



Public Works / Environmental Services
1105 8th Avenue NE,
Austin, Minnesota 55912
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**NOTICE OF INTENTION TO MAKE CHANGES / AMENDMENTS TO THE MOWER COUNTY
SUBSURFACE SEWAGE TREATMENT (SSTS) ORDINANCE AND THE MOWER COUNTY
ZONING ORDINANCE RELATING TO ESSENTIAL SERVICES**

Notice is hereby given that the Mower County Planning Commission will assemble on Tuesday, 12/29/2020 at 7:00 p.m. in the County Commissioner’s Room, located in the lower level of the Mower County Government Center, (201 1st Street NE, Austin MN 55912), to discuss the following update and changes to the Mower County Ordinances. Access into the building is through the Law Enforcement Center (LEC) doors. Please notify the Public Works Department IN ADVANCE if you intend to participate in person; as we need to uphold COVID safety precautions which include appropriate social distance and the wearing of facial masks. You may also participate in the meeting via teleconference:

Mower County Planning Commission Meeting

Tue, Dec 29, 2020 7:00 PM - 9:00 PM (CST)

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/138457221>

You can also dial in using your phone.

United States: [+1 \(408\) 650-3123](tel:+14086503123)

Access Code: 138-457-221

A copy of the proposed changes are available for review in the Mower County Auditor’s Office, on or an electronic copy can be provided to you at no cost by contacting the Mower County Environmental Services Office—email address to use is: zoning@co.mower.mn.us Hard copies are available upon advance request. Mower County policy requires a fee of 25 cents per page for printing. Changes to the ordinance are highlighted in yellow.

Mower County encourages public participation by either attending the public hearing to hear or provide comment(s), or by submitting written comments to Public Works Department at 1105 8th Avenue NE, Austin MN 55912 or you may email written comments to zoning@co.mower.mn.us Written comments received on or before 4:00 p.m. 12/25/2020 will be copied and provided to the Planning Commission for their review and consideration at the public hearing. All comments of the public hearing or written comments will be summarized and provided to the County Board before consideration of adoption of the ordinance. The septic ordinance changes are a continuation of those which were previously presented to the Planning Commission in February of this year, prior to COVID-19 outbreak.

Notice is hereby further given that the Mower County Board of Commissioners may hear the aforementioned Amendment Change(s) on Tuesday, January 5, 2021 at approximately 1:30 pm in the County Commissioner's Room, if the Amendment Changes are forwarded by the Planning Commission.

MAJOR ORDINANCE CHANGES/AMENDMENTS INCLUDE:

- **County's Education and outreach initiative relating to SSTS:** importance of compliant systems, how SSTS systems work, what makes SSTS non-compliant, how non-compliant SSTS affect ground and surface water, homeowner care and maintenance of SSTS
- **Language amendments/modifications:**
 - Subdivision 1: General Provisions:** Purpose, Standards adopted by reference, Liability, Retroactivity, Upgrade, Public Education Outreach, Record Keeping, Annual Reporting, Fees, Interpretation
 - Section 1.160 Definition Additions /Modifications:** As-built or As-built drawings, Authorized Representative, Drainage Methods, Failing System, Failure to Protect Groundwater, Imminent Threat to Public Health & Safety, Management Plan, Notice of Noncompliance, Operating Permit, Open air (feedlot) Lagoon, Public Health Nuisance, Sewage, Shoreland, Treatment Level, Wellhead Protection Area
 - Change, Section 1.170 Prohibitions #7:** Prohibiting Co-mixing of animal manure and sewage. Reason: When co-mixed land application must comply with Federal 503 adherence for sewage sludge. *Refer to MPCA guidance document wq-f1-06*
 - Subdivision 3: Permitting:** SSTS Permits Required, SSTS Permit application requirements, compliance review for zoning, variance and conditional use permit applications as listed in Section 4.2, soil observations after Nov 1st, requirements for lots/parcels created after 1996, seeding/mulching, operating permits.
- **Change Section 3.40, SSTS Permit application, #5: Residential Tank sizing for new/replacement SSTS:** minimum size to include sizing for garbage disposal, sewage ejector pump or grinder pump (dishwasher). This results in a capacity increase of 50% of the minimum gallon capacity found in MN Rule 7080.1930 Subpart 1, Table V. (I.E.1000 gal. tank + 50% increase = 1500 gal) applies to single and multiple family dwellings.
- **Change Section 3.100: Operating Permits:** certain types of SSTS are required to operate under an "operating permit". These are TYPE IV, V and MSTs. This was previously required by reference to MN Rule but is now incorporated into this ordinance. Mower County previously had operating requirements for holding tanks.
- **Change Section 4.10: Inspection Requirements:**
 - Education-County responsibility;
 - **Additions include (Section 4.20):**
 - When compliance inspections are required: (Section reworked into a table format – prior ordinance requirements remain unchanged). Those added are:
 - Non-shoreland areas will be subject to compliance inspection when SSTS is 20 years old or greater for any improvement to property which requires zoning permit, CUP or variance; which does not have a current COC (Certificate of

Compliance) on file. Shoreland Overlay areas have higher standards as defined in MN Rules 6120 and this ordinance; the shoreland overlay standards remain unchanged.

- Other Establishments are listed in MN Rules 7081.0130, Table 1; but generally, means other than residential. This includes, but is not limited to commercial, industrial, recreational, eating, drinking and entertainment establishments, places of assembly
 - COC required on file once every 5-year period upon adoption of this ordinance and prior to issuance of a zoning permit, conditional use permit or variance.
- Procedures for establishing an escrow account when frozen soils do not allow for a compliance inspection, but allowing the zoning permit to be reviewed and granted; allowing construction to proceed.

Subdivision 4:

Change Section 4.40 Compliance Inspection requirements for Transfer of Property:

- A Certificate of Compliance required before recording transfer of property;
- Transfers exempt from compliance inspection – changes reflected in items i-f
- Escrow accounts – when required, amounts required, who/where held, when/how released
 - When property transfers without inspection – Escrow required: 125% of a written estimate; or 150% average mound cost (as determined annually by county) without written estimate.
 - Proof of escrow required.
- **Change Section 4.60. 2. h: Inspection Protocol:** Seeding and mulching must be completed on a new or replacement SSTS before COC will be issued by County.
- **Change Section 4.70 Notice of Noncompliance: Prescribed timelines to correct:**
 - Failure to protect groundwater increases from 12 months to 18 months
 - Imminent Public Health Threats (IPHTs): 2 categories:
 - 1) under MN Statute 145A: 10 days to cease discharge plus 10 months to replace/abandon (*unchanged*);
 - 2) other IPHT: 10 months (*unchanged*)
 - No compliance inspection completed, but known to be failing: 10 months; previously 12 months.
 - Relating to parcels within municipalities: must connect to municipal services unless formal letter from City to Department otherwise.
- **Change 8.70 Notices for Violations:** Issuance of Citations added as method of enforcement:

MINOR ORDINANCE CHANGES/AMENDMENTS INCLUDE:

- Language modifications - Refer *Section 4.50 to reflect major changes 4.40*
 - Contract for deed clarifications and the prior ordinance requirements (differences between ordinances dated 2004, 2014) – Refer 4.40, 2, c.
- Inspection Protocol – Refer *Section 4.60*

- Holding Tanks – *Refer Section 5.60*
- SSTS Type IV amendment (adopted 12/7/2017) incorporated into SSTS ordinance
- Department willing to accept pumping records and keep on file
- Minor Housekeeping: verbiage which may provide clarity, MN Rule citations or correct misspellings
- Ordinance Repeal, adoption and Effective date (to be determined by Co. Board)

DIVISION 3. SECTION 14-8.2 UTILITY LINE PLACEMENT WILL BE REVISED TO: ESSENTIAL SERVICE REGULATIONS

The entire section is being revised and will include minimum standards for essential service placement for utility-type services e.g. pipelines, transmission lines (including transmission lines, sub-transmission lines and distribution lines), sewers, pipes, conduits, cables, boxes, and other related appurtenances.

Associated essential service “buildings” are subject to zoning setbacks specified in each zoning district as it currently exists in the Mower County Zoning Ordinance, or as may be amended in the future.

Essential Service (Utilities) located in the Public Right-of-Way will be subject to the existing Mower County Right-of-Way Ordinance adopted and in effect as of Jan. 1, 2001.

This Section is intended to provide for application requirements, performance standards, setbacks, depth and height minimum standards, developer’s agreement, inspections and financial assurances applicable to the essential service applicants.

BY ORDER OF THE
MOWER COUNTY PLANNING COMMISSION

Angela M. Lipelt

Angela M. Lipelt, Environmental Services Supervisor