addition to deck	40906 511TH AVE NICOLLET, MN 56074	REDING BRANDON J & EMILY A REDING
BLD22-00196	Structure Permit		48438 COUNTY ROAD 15 NICOLLET, MN 56074	GJERDE RANDALL N