SECTION 11 ADMINISTRATION

11.1 ~~LAND USE~~ PERMITS ~~-~~ REQUIREMENTS:

~~*(AS AMENDED 1 March 2022)*~~

11.1.1 A permit is required prior to:

A. ~~to e~~Erecting or installing a new structure. ~~or~~

B. Altering any structure or part thereof if the outside dimensions are changed. ~~or~~

C. The use of a structure ~~thereof~~ ~~is~~ being converted to another use.

D. ~~A Land Use Permit shall be obtained A Land Use Permit shall also be obtained to the m~~Moving ~~of a~~ any structure on to a parcel, subject to Section 4.6.13 and 5.6.1 where applicable.

E. The installation, replacement and/or alteration of a sewage treatment system as required in Section 10.20.

F. The commencement of grading and filling activities in shoreland, subject to Section 4.6.10.

G. The commencement of mining activities, subject to Section 10.2.

H. Any land use activity listed as a permittable, conditional or interim use in this ordinance subject to applicable performance standards, unless identified as permittable by right.

11.1.2 Permit Exceptions:

A. Uses which are permittable by right.

B. Portable, unattached accessory structures or yard sheds, provided they are:

   a. Less than 144 square feet.

   b. Uninhabitable (no residential sleeping or living quarters, i.e., cannot be considered a dwelling unit or guest quarters).

C. Repair or replacement of structural components which do not alter structure dimensions or use, e.g. siding, roofing, windows, etc.

11.1.~~1~~3 ~~Permits:~~ Application Requirements:

A. An application for ~~Land Use Permit~~ a permit shall be made on forms supplied by the County.

B. Each application shall include a sketch plan drawn to scale showing the exact size and location of the buildings and accessory buildings to be erected, and the size and location of any existing buildings, wells or sewers located on the lot. The location of stormwater best management practices (BMPs) shall also be indicated on the sketch plan.

C. **Certificate of Survey and Staking Requirements:** If the request is to locate the proposed structure at less than one and a half (1½) times the property line setback (excluding OHWL setback), or expand an existing structure, a certificate of survey shall be completed, by a Licensed Land Surveyor, and must be provided with the application.

D. Construction floor plans shall be provided for all construction projects, including the

existing and proposed floor plans.

E. An application is deemed complete when all required fees, plans and data are submitted.

F. Fees for ~~Land Use Permit~~ permit applications shall be according to the fee schedule resolution of the County Board of Commissioners.

A. ~~Before a permit can be issued for any building, the requirements of Section 10.20 pertaining to sanitary facilities shall be met.~~

B. ~~Before any permit is issued under this section, the construction erosion standards found in Section10.4 shall be met.~~

11.1.4 Sanitary, Erosion, and Stormwater Control Requirements:

A. Before a permit can be issued for any building, the requirements of Section 10.20 pertaining to sanitary facilities shall be met.

B. Before any permit is issued under this section, the ~~construction~~ erosion control & stormwater management standards found in Section 10.24 shall be met.

C. Before any permit is issued under this section, a minimum of two (2) site appropriate stormwater BMPs shall be identified with the application which shall meet department approval.

D. The BMPs, in conformance with Section 10.24, shall be installed by the contractor or landowner and be inspected by the department prior to any construction activities taking place.

11.1.5 Contractor Responsibilities:

A. ~~It shall be the duty of the contractor to inspect the Land Use Permit application as approved and to perform the construction in compliance with the permit and this ordinance.~~

B. It shall also be the duty of the contractor to make certain that the permit is secured before the construction begins.

C. Contractors performing construction activities without the benefit of an issued permit shall be subject to monetary penalty as specified in the fee schedule resolution of the County Board of Commissioners.

D. It is the responsibility of the contractor to comply with any and all conditions associated with the permit approval.

11.1.~~2~~6 Construction period:

A permit issued by the department ~~A Land Use Permit~~ is valid for a period of one year. If construction is not substantially completed at one year, a permit extension of up to one year may be granted by the Administrator with cause and payment of the permit extension fee as identified in the Pope County Fee Schedule. ~~upon full payment of a fee equivalent to the original permit fee. If construction is not completed upon permit expiration after the first extension, future permit extensions may be granted for a one-year period upon full payment of a fee equivalent to two times the original permit fee.~~

A. Construction may not commence until such time as stormwater BMPs and erosion control measures have been installed and inspected by the department.

B. Construction is considered completed when the exterior of the structure is fully completed to the extent that there appears to be no additional construction necessary.

C. ~~All yard landscape work shall be fully completed during the first one-year permit~~

~~period.~~

11.2 ~~Zoning~~ Administrator:

~~The Board of County Commissioners hereby delegates to the Zoning Administrator the duties of administering and enforcing the Minnesota Pollution Control Agency's feedlot permitting program within Pope County to the extent authorized pursuant to Minnesota Statutes Section 116.07, and all rules promulgated thereunder, and administering and enforcing the requirements of this ordinance.~~

11.2.1 The duties of the Administrator shall include the following:

A. Administer and enforce this ordinance.

B. Assist the public in complying with and understanding their responsibilities and rights under this ordinance and provide any information about the ordinance upon request.

C. Issue permits required by this ordinance, subject to the provisions stated within this ordinance. ~~Application for all permits required by this ordinance shall be made to the Zoning Administrator and he shall issue such permits subject to the provisions stated within this ordinance.~~

D. Receive and forward all applications for Conditional Use Permits, Interim Use Permits, Standard Subdivisions, Rezonings, or amendments to this ordinance to the County Planning Advisory Commission and the Board of County Commissioners.

E. Receive and forward all Variance applications, appeals or petitions to the County Board of Adjustment.

F. ~~The Zoning Administrator shall k~~Keep the necessary records pertaining to this ordinance.

G. The ~~Zoning~~ Administrator, subject to County Board approval, shall have the authority to revoke any permit issued under this ordinance whereupon it is found that the holder of the permit has violated any of the terms of this ordinance or any stated conditions of the permit.

H. The ~~Zoning~~ Administrator and/or ~~his~~ a duly appointed representative, shall have the authority to enter, at reasonable times, upon the premises of property located in any of the zoning districts described herein to determine compliance with this ordinance.

I. The ~~Zoning~~ Administrator shall have authority to issue administrative orders directing owners and users of land to discontinue uses or activities which violate the provisions of this ordinance.

~~The Pope County Director of Public health shall have independent authority under this ordinance to issue administrative orders directing owners and users of land to discontinue and to abate uses, activities or conditions which are deemed by the Pope County Director of Public Health to constitute a public health nuisance.~~

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11.3 FEES:

11.3.1 Description:

A. All fees collected as required by this ordinance shall be credited to the County General Revenue Fund.

B. All fees collected pursuant to this ordinance shall be according to a fee schedule resolution of the County Board of Commissioners.

C. Prior to adoption of the fee schedule resolution, the County Board shall hold a public hearing thereon.

D. In any event that an applicant for Conditional Use, Interim Use, Variance or Preliminary Plat requests a special meeting of Planning Commission or Board of Adjustments for the purpose of expedient action on said permit, said applicant shall pay the full cost of the special meeting.

11.3.2 Fee Exceptions:

A. Losses due to fire or natural disasters if within 24 months. Replacement structure to be in original location, with substantially similar dimensions.

B. Portable, unattached accessory structures or yard sheds, provided they are:

   a. Less than 144 square feet.

   b. Uninhabitable (no residential sleeping or living quarters, i.e., cannot be considered a dwelling unit or guest quarters).

C. Applicants who secure a Conditional Use Permit (CUP) for purposes as defined below, shall not incur an additional permitting fee for the activity or structure provided an application is submitted to the department for the aforementioned activity or structure within one (1) year of the issuance of said CUP and the requirements of Section 11.1.1 of this ordinance are complied with. If, however, the project has not started after one (1) year from the date of issuance of said CUP, a fee shall be collected. This shall include:

   a. Shoreland Alterations requiring a CUP, as defined in Section 4.6.10.

   b. Used Accessory Structures requiring a CUP, as defined in Section 4.6.13 and 5.6.1.

   c. Non-farm residences requiring a CUP, as defined in Sections 6 and 7, provided the requirements of Section 11.1.1 are complied with.

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