

**LAKE COUNTY COMPREHENSIVE PLAN AND  
LAND USE ORDINANCE**

**ORDINANCE #12**

**EFFECTIVE August 11, 2011**

	<b>LAKE COUNTY COMPREHENSIVE PLAN .....</b>	<b>1</b>
ARTICLE 1.0	<b>TITLE .....</b>	<b>10</b>
ARTICLE 2.0	<b>PURPOSE.....</b>	<b>10</b>
ARTICLE 3.0	<b>DEFINITIONS .....</b>	<b>10</b>
ARTICLE 4.0	<b>ESTABLISHMENT OF LAND USE DISTRICTS:</b>	
	<b>OFFICIAL LAND USE MAP .....</b>	<b>22</b>
ARTICLE 5.0	<b>RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES .....</b>	<b>22</b>
ARTICLE 6.0	<b>GENERAL PROVISIONS .....</b>	<b>24</b>
ARTICLE 7.0	<b>SHORELAND ZONING PROVISIONS (OVERLAY).....</b>	<b>32</b>
ARTICLE 8.0	<b>HYDROLOGY .....</b>	<b>38</b>
ARTICLE 9.0	<b>FR FOREST – RECREATION DISTRICT .....</b>	<b>52</b>
ARTICLE 10.0	<b>R-1 RESIDENTIAL DISTRICT.....</b>	<b>54</b>
ARTICLE 11.0	<b>R-2 RESIDENTIAL DISTRICT.....</b>	<b>56</b>
ARTICLE 12.0	<b>R-3 RESIDENTIAL DISTRICT.....</b>	<b>57</b>
ARTICLE 13.0	<b>R-4 RESIDENTIAL DISTRICT.....</b>	<b>58</b>
ARTICLE 14.0	<b>R-R RESIDENTIAL – RECREATIONAL DISTRICT .....</b>	<b>60</b>
ARTICLE 15.0	<b>CR COMMERCIAL – RURAL DISTRICT.....</b>	<b>61</b>
ARTICLE 16.0	<b>CU COMMERCIAL – URBAN DISTRICT .....</b>	<b>63</b>
ARTICLE 17.0	<b>UP URBAN – PUBLIC DISTRICT .....</b>	<b>65</b>
ARTICLE 18.0	<b>RC RESORT – COMMERCIAL DISTRICT .....</b>	<b>66</b>
ARTICLE 19.0	<b>PC PUBLIC – COMMERCIAL DISTRICT .....</b>	<b>68</b>
ARTICLE 20.0	<b>M MANUFACTURING – INDUSTRIAL DISTRICT .....</b>	<b>69</b>
ARTICLE 21.0	<b>TOWER LANGUAGE.....</b>	<b>70</b>
ARTICLE 22.0	<b>SPECIAL PROVISIONS: OFF-STREET LOADING AND PARKING.....</b>	<b>79</b>
ARTICLE 23.0	<b>SIGNS AND OUTDOOR LIGHTING .....</b>	<b>80</b>
ARTICLE 24.0	<b>PLANNING COMMISSION.....</b>	<b>84</b>
ARTICLE 25.0	<b>BOARD OF ADJUSTMENT, VARIANCES AND OTHER APPEALS .....</b>	<b>87</b>
ARTICLE 26.0	<b>CONDITIONAL USES .....</b>	<b>92</b>
	<b>26.07 SPECIAL CRITERIA AND REQUIREMENTS .....</b>	<b>94</b>
	<b>A. Junk or Salvage Yards.....</b>	<b>94</b>
	<b>B. Recreational Camping Areas .....</b>	<b>95</b>
	<b>C. Manufactured Home Parks .....</b>	<b>95</b>
	<b>D. Livestock in RR, R-3 and R-4 Districts.....</b>	<b>98</b>
	<b>E. Feedlots.....</b>	<b>98</b>
	<b>F. Acid Manufacturing, Smelting of Ores,     Wrecking and Salvage Yards and     Other Similar Uses .....</b>	<b>98</b>
	<b>G. Hotels, Motels, Resorts and Campgrounds.....</b>	<b>98</b>
ARTICLE 27.0	<b>INTERIM USES.....</b>	<b>101</b>
	<b>27.06 SPECIAL CRITERIA AND REQUIREMENTS.....</b>	<b>101</b>
	<b>A. Vacation Rental Home.....</b>	<b>101</b>
	<b>B. Extraction and Processing of Sand,     Aggregate and Other Minerals .....</b>	<b>102</b>
ARTICLE 28.0	<b>NONCONFORMITIES .....</b>	<b>104</b>
ARTICLE 29.0	<b>AMENDMENT AND REZONING .....</b>	<b>109</b>
ARTICLE 30.0	<b>ADMINISTRATION, ENFORCEMENT AND PENALTIES.....</b>	<b>111</b>
ARTICLE 31.0	<b>FEEES.....</b>	<b>114</b>
ARTICLE 32.0	<b>VALIDITY.....</b>	<b>114</b>
ARTICLE 33.0	<b>REPEAL OF CONFLICTING ORDINANCE.....</b>	<b>114</b>
ARTICLE 34.0	<b>EFFECTUATION OF ORDINANCE #12 .....</b>	<b>115</b>
EXHIBIT A	<b>CODE SYSTEM/CONFORMING SYSTEM DIFFERENCES .....</b>	<b>116</b>
EXHIBIT B	<b>ASSESSMENT OF SEPTIC SYSTEM .....</b>	<b>117</b>
APPENDIX 1	<b>LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS .....</b>	<b>118</b>
APPENDIX 2	<b>LAKE COUNTY WETLAND FUNCTION ANALYSIS MODE .....</b>	<b>134</b>

# **LAKE COUNTY COMPREHENSIVE PLAN**

## **Introduction**

Lake County is located in Northeastern Minnesota's Arrowhead Region, with Canada forming the northern border, Lake Superior comprising the southern border, with Cook County to the east and St. Louis County to the west. The total area of the County is approximately 2,137 square miles. Much of Lake County's inland area is sparsely populated, and approximately 82 percent is publicly owned. The three incorporated cities within Lake County are Two Harbors, Beaver Bay and Silver Bay, with the Cities of Silver Bay and Two Harbors comprising over half of the County's population. The majority of Lake County's population lives within six miles of Lake Superior.

The scenic beauty of Lake County, its abundance of natural resources, and its proximity to the mining, forestry, and tourism industries make it an attractive place to live and work. While a vast majority of Lake County is in public ownership, areas around the Cities of Two Harbors and Silver Bay and along Highway 61 have a full range of urban land uses. As vacant land in these areas develops, urban land uses could extend into adjacent forested and open areas, increasing development pressure. Coordination with local, state, and federal jurisdictions is imperative in coping with existing and future pressures.

The Lake County Comprehensive Plan plays three important roles for County elected and appointed officials and staff, as well as for residents and landowners. First and foremost, it is a vision statement of Lake County's goals and aspirations. Lake County's vision, as stated in this document, was identified through a public planning process that took several years to complete. Secondly, it is a guide for achieving that vision. The goals, strategies and action steps identified in the Plan help to set the initial course in seeing that vision realized. Thirdly, it is an educational tool. The Plan's appendices provide considerable background information and insight into the conditions that exist in Lake County. This information and subsequent updates will help to facilitate a better understanding of Lake County's issues, opportunities, and constraints. This document represents the current manifestation of an ongoing comprehensive planning process that has been taking place in Lake County since the mid-1960's. Furthermore, it represents a substantial revision of the Lake County Comprehensive Plan that was adopted in 1974.

## **Purpose and Organization**

The ultimate purpose of the Comprehensive Plan is to promote the health, safety, and general welfare of the Lake County community. The Plan is intended to provide a flexible guide that reflects Lake County's traditions, values and customs. This document is the result of a planning process based upon the premise that planning provides an objective basis for ongoing governmental decisions by coordinating and balancing considerations of economic, social, and environmental factors. The comprehensive planning process represents an opportunity to bring citizens into contact with the County government (henceforth the County) on issues that affect them, to recognize the public and private investments in Lake County, and to assess the direction the County wishes to pursue.

A separate supporting document that includes background information, maps, and a survey of community attitudes was developed during the comprehensive planning process. This document is available for purchase at the Lake County Planning and Zoning Department.

### **Authority**

The Lake County Comprehensive Plan is the legal basis for its official controls. The 1974 Comprehensive Plan was developed in accordance with Minnesota Chapter 394, the County Planning Enabling Act, as is this current revision. Minnesota Chapter 394 provides counties with the regulatory authority to promote the “health, safety, moral and general welfare of the community” through the development and implementation of a comprehensive plan.

### **Plan Implementation**

This section of the plan provides a general overview of the opportunities for implementation of the Comprehensive Plan and recommendations for updating it. Plan implementation is firmly tied to the ability of the County to promote the plan over the long term. Key partners in the implementation of the Comprehensive Plan include the decision-makers, staff, and residents of Lake County. The County Board, Planning Commission, and County staff will study and understand the plan and serve as its implementers. The support of County residents and landowners is essential to the successful implementation of the plan.

### **Implementation Tools**

#### ***Official Controls***

- *Tools that the County uses to regulate land use and establish standards for development.*

Official controls include the zoning and subdivision regulations that the County uses to establish standards for development and regulate land use. The County’s Land Use Ordinance utilizes zoning districts as its principal tool to implement the County’s land use policies. The Land Use Ordinance consists of two essential elements, the ordinance text and the official zoning map. The ordinance text sets forth the specific guidelines for the development of land within Lake County and the official map delineates zoning district boundaries. The County will review its Land Use Ordinance and zoning map and compare them with the adopted goals and strategies included in this plan in order to identify and reconcile areas of discrepancy.

The Subdivision Ordinance regulates the subdivision of parcels and coordinates private investment with public infrastructure. Subdivision regulations ensure that appropriate physical development and the provision of adequate public infrastructure are available to areas of growth. The Subdivision Ordinance ensures that the costs of public improvements associated with new development are assessed to the developer and new residents rather than to the established community.

### **Intergovernmental Cooperation**

- *Working with other entities to address mutual needs or issues.*

Intergovernmental cooperation will help the County build and sustain relationships with all units of government in order to encourage planned growth and development, promote economic vitality, enhance the quality of life for its residents, and promote its interests. Because the

majority of Lake County's land area is managed by County, State and Federal governments, as well as by public and private nonprofit agencies, it is important to continue coordination among these entities to ensure that local interests regarding the management of these lands are clearly represented. A variety of State and Federal agencies provide financial and technical assistance through various programs. Coordination of initiatives to utilize these resources is necessary to work towards a common goal. The County has found it is beneficial to set up forums that are outside traditional lines of communication for ongoing discussion of land management issues.

### **Additional Studies and Planning Activity**

- *Additional planning or research that must occur before a specific course of action may be recommended.*

This Comprehensive Plan provides a broad guide and vision for future development in Lake County. However, it is important to recognize that some issues may require additional studies or planning efforts before specific courses of action can be recommended. For example, the ability to address housing needs within Lake County may require that a comprehensive analysis be made. Information collected during the course of such studies will be used in amending the comprehensive plan in order to address any pressing needs.

### **Capital Improvement Programs**

- *Publicly owned physical improvements to the County's infrastructure.*

A Capital Improvement Program (CIP) establishes schedules and priorities for capital improvements and usually identifies projects five years out. Projects typically included in a CIP are of three types, (1) the reconstruction, major maintenance, or upgrading of existing facilities; (2) new projects in developed areas where the need or demand already exists; and (3) the expansion of projects in partially developed or developing areas where demand is anticipated as a result of, or in preparation for, future growth. The County will develop a CIP framework that identifies, estimates the costs of, and prioritizes needed public improvements over a given period. Recognizing that the County's financial resources are limited, a CIP framework integrated into the decision-making process will allow it to provide the most critical of public improvements while staying within budgetary constraints.

### **Other strategies**

- *Actions to be carried out through other policies, programs, or initiatives of the County.*

Unforeseen circumstances may arise that require the County's attention but for which the Comprehensive Plan provides no direction. When confronted with a particular issue or request, the County Board may employ such strategies as policy directives or statements of position that allow for satisfactory resolution. When such strategies have been employed by the County, and are determined to have future value, they may be included as part of the Plan during the next scheduled Plan review and update.

### **Implementation Roles and Responsibilities**

The Comprehensive Plan touches on a broad list of topics intended to direct future growth and development in Lake County until 2013. These topics include land use, housing, transportation, public facilities and infrastructure, recreation, commercial and industrial development, and the natural environment. The background studies and recommendations

contained in Appendix A identify other organizations and individuals that have an impact on these issues and that will need to be considered as the County begins to implement the plan.

For each topic area, the Comprehensive Plan presents goals that reflect the desired conditions to be achieved during the time span of the Plan. Implementation strategies are identified for each goal and, where appropriate, action steps have been identified as part of those strategies. The goals can be characterized as policy statements describing long-term outcomes. The strategies are more concrete and action-oriented. While the goals provide long-range vision and are less likely to change over time, the strategies and associated action steps may change over time as needs change and new opportunities arise.

The County Board of Commissioners, Planning Commission, and staff should familiarize themselves with the Plan and should follow its guidance in making decisions. New members of the County Board and Planning Commission, and new department heads should be given copies of the Plan as part of their orientation process. The Plan should be cited or referenced in support of land use decisions made by County officials and staff. The Plan is intended to be the foundation upon which subsequent land use decisions and regulation rest.

### **Plan Review and Updating**

Recognizing the dynamic nature of society, the County should periodically review the Comprehensive Plan to ensure that it appropriately reflects the current conditions and views that exist within the County and update it as appropriate.

#### **Guiding Principles**

##### ***Principle 1***

Establish a land use program based upon public involvement that takes into consideration the values, traditions, customs, and well-being of County residents, using locally accepted principles of land management. Definitive values, traditions, and customs include the following:

- Constitutional Rights and Responsibilities
- Diversity
- Independence
- Hunting, Fishing, and Trapping
- Logging and Mining
- Cooperation; Neighbor-Helping-Neighbor
- Outdoor Recreation
- Portages, Trails, and Waterways
- Private Space
- Responsibility for the Natural Environment
- Tolerance; Live and Let Live Attitude
- Commercial Fishing
- Forest Management

##### ***Principle 2***

Recognize and respect the rights of property owners.

**Principle 3**

Base resource management strategies on sound scientific data using the best available techniques.

**Principle 4**

Demand equal footing with all levels of government in all matters affecting Lake County.

**Principle 5**

Accept this Comprehensive Plan with its goals and strategies as intended to accommodate and address future growth and service demands until 2013.

**Goals & Strategies**

**General Goal 1**

*Continue to develop Comprehensive Plan to guide decision-makers that considers the values, traditions, and customs of County residents, utilizing locally accepted comprehensive planning principles.*

- A) Coordinate plans for economic development, environmental protection, infrastructure, land use, and recreation utilizing public participation throughout the process.
- B) Review annually, and amend the Plan as necessary, to ensure the Plan's usefulness as a guide for development. The County's official controls shall be consistent with the Comprehensive Plan.
- C) Collaborate with applicable government entities and agencies in the implementation of comprehensive planning goals and strategies.
  - 1) Work cooperatively with the cities, townships, school districts, and other entities on applicable planning and land use issues.
  - 2) Work with the State of Minnesota, the Federal Government, and other applicable entities to provide input on the management of publicly owned lands within the County.
  - 3) Participate in regional, state, and federal legislative, rule making, and policy setting processes.
  - 4) Work with federal officials to provide input on the management of the Boundary Waters Canoe Area Wilderness (BWCAW).
  - 5) Work with federal and state officials to retain resident hunting, trapping, and fishing rights on publicly owned lands and waters.
  - 6) Work with applicable entities to maintain public access to all public land and waters in Lake County.
  - 7) Work with applicable entities to provide input on the formation and implementation of environmental regulations.
  - 8) Work with applicable entities to provide input on the management of endangered, threatened, and sensitive species.
  - 9) Work to consolidate public land holdings (i.e. land exchanges are encouraged).
  - 10) Address payment in lieu of taxes issues to sustain local government. Act to ensure that tax exempt facilities are acting within the letter of the law.
  - 11) Work with applicable entities to ensure quality of life.
  - 12) Work with applicable entities to ensure the landholder's ability to practice forest management on their holdings.

- D) Work with applicable federal and state agencies to ensure that any land taken out of private ownership is matched by the release of (an equal value of) similar public land to the County's tax rolls.

**General Goal 2**

*Assure a balance between development and quality of life considerations.*

**Land Use Goal**

*Support growth that is orderly and planned.*

- A) Support the development of industry within established communities with adequate infrastructure (with the exception of natural resource based industries).
- B) Support the development of non-recreationally based commercial enterprises within communities with established infrastructure and clustered in areas with adequate infrastructure.
- C) Minimize the impacts of land disturbing activities, on natural features, relative to erosion, storm water runoff, wetlands, and scenic views.
  - 1) Develop tools to preserve green space in an effort to prevent sprawl.
- D) Encourage development that protects the integrity of ridgelines.
  - 1) Inventory and identify ridges holding visual and environmental importance to Lake County.
  - 2) Develop standards for vegetative clearing, building height, screening, and building color for development on ridges holding visual and environmental importance to Lake County.
  - 3) Encourage densities to remain low on ridges holding visual and environmental importance to Lake County.
- E) Minimize land use conflicts between industrial, commercial, and residential areas.
  - 1) Consider establishing buffer zones between conflicting uses.
- F) Evaluate and strengthen the land use education and enforcement processes.
  - 1) Secure adequate legal counsel.
  - 2) Consider licensing/bonding any earth-moving contractors operating in Lake County.

**Housing Goal**

*Encourage the development of housing within the County that meets a variety of needs.*

- A) Work with private developers, applicable State and Federal agencies, local organizations, and institutions to assess and address housing needs.
- B) Encourage the development of housing in areas of the County that can be economically served with adequate transportation and utility infrastructure.
- C) Encourage the location of multi-family and high-density small lot residential development adjacent to cities or other areas with adequate infrastructure.

**Transportation Goal 1**

*Provide and facilitate the development of a transportation system that safely and efficiently meets and supports the County's physical, social, economic, and environmental needs.*

- A) Work with applicable State and Federal agencies and Townships to establish, construct, and improve all modes of the transportation system.

- B) Work to upgrade Lake County's arterial and collector system.
- C) Assess the potential for the design and construction of a system of minor arterial roadways and major collectors, providing strategic links.
- D) Assess the potential for the design and construction of a coordinated system of routes parallel to Highway 61.
- E) Prepare a Highway Improvement Plan that provides for the systematic upgrading of the County's State Aid Highways to nine or ten-ton capacity.
  - 1) Work to improve the visual quality of roadways.
  - 2) Improve directional signage, identification signage, and landscaping along roadways.
  - 3) Support the development of entrance features for urbanized areas.
- F) Encourage the continued utilization and maintenance of harbor, rail, and air facilities.
- G) Add and maintain consistent directional and community identification signage on roads and streets within the County.
- H) Make access management an integral consideration in the transportation system.
- I) Ensure commercial vehicle access through the County.
- J) Ensure public and private signage is consistent with the County sign ordinance.
- K) Utilize highway shoulders for interest groups promoting recreational activities such as hiking and biking, among others.

### **Transportation Goal 2**

*Protect the integrity of potential future road expansion projects.*

- A) Formally adopt a transportation map that does the following:
  - 1) Identifies future rights-of-way.
  - 2) Identifies utility corridors.
  - 3) Utilizes Geographic Information Systems to inventory rights-of-way, corridors, and resources.
- B) Consider access management issues when making land use decisions.

### **Public Facilities and Infrastructure Goal**

*Provide and facilitate infrastructure and facilities that safely and efficiently meet and support the County's physical, social, and economic needs.*

- A) Continue to maintain existing public facilities.
  - 1) Identify and schedule needed improvements of Lake County facilities through Capital Improvements Programs.
- B) Cooperate with applicable organizations to plan for future educational needs.
- C) Cooperate and partner with other units of government in developing and utilizing public facilities in order to provide the highest levels of service and to
- D) Monitor areas with on-site sewer systems and support the creation of wastewater management districts.
  - 1) Work with property owners along the North Shore to address wastewater treatment problems.
- E) Ensure maximum utilization of natural materials and resources, generated through construction projects. Assure that they are reserved and made available for subsequent projects, benefiting the public.

- F) Maintain search and rescue, fire, and law enforcement services.
- G) Support a high level of training and readiness within emergency services, including cross training.
- H) Work with public and private entities to encourage state-of-the-art communication systems throughout Lake County.
- I) Promote antennae co-location on shared communication towers.
- J) Give priority to infrastructure improvements that strengthen the County's tax base.
- K) Work with all entities to share infrastructure services and facilities.

### **Recreational/Cultural Goal**

*Support the establishment and maintenance of recreational facilities and systems.*

- A) Support the County Recreation Board.
- B) Coordinate the County's recreation program with other entities (state, federal, private, etc.) to ensure maximum public benefit.
- C) Encourage cultural partnerships.
- D) Encourage preservation of historic sites.
- E) Work with State and Federal agencies to ensure residents' continued rights to hunt, fish, and trap and manage forest land within the County.
- F) Work with applicable state, federal, and local agencies to establish, construct, maintain, and improve all modes of the recreational trail system.
  - 1) Continue to encourage the coordination of trail and transportation systems as opportunities present themselves.
- G) Encourage the utilization of the recreational trail system.
- H) Support the multiple-use of public lands and recognize the importance of all recreational activities.

### **Commercial/Industrial Development Goal 1**

*Maintain a favorable climate for business activity and support the development of a strong and balanced economic base.*

- A) Support existing Lake County businesses.
- B) Encourage commercial and industrial development and redevelopment.
  - 1) Participate in State and Federal legislative processes related to economic development issues.
- C) Support the multiple-use of public lands and recognize the importance of resource based industry.
  - 1) Actively participate in resource management in the Lake County planning processes.
  - 2) Work with the State to emphasize the income producing requirements of school trust lands in its control.

### **Commercial/Industrial Development Goal 2**

*Reduce the likelihood of conflicts arising between industrial operations and County residents.*

- A) Identify commercially viable aggregate resources within the County.
  - 1) In conjunction with other resource management agencies, conduct an aggregate resources evaluation study.

- B) Establish aggregate extraction districts that identify the location of possible future aggregate mining operations based upon an aggregate resource evaluation study.
- C) Establish protocols to inform developers and residents interested in developing land near aggregate production districts of the potential for noise, dust, traffic, and visual impacts associated with such industrial operations.
- D) Act to reduce conflict in aggregate industrial operations.

**Environmental Goal**

*Promote stewardship by residents, visitors, and elected officials to ensure long-term environmental health.*

- A) Educate residents, visitors and elected officials of the importance of stewardship.
- B) Recognize, promote, and implement management practices to foster stewardship of the County's environmental resources.
- C) Continue to manage the County's resources in accordance with Official Controls, County and Regional Plans including but not limited to the following:
  - 1) Comprehensive Water Management Plan
  - 2) Five-year Road Plan
  - 3) North Shore Management Plan
  - 4) Tax Forfeit Management Plan
  - 5) Wetland Plan
  - 6) Airport Ordinances
  - 7) Environmental Review Ordinance
  - 8) Land Use Ordinance
  - 9) Sewage Treatment Ordinance
  - 10) Solid Waste Ordinance
  - 11) Subdivision Ordinance
  - 12) Scenic Byway/All American Road Plan
  - 13) North Shore Land Use Plan (Two Harbors to Lester River 2001).
  - 14) Lake Superior Basin Plan
  - 15) Rainy River Basin Plan
  - 16) Lodging Ordinance
  - 17) Food Service Ordinance
- D) Work with State and Federal resource management agencies to achieve consistency.

## LAKE COUNTY LAND USE ORDINANCE #12

### ARTICLE 1.0 TITLE

This ordinance shall be known as Lake County Ordinance #12 and may be cited and referred to as the "Lake County Land Use Ordinance".

### ARTICLE 2.0 PURPOSE

An ordinance establishing comprehensive land use regulations for all of the unincorporated area in Lake County, Minnesota, including public lands administered by the County, State and Federal governments in accordance with the provisions of Chapter 394, of the Minnesota Statutes, as amended, and pursuant to Minnesota Statutes, Section 103.F., and all acts amendatory thereof, to promote the health, safety, convenience, and general welfare of the inhabitants of Lake County, Minnesota, by dividing the County into zones and regulating therein the uses of land and the placement of all structures with a view toward encouraging the most appropriate use of land, recognizing and preserving the economic and natural environmental values of all lands within Lake County, and recognizing the rights and concerns of property owners and existing land use patterns developed in good faith prior to the adoption of this Ordinance.

### ARTICLE 3.0 DEFINITIONS

- Sec. 3.00 As used in this Ordinance, the words, terms and phrases defined in this article shall have the meaning given herein, unless otherwise specifically defined, or unless the context clearly requires otherwise. Further, throughout the text of this Ordinance unless the context clearly requires otherwise, the present tense includes the future tense, the singular number shall include the plural and the plural shall include the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "used" or "occupied" includes the words intended, designed or arranged to be used or occupied; the word "lot" includes the words "plot" or "parcel"; for regulatory purposes the word "structure" shall include the term "use" and vice versa.
- Sec. 3.01 Accessory Structure and Use: A structure or use, not a dwelling, including essential services and utilities intended to serve and subordinate to the principal structure or use of the land and serving a purpose customarily incidental to the permitted principal structure or use.
- Sec. 3.02 Administrator: The Planning and Zoning Administrator of Lake County, Minnesota, or his authorized representative. The Planning and Zoning Administrator shall be referred to herein as "Administrator".

- Sec. 3.03 Aggregate: Describes a mixture of minerals, or rock fragments that resemble rock.
- Sec. 3.04 Agricultural Land: Land planted with annually-seeded crops or that is in a crop rotation seeding of pasture grasses or legumes.
- Sec. 3.05 Animal Unit: One animal unit equals 1000 lbs. of stock. (See also, feedlot, this section).
- Sec. 3.06 Bed & Breakfast: A Conditional Use consisting of lodging operations that are located within an owner occupied or resident managed home. Rooms are rented on a nightly basis just as with conventional hotel or motel. A type of food service is offered in the morning which may vary from coffee and doughnuts to a full-scale breakfast.
- Sec. 3.07 Board of Adjustment: The Lake County Board of Adjustment.
- Sec. 3.08 Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics: part or all of the feature is located in a shoreland area; the slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody; the grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and the slope must drain toward the waterbody. An area with an average slope of less than eighteen percent (18%) over a distance of fifty (50) feet or more shall not be considered part of the bluff.
- Sec. 3.09 Bluff Impact Zone: A bluff and land located within twenty (20) feet from the top of a bluff.
- Sec. 3.10 Buffer: Open spaces, landscaped area, fences, walls, or berms used to separate, screen, or visually block one use from another.
- Sec. 3.11 Buildable Lot Area: The area of a lot exclusive of public rights-of-way or wetlands, that is at least 3 feet above the ordinary high water level.
- Sec. 3.12 Building: Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind.
- Sec. 3.13 Certificate of Compliance: An official form issued by Lake County Land Use Office indicating compliance with the Lake County Ordinance #11, An Ordinance Regulating the Construction of Individual Sewage Treatment Systems.
- Sec. 3.14 Commercial Use: Sale, lease, rental or trade of products, goods or services. In the case of lodging establishments, any rental for a period of less than one month is considered to be a commercial use.

- Sec. 3.15 Common Interest Community: A method of subdividing land prescribed by Minnesota Statutes 515.b, and considered by the Planning Commission under Planned Unit Development and subdivision platting protocols.
- Sec. 3.16 Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for future development of the County or any portion of the County.
- Sec. 3.17 Conditional Use: A land use or development that would not be appropriate generally in a given zone district, but which may be allowed with appropriate restrictions as called for in the Ordinance.
- Sec. 3.18 Conforming Sewage Treatment System: A sewage treatment system installed in accordance with all applicable local standards in effect at the time of installation unless it is determined to be failing, except that systems using cesspools, leaching pits, seepage pits or other deep disposal methods, or systems with less soil treatment area or separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.
- Sec. 3.19 County Board: The County Board of Commissioners of Lake County, Minnesota.
- Sec. 3.20 Critical Habitat: The habitat element that limits the abundance or range of a species.
- Sec. 3.21 Deck: A horizontal, unenclosed structure, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground except for a landing that is attached to either a stairway or ramp and is no larger than four (4) feet by five (5) feet. A deck is treated as an impervious surface.
- Sec. 3.22 Driveway: A private way serving less than five (5) properties by connecting it to a road.
- Sec. 3.23 Dwelling: Any building or portion thereof designed or used as the residence or sleeping place for one or more persons, including a manufactured home.
- Sec. 3.24 Dwelling, Single Family: A building or portion thereof containing one dwelling that is not attached to any other dwelling by any means and is designed for and used by one family.
- Sec. 3.25 Dwelling Unit: Individual dwelling component providing sleeping and potentially bathing, and sanitary services generally accessible from a separate entrance

including facilities known as lockouts (generally used to determine density for Planned Unit Developments, hotels, motels and resorts).

- Sec. 3.26 Essential Services: Services provided by public and private utilities.
- Sec. 3.27 Erosion Hazard Area: Those areas identified on the Official Erosion Hazard Area Maps located in the Lake County Planning and Zoning Department.
- Sec. 3.28 Extractive Use: The use of land for surface or subsurface removal of sand, aggregate, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- Sec. 3.29 Family: Any person or group of persons not exceeding (14) whether or not related by blood or marriage, occupying a single dwelling
- Sec. 3.30 Farms: Agriculture including, but not limited to, fur farms, poultry and egg farms, hog farms, feed lots and any other agricultural endeavor including such activities for commercial purposes.
- Sec. 3.31 Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.
- Sec. 3.32 Feedlot: Specifically designed animal confinement areas in which manure may accumulate or where the concentration of animals is such that the vegetative cover cannot be maintained in the enclosure. (See 6.14 and 26.07 **D & E**.)
- Sec. 3.33 Forest Management and Utilization: The process of giving the forest care so that it remains healthy and vigorous and provides the products and amenities the land owner desires. Also, the application of technical forestry principles, practices and business techniques to the management of the forest including the utilization and mobile processing of forest products.
- Sec. 3.34 Habitable Structure: A structure designed to be used for living, sleeping, eating or cooking.
- Sec. 3.35 Guest quarters: A structure or part of a structure used as a dwelling unit that contains sleeping space and potential kitchen and bathroom facilities in addition to those provided in the primary dwelling on a lot.
- Sec. 3.36 Height of Structure (Buildings): The vertical distance from the average grade at the building line to the highest point of the building.
- Sec. 3.37 Hotels/Motels/Resorts: A lodging facility under single ownership containing four (4) or more individual sleeping rooms, suites or cabins used primarily for providing accommodations for pay for periods of less than thirty (30) days.

- Sec. 3.38 Home Occupation: Occupations or professional offices that utilize space in a residential or accessory building not to exceed six hundred (600) square feet in area. Such use does not include an activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.
- Sec. 3.39 Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- Sec. 3.40 Hydrology Technical Committee: That panel of resource professional appointed by the Board of Commissioners, which make technical recommendations to the Planning and Zoning Department on activities affecting hydrology. Also serves the function of Technical Evaluation Panel (TEP) specified in State Rules 8420.0240.
- Sec. 3.41 Hydrophytic Vegetation: Plants that grow in or are adapted to wetlands.
- Sec. 3.42 Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include: rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or aggregate roads.
- Sec. 3.43 Individual Sewage Treatment System (I.S.T.S.): "Individual sewage treatment system" means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.
- Sec. 3.44 Industrial Use: The use of land or buildings for the production, manufacturing, warehousing, storage or transfer of goods, products, commodities or other wholesale items.
- Sec. 3.45 Intensive Vegetative Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- Sec. 3.46 Interim Use Permit: A permit allowing temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
- Sec. 3.47 Junk or Salvage Yard: A conditional use consisting of land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles; provided further that the outside storage of three (3) or more unlicensed motor vehicles for a period in excess of three (3) months shall also be considered to be a junk yard.

- Sec. 3.48 Kennel: A conditional use consisting of any structure or premises on which four (4) or more dogs over three (3) months of age are kept or raised.
- Sec. 3.49 Land Disturbing Activities: Any change in the land surface including removing vegetative cover, excavating, filling, grading and the construction of any structure.
- Sec. 3.50 Land Use Permit: A permit issued for a specific use of or activity on the land.
- Sec. 3.51 Livestock: All animals, excluding normal domestic pets, and including, but not limited to mammals, fish, fowl, insects and reptiles.
- Sec. 3.52 Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- Sec. 3.53 Lot Area: The area of lot in a horizontal plane bounded by the lot lines. For the purpose of this Ordinance, the lot area shall exclude area below the normal high water level of public waters.
- Sec. 3.54 Lot Coverage: The percentage of lot surface encumbered by impervious surface.
- Sec. 3.55 Lot Frontage: The front of a lot shall be construed to be the portion of the lot nearest the street or road from which access is gained or body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered front yard. Any peninsula less than thirty-five (35) feet in width shall not be considered as a measurement of lot frontage.
- Sec. 3.56 Lot Width: The shortest distance between the lot lines, measured at the building line.
- Sec. 3.57 Lot of Record: A lot which is part of a subdivision the plat of which has been recorded in the office of the Lake County Recorder, or a lot described by metes and bounds, the description of which has been recorded in the office of the Lake County Recorder prior to June 1, 1973 for shoreland properties and February 1, 1976 for non-shoreland properties.
- Sec. 3.58 Manufactured Home: A dwelling, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, as defined in MN Rules 1350.0100, Subp. 38.

- Sec. 3.59 Mitigation: To rectify a wetland impact by repairing, rehabilitating, or restoring the affected environment or by compensating for those impacts by replacing or providing substitute wetlands.
- Sec. 3.60 Nonconformity: Any legal use, structure or parcel of land already legally in existence, recorded, or authorized before the adoption of this Ordinance that would not have been permitted to become established under the terms of the Ordinance as now written, if the Ordinance had been in effect prior to the date it was established, recorded or authorized.
- Sec. 3.61 North Shore Management Zone: An area boundary defined along the forty (40) acre subdivision lines of the rectangular coordinate system established in the U.S. Public Land Survey, nearest to the landward side of a line one thousand (1000) feet from the shoreline of Lake Superior or three hundred (300) feet landward from the centerline of U.S. Highway 61, whichever is greater, with the exception that from the western limits of Lake County to the western limits of the City of Two Harbors the boundary is the centerline of the southbound lane of the U.S. Highway 61 Expressway.
- Sec. 3.62 Ordinary High Water Level: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- Sec. 3.63 Outdoor Lighting Fixtures: Outdoor electrically-powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot and flood lights for: buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.
- Sec. 3.64 Permitted Use: A use that is specifically allowed in a zone district without the requirement of a Conditional Use Permit.
- Sec. 3.65 Person: A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- Sec. 3.66 Planned Unit Development: A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, potential density increases, and a mix

of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these; or Cluster Subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, resorts, hotels, motels, and conversions of structures and land uses to the before mentioned uses. (Hotels, motels, resorts and campgrounds meeting Section 26.07(G) are exempt from the Planned Unit Development section of the Lake County Subdivision Ordinance #9)

- Sec. 3.67 Planned Unit Development, Commercial: Multiple dwelling units for short-term, less than one (1) month lodging, including, but not limited to townhomes, condominiums, motels, and hotels, and containing four (4) or more dwelling units.
- Sec. 3.68 Planned Unit Development, Residential: Multiple residential dwelling units including but not limited to, townhomes and condominiums.
- Sec. 3.69 Planning Commission: The Lake County Planning Commission.
- Sec. 3.70 Portable Sawmill: A small sawmill permanently mounted on a trailer and not requiring removal from same to become operational.
- Sec. 3.71 Pre-development Conditions: Land which has run-off characteristics equivalent to run-off curve numbers (CN) of: 32, 58, 72, and 79 for hydrologic soil groups A, B, C, and D respectively. (This is a description of soil characteristics used by soil scientists that relates soil permeability and serves as a technical guideline for soil scientists, engineers, and other professionals.)
- Sec. 3.72 Public Waters: Any waters as defined in Minnesota Statutes, Sec. 103G.005, Subd. 15 and 18.
- Sec. 3.73 Qualified Professional: Engineers, soil scientists, hydrologists, and other experienced professionals recognized by the Hydrology Technical Committee as experienced in dealing with the design of hydrology management structures and methods.
- Sec. 3.74 Recreational Camping Vehicle: A currently-licensed, self-propelled or towed vehicle used to provide temporary living quarters, and could include such vehicles as house trailers, fold-down tents, motor homes, campers, converted buses, converted vans, etc.
- Sec. 3.75 Right-of-Way: a legal right of passage over another person's ground.
- Sec. 3.76 Riparian: abutting on public water (lots closer than 222 feet to the vegetation line are considered riparian and must conform to riparian lot standards). For riparian standards in Planned Unit Developments refer to the planned unit section of the Subdivision Ordinance.

- Sec. 3.77 Road: A way having permanent location on the ground and serving more than four (4) buildable lots or dwellings including railroads, highways and roadways.
- Sec. 3.78 Setback: The minimum horizontal distance between a structure, sewage treatment system or other facility and the vegetation line, road centerline, road right-of-way line, front, side, or rear lot lines.
- Sec. 3.79 Shore Impact Zone: Land located between the vegetation line of public water and a line parallel to it at a distance of fifty (50) feet, except in the North Shore Management Zone, which is excluded from this definition unless specifically defined in a different section of this ordinance.
- Sec. 3.80 Shoreland: The North Shore Management Zone and all lands located within the following distance from public waters: One thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage; Three hundred (300) feet from the ordinary high water level of a river or stream.
- Sec. 3.81 Sign: A name, identification, description, display, or illustration which is portable or affixed to a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business.
- A) On-Premise Sign: For the purpose of this Ordinance an on-premise sign shall mean a sign located on the property upon which the advertised activity or business is conducted.
- B) Off-Premise Sign: For the purpose of this Ordinance an off premise sign shall mean a sign that is located on property other than the premises on which the advertised business is conducted. Off-premise signs may be permitted within ten miles of those premises if permitted through a conditional use process and allowed by the road authority. (See the section on signs.)
- Sec. 3.82 Slumping: A subsidence of soil material commonly caused by a de-stabilization of lower horizons causing structural dislocation or failure.
- Sec. 3.83 Special Zoning Permit: A permit issued under special conditions allowing guest quarters and additional dwellings on one (1) parcel or lot.
- Sec. 3.84 Steep Slope: Lands having an average slope greater than twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- Sec. 3.85 Structural Alteration: Any change other than incidental repairs which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

- Sec. 3.86 Structure: Anything constructed or erected more than three (3) feet in height, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to walls, , decks, signboards and billboards, dams, except aerial or underground public utility lines, such as sewer, electric, telephone, or gas lines, including towers, poles, and other supporting appurtenances. In addition, unlicensed recreational camping vehicles shall be considered structures.
- Sec. 3.87 Toe of Bluff: The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a fifty foot or greater segment, measured on the ground, with an average slope exceeding 18 percent (18%).
- Sec. 3.88 Top of Bluff: The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from steeper to gentler slope below. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a fifty (50) foot or greater segment, measured on the ground, with an average slope exceeding 18 percent (18%).
- Sec. 3.89 Tower: Any pole, wire, structure or combination thereof including antennae and supporting lines, cables, wires, braces, masts and rotating blades 35 feet or greater in height above grade.
- Sec. 3.90 Tower Facility (IES): A tower and its appurtenant devices including, but not limited to antennae, equipment, buildings, anchor points, fences, gates and other related equipment.
- Sec. 3.91 Tower Height: The elevation of the uppermost appendage on a tower measured from natural ground elevation.
- Sec. 3.92 Unclassified Watercourse: A natural occurring named or unnamed water with a defined bottom not having protected water status (see Section 7.04, G).
- Sec. 3.93 Unincorporated Area: That area lying outside the incorporated limits of any city. (For purposes of this Ordinance, Townships are considered unincorporated).
- Sec. 3.94 Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- Sec. 3.95 Vacation Rental Home: Any home, cabin, condominium or similar building represented to the public as a place where sleeping accommodations are furnished to the public on a nightly or weekly and for less than thirty days basis for compensation and is not a bed and breakfast, resort, hotel, or motel.

- Sec. 3.96 Variance: Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
- Sec. 3.97 Vegetation Line: The line defining where terrestrial vegetation begins. (This is commonly where a sod layer has developed.)
- Sec. 3.98 Water Frontage: The pin to pin measurement between the side lot lines where they intersect the vegetation line commonly designated in a certificate of survey or subdivision plat drawing.
- Sec. 3.99 Water-oriented Accessory Structure: A small (less than 200 square feet) above-ground structure not a dwelling which, because of the relationship of its use to a surface water feature, needs to be located closer to public waters than the normal structure setback which may include gazebos, screen houses, fish houses, pump houses, and detached decks as well as for the storage of water-related accessories.
- Sec. 3.100 Well Head Protection Area: “Wellhead protection area” means the surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field.
- Sec. 3.101 Wetland: Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface. A wetland must display: (1) a predominance of hydric soils; (2) surface water or ground water at a frequency or duration sufficient to support a prevalence of hydrophytic vegetation; (3) hydrophytic vegetation under normal conditions.
- Sec. 3.102 Wetland Conservation Act: the 1991 Minn. Laws ch. 354, as amended by 1993 Minn. Laws Ch. 175, 1994 Minn. Laws Ch. 627, 1996 Minn. Laws Ch. 462, and by any subsequent amendments.
- Sec. 3.103 Wetland Functional Analysis Model: the assessment model which serves as Lake County’s guide for rating the public value of a particular wetland.
- Sec. 3.104 Wetland Public Value: The degree of benefit derived from wetland function and performance deemed significant to the physical environment and the general welfare of the Lake County community
- Sec. 3.105 Wetland Sequencing: Wetland sequencing is the process of applying the following four (4) principles in descending order of priority: Avoid direct or indirect impact of the activity. Minimize the impact by limiting the degree or magnitude of the wetland activity. Rectify the impact by repairing or restoring the affected wetland. Replace unavoidable impacts to the wetland by restoring or, if

wetland restoration is not reasonable, creating substitute wetland areas having equal or greater public value.

- Sec. 3.106 Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty-six (36) inches above the ground level of the graded lot upward, provided, however, that fences, utility poles, lawn lights, and related minor equipment may be permitted in any yard, provided that they do not create a traffic safety hazard.
- Sec. 3.107 Yard, Front: A yard extending across the front of a lot between the side yard lines and lying between the centerline of the street, highway, or waters edge and the building line setback line.
- Sec. 3.108 Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear of the half-depth front yard.
- Sec. 3.109 Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line.
- Sec. 3.110 Zoning District: Refers to those land areas described in the Lake County Land Use Ordinance which establish minimum lot size, setback, coverage requirements, and permitted use.

**ARTICLE 4.0**  
**ESTABLISHMENT OF LAND USE DISTRICTS: OFFICIAL LAND USE MAP**

Sec. 4.00 For the purposes of this Ordinance the unincorporated areas of the county are hereby divided into land use districts, as shown on the Official Land Use District Map which, together with all explanatory matter thereon, is hereby incorporated by reference and declared to be a part of this Ordinance. Said districts shall be known as:

FR	Forest-Recreation	CR	Commercial-Rural
R-1	Residential	CU	Commercial-Urban
R-2	Residential	RC	Resort-Commercial
R-3	Residential	PC	Public Commercial
R-4	Residential	M	Manufacturing/Industrial
RR	Residential-Recreational	UP	Urban Public

Sec. 4.01 A certified copy of the Official Zoning District Map, together with any amendments thereto, shall be filed with the Lake County Recorder. In the case of conflict between said map and the provisions of this Ordinance, the latter shall govern.

Sec. 4.02 Future Jurisdiction. Any land placed under the jurisdiction of this Ordinance in the future shall be placed in the FR Forest-Recreation District until placed in another district by action of the Board of County Commissioners after recommendation from the Planning Commission.

**ARTICLE 5.0**  
**RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

Sec. 5.00 Except as otherwise set forth under the provisions of this Ordinance, where a district is bounded by a street, highway, alley, river, stream, or city limit, the center line of such feature shall be the boundary. Boundaries following railways shall be construed to be located midway between the main tracks.

Sec. 5.01 Distances not specifically indicated on the Land Use District Map shall be determined by the scale of the map.

Sec. 5.02 Whenever any street, alley or other public way is vacated by official action, the land use districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Sec. 5.03 Where the actual street or property layout is at variance with that shown on the Land Use District Map, or in other circumstances not covered by the provisions of this Ordinance, the Administrator shall interpret the district boundaries.

**ARTICLE 6.0**  
**GENERAL PROVISIONS**

- Sec. 6.00 Minimum Requirements: The provisions of this Ordinance shall be construed to be minimum requirements. This Ordinance shall be read and applied in conjunction with all other applicable governmental statutes, ordinances, codes, and regulations. Wherever there exists a conflict between this Ordinance and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirement shall govern.
- Sec. 6.01 Setbacks from Roads: Minimum structure setbacks from all public and platted roads shall be sixty-three (63) feet from the centerline or thirty (30) feet from the right-of-way, except on Minnesota Highway 61 where the requirement shall be thirty-five (35) feet from the right-of-way, whichever provides the greater setback.
- A) Knife River special setbacks: where small lots abut on 60 foot roads, a 10 foot right of way (40 foot from centerline) setback may be permitted. Where roads are within railroad right-of-way (Skiff Landing Road, etc.), a 15 foot structural setback from the Railroad right-of-way must also be considered. Normal setbacks shall apply to CSAH 61.
- B) Private Roads: All private, unplatted roads shall have a setback of thirty-three (33) feet from the centerline of the traveled surface.
- Sec. 6.02 Driveways: Driveways and roads shall comply with the minimum requirements of the appropriate road authority and be generally limited to 600 feet or greater between access points.
- Sec. 6.03 Structure Height: Maximum height for all structures is thirty-five (35) feet except for towers. Towers must follow the regulations set forth in Article 21. (See Article 21 for tower standards.) **(Article 21 adopted by the County Board on December 17, 2008. Resolution #08121605)**
- Sec. 6.04 Buildable Lot Area: In addition to zone district requirements, newly created lots not served by municipal sewer shall have a buildable lot area of at least one-half acre and contain two 5000 sq foot undisturbed sites reserved exclusively for onsite sewage treatment.
- Sec. 6.05 Drainage:
- A) No building intended for human use or occupancy shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reasons of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than three (3) feet above the highest water level, or one (1) foot above the one hundred (100) year storm wave runup elevation on Lake Superior as determined by a licensed engineer.

- B) Dam Construction: Land Use Permit required. Special review by Soil & Water Conservation District personnel is required prior to issuance of a Land Use Permit for dam construction or modification. Persons contemplating dam construction should be aware of the requirements of Minnesota Rules 6115.0320, Subp. 5., and of the DNR Permitting Process.

Sec. 6.06 Sanitation (Public Health):

- A) No building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless:
  - 1) Provision is made for safe and adequate treatment of sewage in accordance with the regulations of the Lake County Ordinance #11, An Ordinance Regulating the Construction of Individual Sewage Treatment Systems, and in conformance with sanitary provisions of the Minnesota Pollution Control Agency Standards for Individual Sewage Treatment Systems, Chapter 7080.
  - 2) One or more of the following is presented to the Administrator:
    - a) A current Permit to Install an Individual Sewage Treatment System for the project or use along with monies in escrow to cover the costs of the septic system installation except for new home construction on vacant property.
    - b) A Certificate of Compliance on record in the Lake County Land Use Office showing that said building is served by a conforming septic system.
    - c) Certification by a public sewer authority proving connection of the building to public sewer.
- B) Certificate of Compliance: Whenever a Certificate of Compliance is required under the terms of this Ordinance; application shall be made to the Administrator on the necessary forms. The Administrator shall review all information required and make any necessary inspections so as to issue a Certificate of Compliance, certifying that the property, project or use in question does not require an Individual Sewage Treatment System Permit for any of the following reasons:
  - 1) No new construction or use is planned and there is a conforming sewage treatment system.
  - 2) New construction or use is planned, but there is a conforming sewage treatment system on the property which is adequate to handle the new construction or use in full compliance with all requirements of this Ordinance and the

Lake County Ordinance #11, An Ordinance Regulating the Construction of Individual Sewage Treatment Systems, as amended.

- 3) No new construction or use is planned and no existing use or structure on the property requires treatment of sewage.

The issuance of the Certificate of Compliance shall be denied if the foregoing cannot be certified.

C) Sale of Property Where Individual Sewage Treatment Systems Are Located:

1) Disclosure of Individual Sewage Treatment System To Buyer.

- a) Before signing an agreement to sell or transfer real property on which an individual sewage treatment system is located, the seller must disclose in writing to the buyer information about the status and location of all known individual sewage treatment systems on the property by delivering to the buyer either a statement by the seller that the seller does not know of any individual sewage treatment system on the property or a disclosure statement indicating the legal description and a map drawn from available information showing, to the extent practicable, the location of each individual sewage treatment system. In the disclosure statement, the seller must indicate each individual sewage treatment system and provide evidence that the individual sewage treatment system is a conforming system.

- b) At the time of closing of the sale, the disclosure statement information and a Certificate of Compliance must be provided. A Certificate of Compliance need not be provided if the seller does not know of any individual sewage treatment system on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any individual sewage treatment system on the described real property."

- c) If the seller fails to provide a Certificate of Compliance the seller shall provide financial assurance in the form of an escrow agreement to assure the installation of a conforming sewage treatment system within twelve (12) months. If installation is not completed by that time the Administrator shall proceed with enforcement actions. Upon receiving

evidence of a conforming system, the financial assurance will be released.

d) The Administrator shall provide the necessary forms to the Lake County Recorder/Registrar of Titles and other interested persons.

e) Failure to comply with a requirement of this subdivision does not impair:

i) The validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or,

ii) The record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of Section 6.05.

2) Liability For Failure To Disclose: Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence of an individual sewage treatment system at the time of sale and knew or had reason to know of the existence of the individual sewage treatment system is liable to the buyer for costs relating to compliance with this Ordinance or the Lake County Individual Sewage Treatment System Ordinance, Ordinance No. 11, and reasonable attorney fees for collection of costs from the seller, if the action is commenced within six (6) years after the date the buyer closed the purchase of the real property where the individual sewage treatment system is located.

D. A sewage treatment system not meeting the requirements of Section 6.05. A. of this Ordinance must be upgraded prior to the issuance of any Lake County permit or license.

E. In the Larsmont segment of the Knife River/Larsmont Sanitary District, notwithstanding any of the above, properties generating waterborne sewage, not demonstrating an imminent threat to health and safety, will be allowed to continue in operation once financial assurance, equal to the cost of installing a complying system, is secured in a manner satisfactory to the County Attorney. New developments in this segment shall be allowed holding tanks with routine pumping secured by contract and shall provide financial assurance for the installation of a complete soil treatment system. If a sewer is built, the financial assurance will be used to offset construction costs. If a sewer is not built, the funds shall be released to offset costs of a district managed individual sanitary treatment system.

F. Land Use and I.S.T.S. permit applications shall not be accepted for properties within Sanitary District boundaries until the District approves the application in writing. Sanitary District approval is intended to eliminate conflict with the location of existing Sanitary District physical plant and in no way delegates any County Land Use Authority to the District.

Sec. 6.07 Airport Zoning Provisions (Overlay): All lands within an Airport Zone shall comply with the appropriate ordinance, available at the Lake County Land Use Office.

Sec. 6.08 Recreational Camping Vehicles:

A) Parking: Recreational camping vehicles may be parked in any zone district, but must be placed so as to comply with all setbacks for structures within the particular district, except when actively loading or unloading.

B) Use: Recreational camping vehicles may be parked for storage purposes as described above for an unlimited period but may not be used for temporary or permanent dwelling purposes more than twenty-one (21) days per calendar year on any given lot, except when located in a Recreational Camping Area as lawfully permitted pursuant to Section 26.07.B., and except when used as a temporary dwelling connected to utilities during construction of a permanent dwelling on the same lot for a period of six (6) months after issuance of a Land Use Permit for said dwelling or until construction is completed, whichever comes first.

Sec. 6.09 Dwellings per Lot: In each zone district, each dwelling shall be on a parcel meeting the minimum requirements specified in this Ordinance for the particular district, except existing resorts, Planned Unit Developments and plats approved by Lake County after September 1, 1978. Dwellings meeting the following requirements or guest quarters meeting section 7.06 are exempt from the one (1) dwelling per parcel requirement.

A) Additional dwellings may be allowed on a single parcel outside of the shoreland when all of the following requirements are met:

1) A special zoning permit is obtained and recorded stating that the property will not be reduced in size below what is required per this section.

2) The parcel size shall be equal to the number of dwellings times the required lot size [example- If two (2) dwellings were located in a five (5) acre zoning district the parcel must be ten (10) acres, if there were three (3) dwellings the parcel must be fifteen (15) acres.]

3) The second or additional dwellings cannot be rented out.

- 4) The site must have adequate water supply and the ability to accommodate on-site septic systems.

Sec. 6.10 Fences:

A) General:

- 1) Fences are not allowed in the Shore Impact Zone or below the vegetation line of Lake Superior unless they are for livestock purposes or if they are three and one half ( 3 ½) feet or less and translucent (see through).
- 2) Fences are not allowed in the road right-of-way.
- 3) When fences are allowed to be placed up to the property line the best side of the fence must face the neighboring property.

B) Permit Required: A Land Use Permit is required when a fence exceeds six (6) feet in height and when it exceeds six (6) feet it must meet all structure setbacks.

C) No Permit Required: Fences six (6) feet and under do not require a Land Use Permit. When they are six (6) feet and under they can also be placed up to the property line.

Sec. 6.11 Recreational Trail System Construction: Construction, alteration, and the change of use of public recreation trail systems outside of public road rights-of-way may proceed only after approval at a public hearing held by the Planning Commission and initiated by a Conditional Use Application.

Sec. 6.12 Topographic Alterations/Grading and Filling: Grading and filling shall require an erosion and sediment control plan as part of the Land Use Permit. The nature of the plan will be determined by the magnitude and volume of materials to be manipulated. The following issues shall be addressed:

- A) Timing and sequencing of the project is such that the smallest amount of bare ground is exposed for the shortest amount of time;
- B) Temporary ground covers, such as annual rye and/or mulch, are used when soil is bare for more than seven (7) days;
- C) Permanent ground cover will be established within seven (7) days, using sod or seeding, after site preparation is complete;
- D) Methods to prevent erosion and trap sediment are employed;
- E) Fill is stabilized to accepted engineering standards. (See also Article 8.)

Sec. 6.13 Soil Disturbance Thresholds: For the purpose of addressing soil disturbing activities, land is classified with the following use criteria measured in cubic yards of disturbed material. A Land Use Permit is not required for soil disturbing activities directly associated with structure placement, structure alterations, individual sewage treatment system placement or minor road and driveway maintenance. Permit applications submitted for grading, filling, or soil excavation

shall require the signature of the contractor/agent as well as the property owner. (See Sec. 8, Hydrology.)

A) Shore Impact Zones, Bluff Impact Zones and Steep Slopes

- 1) Under 10 cubic yards - no permit required.
- 2) Ten to 50 cubic yards - Land Use Permit required.
- 3) More than 50 cubic yards - Applications shall not be considered complete until plans approved by the Hydrology Technical Committee are submitted.

B) Shoreland (within 300 feet of a protected water stream or 1000 feet of a lake or within the North Shore Management Zone):

- 1) Less than 50 cubic yards - No permit required.
- 2) Fifty (50) to 500 cubic yards of material - Land Use Permit required.
- 3) More than 500 cubic yards - Applications shall not be considered complete until plans approved by the Hydrology Technical Committee are submitted.
- 4) Wetlands disturbances in shoreland zones are limited to 400 square feet and then only with a permit. Activities above this threshold require special handling from the Land Use Office, (see also Article 8.0 of this Ordinance).
- 5) In the North Shore Management Zone an erosion and sediment control plan must be submitted under the following circumstances:
  - a) For land disturbances exceeding one thousand (1,000) square feet or one hundred (100) cubic yards.
  - b) For fill exceeding one thousand (1,000) cubic yards.
  - c) For any shoreland alteration exceeding fifty (50) cubic yards within the structure setback area. Shoreland alterations done in connection with work authorized by a building or sewage disposal permit shall be exempt from the erosion control plan requirements.

C) Non-Shoreland (The remainder of the County):

- 1) Less than 100 cubic yards - No permit required.
- 2) One hundred (100) to 1000 cubic yards-Land Use Permit required.
- 3) More than 1000 cubic yards - Applications shall not be considered complete until plans approved by the Hydrology Technical Committee are submitted.
- 4) Wetland disturbances are limited to 10,000 square feet and then only with a permit. Activities above this threshold require special handling from the Land Use Office, (see also Article 8 of this Ordinance).

Sec. 6.14

Noise: In accordance with Minnesota Rules Chapter 7030, Lake County is classified as Noise Area 1. Airports, Districts zoned M, incidental recreation, transportation and agricultural pursuits including forestry are exempted from this classification. When these or other activities develop into a nuisance or become detrimental to the peace and well being of the community, this ordinance shall serve as a vehicle for initiating the Conditional Use hearing process as a remedy.

Sec. 6.15 Feedlots: Feedlots with the capacity of from one to thirty animal units may be issued Land Use Permits within the R1 district without a Conditional Use Permit when they meet the following criteria:

- A) They are located more than fifty (50) feet from adjacent property lines,
- B) They are located more than 200 feet from a dwelling other than that of the owner,
- C) They are located in areas other than shoreland,
- D) They are located more than 50 feet from any watercourse with a defined bottom.
- E) They are located more than 150 feet from any well.
- F) They do not encroach on a wellhead protection area.

Feedlots exceeding 30 animal units may be allowed only under a Conditional Use Permit. (See Article 26.0 Conditional Uses).

Sec. 6.16 Vacation Rental Home: All vacation rental homes shall meet the following minimum requirements:

- A) Rental must be located on a conforming lot. Lots within the North Shore Management Zone which were conforming prior to the May 26, 2006, lot size amendments will be considered a conforming lot for the purpose of a vacation rental home.
- B) Must have valid Certificate of Compliance on file with Lake County. The installation of a flow monitoring device is required. Monthly flow recordings are required and this information must be made available to Planning and Zoning upon request. No holding tanks allowed for rental units.
- C) The owner shall obtain and maintain a MN Department of Health license or Lake County Health Department license, if applicable.
- D) The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of overnight guests using the property. A copy of the report shall be provided to Planning and Zoning upon request.
- E) Rental of recreational camping vehicles shall not be allowed.
- F) On premise signs are prohibited.
- G) The owner shall provide a visual demarcation of the property lines as determined by the Planning & Zoning Administrator.
- H) The owner shall post within the rental unit the rules and regulations and an emergency contact person and phone number.
- I) The site shall provide on-site parking sufficient to accommodate the occupants of the rental home.
- J) No more than one dwelling per parcel may be rented. Guest quarters and additional dwellings cannot be rented as per Sec. 7.06 and Sec. 6.09.

**ARTICLE 7.0**  
**SHORELAND ZONING PROVISIONS (OVERLAY)**

Sec. 7.00 Designation of Type of Land Use: In order to guide the development and utilization of shoreland. All public waters Lake County, have been given a public waters classification, and uses of shorelands are hereby designated by land use districts, based on the compatibility of the designated type of land use with the public waters classification.

Sec. 7.01 Classification: The public waters of Lake County, Minnesota have been classified by the Department of Natural Resources and the Lake County Planning Commission as follows:

LAKES	RIVERS	
General Development	Remote	
Recreational Development	Forested	
Natural Environment	Transitional	Tributary

For identification of river classifications, refer to the MN DNR Protected Waters Inventory Maps. Specific classifications of various reaches of rivers within Lake County may be obtained from the Land Use Office. All designated trout streams are, at a minimum, classified Forested. For individual lake classifications and a listing of designated trout streams, refer to Appendix I.

Sec. 7.02 Lot Size: For shoreland lots created since June 1, 1973 (see also Section 6.04):

CLASSIFICATION	MINIMUM LOT SIZE (ACRES)	MINIMUM WATER FRONTAGE
Natural Environment	1.84	200 ft.
Recreational Development	1.00	200 ft.
General Development	1.00	200 ft.
Lake Superior	2.0	200 ft.
Remote	See	300 ft.
Forested & Transitional	Zone	250 ft.
Tributary	District	200 ft.

Sec. 7.03 Placement of Structures and Sewers on Lots:

A) Setbacks: All structures and sewage treatment systems shall be set back the following distances from public waters:

CLASSES OF PUBLIC WATERS	SETBACKS		
	STRUCTURE	SEWAGE TREATMENT SYSTEM	TOP OF BLUFF
<b>LAKES</b>			
Natural Environment	150	150	30
Recreational Development	100	75	30
General Development	75	50	30
Lake Superior*	40/75	50	30
<b>RIVERS</b>			
Remote	200	150	30
Forested and Transition	150	100	30
Tributary	100	75	30
Other unclassified watercourses (with defined bottoms)	50	50	30

\* 40 feet from vegetation line or 75 feet from the mean water level (601.5 feet above sea level) whichever is greater

Sec 7.04 All Other Unclassified Watercourses with Defined Bottoms require a fifty (50) foot structural setback from the nearest stream bank.

Sec 7.05 Standards For Commercial, Industrial, Public, and Semipublic Uses: Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography.

Sec. 7.06 Guest Quarters: Structures other than the principal dwelling used for temporary sleeping quarters or living quarters must meet the following standards:

A) Special Zoning Permit Required. The purpose of the special zoning permit is to allow extra dwelling units on a parcel when a lot meets the following standards and keeps an owner from selling off property which would decrease the lot below these minimum standards. The permit application will be provided by the Planning and Zoning Department, and, if approved, shall be filed with the County Recorder.

- B) Guest quarters must be less than seven hundred fifty (750) square feet of inside living space and must not be higher than twenty (20) feet. If located above a garage the structure shall not exceed thirty-five (35) feet. If the structure is designed for plumbing, the septic system shall be evaluated and must meet the minimum flow requirements for adding an additional dwelling. If it does not meet these requirements then the system must be upgraded. If the guest quarter does not have plumbing it shall count as an additional bedroom for any existing septic system, and if the current system is not designed for an additional bedroom it must be upgraded.
- C) For each guest quarter allowed the area of the lot must be equal or exceed the required lot size times the amount of total dwelling units. The water frontage must meet the required minimum for the district plus one half ( $\frac{1}{2}$ ) times that minimum for each separate guest quarter. [water frontage example: required minimum= two hundred (200) feet. One guest quarter would require two hundred (200) feet of shoreline plus one hundred (100) feet extra (one half ( $\frac{1}{2}$ ) times two hundred (200) feet for a total of three hundred (300) feet. Add an additional one hundred (100) feet for each guest quarter.] Only the lot area requirements of this section need to be met if the lot is nonriparian or the guest quarter is further than two hundred twenty-two (222) feet from the vegetation line.
- D) The guest quarter must be setback from side and rear lot lines double the required setback and must be setback at least as far as the main dwelling from the public water and it must be setback fifty percent (50%) greater than the public water setback. These setbacks apply when constructing new guest quarters or when a new dwelling is constructed and the existing dwelling is converted to a guest quarter.
- E) The special zoning permit, upon issuance, will be good for one (1) year. Within that one (1) year period a Land Use Permit for the structure must be obtained and the structure must be built within the timeframe of that Land Use Permit. Failure to comply with the above will render the special zoning permit null and void.
- F) Guest quarters cannot be rented out.

Sec. 7.07 High Water Elevation: No structure, except decks, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floors, is less than three (3) feet above the ordinary high water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation.

Sec. 7.08 Shoreland Alterations: Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland

aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.

A) Removal of Natural Vegetation:

- 1) A vegetation management plan will be required for total vegetation removal of over ten thousand (10,000) square feet or twenty-five percent (25%) of lot area, whichever is lesser.
  - 2) Selective removal of natural vegetation shall be allowed in order to provide a view corridor to water; however, such removal shall leave sufficient cover to screen cars, dwellings, and other structures from view from the water and selective vegetation removal shall be allowed in order to accommodate the placement of the following additional uses: placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access, permitted water-oriented accessory structures.
  - 3) Vegetative removal shall be limited along watercourses and streams in order to maintain and preserve the existing shading of streams that support trout fishery which are very sensitive to fluctuations in water temperatures.
  - 4) In no case shall intensive vegetative clearing be allowed within the Shore Impact Zone (50 feet from the vegetation line) or the Bluff Impact Zone or on steep slopes or within forty (40) feet of the Lake Superior vegetation line.
  - 5) This provision shall not apply to permitted uses which normally require the removal of the natural vegetation as necessary to the use. Forestry shall be regulated under Best Management Practices as accepted by the Forest Industry.
- B) The Shore Impact Zone shall be treated with special consideration. Vegetative management within the Shore Impact Zone shall be severely limited. The mowing and maintenance of lawns on Natural Environment and Recreational Development Lakes shall be reduced where previously-practiced and the reestablishment of natural vegetation shall be encouraged. In developments established since June 1, 1973, Lawn establishment is prohibited within the Shore Impact Zone.(see also Section 8.04, Lawn Fertilizer Regulations)
- C) Topographic Alterations/Grading and Filling: See Article 6 of this Ordinance.

Sec. 7.09 Shoreland Excavations: In addition to grading and filling requirements above, the Commissioner of Natural Resources must issue a permit for work in the beds of public waters under Minnesota Statutes 103G.245.

Sec. 7.10 Road Location: All roads in shoreland areas other than driveways serving four (4) or less dwellings or buildable lots shall be constructed so that the right-of-way is no closer than two hundred twenty-two (222) feet to the vegetation line.

A) Driveways and parking areas must meet the same shoreland setbacks as structures and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts after specific approval of the Administrator.

B) Public and private water craft access ramps and approach roads may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met after specific approval of the Administrator.

Sec. 7.11 Erosion Hazard Areas (Lake Superior): Certain shoreland areas are subject to erosion with up to thirty percent (30%) of Lake County's Lake Superior shoreline actively eroding. The burden of proof concerning the suitability of land for the proposed development shall be borne by the project proponent. Accordingly, a site development plan shall be required and approved by the Land Use Office prior to permitting construction in Erosion Hazard Areas. The site development plan shall include a description of:

- surface runoff including roof drains
- subsurface runoff
- vegetation removal including proposed landscaping
- proposed sewage treatment systems
- topography of site
- structure and driveway location
- potential bluff toe protection
- slope alterations
- other pertinent information as requested

The site development plan for Erosion Hazard Areas shall include setback and shoreline erosion control recommendations, and follow shoreland alteration guidelines.

Structure setbacks in Erosion Hazard Areas:

A) Structures and soil absorption areas shall be setback the annual erosion rate times 50 plus 25 feet (to allow for structure relocation) from the top edge of the eroding bluff. Where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil

separates and slumping begins). In the absence of an established long term erosion rate, the setback shall be 125 feet.

- B) The structure setback and the location of the soil absorption areas can be modified by variance if the landowner provides technical data proving a different recession rate or that the erosion hazard, although correctly estimated, can be mitigated by structural protection.

Sec. 7.12 Water-Oriented Accessory Structure: in all shoreland with the exception of the Northshore Management Zone, one water-oriented accessory structure shall be allowed per conforming riparian lot. Such structure shall be no larger than two hundred (200) square feet in area, maximum ten (10) feet in height exclusive of safety rails, not more than thirteen (13) feet in height including safety rails; and there shall be a minimum of a twenty-five (25) foot shoreland setback. The structure shall be colored with earth-tones and have dense natural screening from the water.

Sec. 7.13 Agricultural Standards: Commercial agricultural activities are not permitted in Shoreland unless approved under Conditional Use and operated under a conservation plan approved by the Soil and Water Conservation District and duly filed with the Land Use Office. Feedlots are not allowed in Shoreland.

Sec. 7.14 Notification Procedures for Shoreland:

- A) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under shoreland management controls shall be sent to the Department of Natural Resources Area Hydrologist and postmarked at least ten (10) days before the hearings.
- B) A copy of approved amendments and final decisions granting variances and Conditional Use Permits within shoreland are to be sent to the Area Hydrologist within ten (10) days of filing the final decision.

**ARTICLE 8.0  
HYDROLOGY  
(WETLAND, STORMWATER, AND ASSOCIATED MANAGEMENT STANDARDS)**

- Sec. 8.00 Statutory Authorization: This section is adopted pursuant to Minnesota Statutes 394.21 and incorporates the changes of Minnesota Statutes 14 and 103B and derivative Minnesota rules and Minnesota Statute 103G.2243, subd. 2 and Minnesota Rules 8420.0650. The purpose of this section is to further minimize conflicts and encourage compatibility between land disturbing development activities, water quality and wetland protection by requiring detailed review standards and procedures for such activities, thereby achieving a balance between development and the protection of water quality and natural areas.
- Sec. 8.01 Purpose: It is the intent of this article to establish standards for grading and filling, soil erosion, sediment entrapment, surface water runoff, and wetland impacts. The Lake County Board recognizes the potential for degradation through land development and adopts a program which requires planning to protect water quality and wetlands. Certain land disturbing activities and the draining and filling of wetlands shall be preceded by the issuance of a Land Use Permit and may require additional planning or mitigation as set forth in this article. Furthermore, Lake County adopts certain alternative standards and administrative procedures as the Local Government Unit (LGU) responsible for administering the State Wetland Conservation Act.
- Sec. 8.02 Administration:
- A) Planning and Zoning Administrator: The Administrator shall issue Land Use Permits and review development plans for adequate stormwater and erosion control measures and wetland protection. Additional information, guidance and review on erosion and sediment control plans are available through the Lake County Soil and Water Conservation District.
  - B) State/Federal Lands: Land disturbing activity occurring on State or Federal land shall be administered by the managing agency. The Land Use Office shall ensure that standards are met which comply with the intent of this article. State agencies shall comply with Executive Order 91-3, requiring no net loss of wetlands.
  - C) Hydrology Technical Committee: The Lake County Board of Commissioners has appointed and will periodically appoint committee members. The Hydrology Technical Committee (HTC), shall include, but not be limited to: the Highway Engineer, Land Commissioner, representatives of the Lake County Soil & Water Conservation District, the Board of Water & Soil Resources and the Administrator. Upon request from the Administrator; the Hydrology Technical Committee shall review and make recommendations on hydrology related issues

including site evaluations, determination and delineation reports, restoration plans, replacement and banking plans. Ex-officio participation by the Army Corps of Engineers, USFS, PCA, DNR, MNDOT and other technical professionals is encouraged.

- D) Obtaining Other Permits: Approval of a permit under the terms of this ordinance does not express or imply approval by any other regulating jurisdiction. It is an applicant's sole responsibility to contact all other federal, state, and local agencies to make sure all necessary permits and approvals are granted concerning a project.
- E) Appeals: The Lake County Board of Adjustment shall be responsible for conflict resolution. Erosion control, stormwater runoff and wetland determination disputes may be appealed through Board of Adjustment procedures. The appeal may be made by the project proposer or any interested party. A request for an appeal hearing shall be submitted in writing to the Administrator. The HTC shall be consulted when a hydrology related appeal occurs.

Sec. 8.03 Wetland, Water and Vegetation Management:

A) Standards for Permit Approval:

- 1) Application: Land use plans submitted to Lake County shall address wetland, water and vegetation management and provide adequate evidence that the proposed activity will conform to the standards set forth in this ordinance.
- 2) Sequencing: Applicants proposing development shall demonstrate a sequencing process as follows in descending order of priority:
  - a) Avoid direct or indirect impacts that will increase stormwater runoff and erosion or the draining or filling of wetlands.
  - b) Minimize those impacts by limiting the degree or magnitude of the activity.
  - c) Reduce those impacts through sound erosion and stormwater control measures and by restoring or replacing wetland losses.
- 3) One-Acre Threshold: All applications for a Land Use Permit, subdivision approval, or land disturbing activities affecting one or more acres of land shall submit water and vegetative management plan and a wetland delineation or determination report to the Administrator. In some cases the applicant may require technical assistance from the Land Use Office, the HTC, or private engineering firms to prepare plans or wetland delineation reports. Prepared plans and delineation reports shall be submitted prior to formal acceptance of all applications.

4) Wetland Disturbances: Lake County assigns locally derived functional values to wetlands. These quantified values are used to measure the County's conformance with a no net loss policy. The grading or filling of wetlands shall conform to the provision of this Article and require a Land Use Permit. The assessment methods set forth in the Wetland Function Analysis Model (Appendix 2) shall serve to determine the public value of a wetland and the replacement ratio required for wetland mitigation. Organic material and vegetation used in replacement wetlands should be obtained from a weed-free source.

B) Site Erosion Control:

- 1) The following criteria (a. through d.) apply only to construction activities that result in runoff leaving the site.
- 2) All activities on the site shall be conducted with diligent effort to minimize the area of bare soil exposed at any one time.
- 3) Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsections 3.a. and 3.b., or 3.a. and 3.c. below.
  - a) All disturbed ground left inactive for seven (7) or more days shall be stabilized by temporary seeding or mulching until permanent protection can be established as prescribed by the Soil and Water Conservation District. Seed mixtures and mulch should be free of invasive weeds such as bird's-foot trefoil (*Lotus corniculatus*), crown-vetch (*Coronilla varia*), leafy spurge (*Euphorbia podperae*), spotted knapweed (*Centauria biebersteinii*), and purple loosestrife (*Lythrum salicaria* var. *tementosum*).
  - b) Disturbed areas should be permanently vegetated within seven (7) days after completion of building or site preparation.
  - c) For sites with more than two (2) acres disturbed at one time, or if a channel originates or exists in the disturbed area, one (1) or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or receiving water. Applicants should also be aware that the MPCA may require NPDES stormwater permits.
  - d) For sites with less than two (2) acres disturbed at one time, silt fencing, mulching and rock check dams, or equivalent

control measures shall be placed along all sideslopes and downslopes of the site. When a channel or area of concentrated runoff passes through the site, silt fencing shall be placed along the channel edges to reduce sediment entering the channel. The use of silt fences, mulching and rock check dams, or equivalent control measures must include a maintenance and inspection schedule.

- e) Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel having a defined bottom. If remaining for more than seven (7) days, storage piles shall be stabilized by placing silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or other suitable controls when exposed for more than seven (7) days. Storm drain inlets shall also be protected with straw bales or other appropriate controls.

C) Wetland Management

- 1) As the local government unit responsible for the implementation of the state wetland conservation act program, Lake County shall make exemption, no-loss, replacement plan, and banking determinations in accordance with the Wetland Conservation Act and the Wetland Conservation Act Rules, except as expressly provided in Sec. 8.03, C., item 4. of this Article pertaining to alternative standards.
  - a) Wetland types are adopted from the U. S. Fish and Wildlife Service, Circular 39, and shall be used when describing wetlands in Lake County. (see Appendix 2)
- 2) Wetland Delineations/Determinations:
  - a) The U. S. Corps of Engineers Wetland Delineation Manual (Jan. 1987) shall be used when identifying and delineating wetlands.
  - b) The U. S. Fish and Wildlife Service National Wetland Inventory Maps, maintained at the Soil and Water Conservation District (SWCD) and Land Use Offices will be used as a preliminary guideline. Individual site evaluations may be required for a complete and accurate wetland determination.
- 3) Wetland Policy Review: To assure that no-net-loss of wetland occurs; the HTC and the Land Use Office shall review Article 8.0 of the Land Use Ordinance every five years for consistency with the law. The Functional Analysis Model shall be reviewed after one year and every five years thereafter.

- 4) Alternative Standards:
  - a) Pursuant to Minnesota Rules: Lake County adopts comprehensive wetland protection standards and as such incorporates the following alternative standards under the Wetland Conservation Act.
  - b) Wetland Assessment and Rating: The Lake County Functional Analysis Model assigns specific locally-derived values to all wetlands in the County. Wetlands are rated for fisheries habitat, wildlife habitat, shoreland protection, ground water protection, stormwater/flooding, uniqueness, public recreation, and floral diversity. (See Appendix 2)
  - c) Sequencing: Pursuant to the model, Lake County finds that analysis provided by the model has determined that allowing flexibility in sequencing for wetlands scoring 12 or less will not result in a net loss of wetland functions and value.
- 5) Exemption Standards: Lake County incorporates the existing exemptions of the State Wetland Conservation Act and expands the application of exemptions to include certain nonagricultural land provided there is no net loss of wetland values. Accordingly, Lake County adopts the following exemption standards pursuant to the model.
  - a) Impacts on types 1, 2, and 6 wetlands not within 300 feet of a river or 1,000 feet from a lake may have an exemption of up to two (2) acres of fill provided a score of 12 or less is achieved using the Functional Analysis Model and when impacts are limited to fulfilling the projects intended purpose.
  - b) Public road projects shall be exempt from a local replacement plan as established by 1996 amendments to the Wetland Conservation Act rule Chapter 8420.054, subp. 5, item (d). Annual wetland reporting for said exemption shall be coordinated through the Land Use Office and the HTC for their concurrence.
  - c) Projects that are part of publicly funded erosion control project that eliminates or reduces (natural) erosion impacting a wetland, provided there is no loss of public values and other public resources are not negatively impacted.
  - d) Upon approval of the HTC, aggregate pits depleted and closed for a period of one (1) year and those closed pits in the process of converting to an incidental wetland may be considered for mitigation sites.
  - e) Projects involving the control of noxious weeds, the repair or upgrading of onsite septic systems, or the upgrading or repair of

existing public utilities provided there is no loss of public value.

6) Replacement:

- a) Through analysis provided by the model, Lake County determines that variation in wetland replacement ratios are warranted which reflect the high or low value of a wetland as set forth in the function analysis model.
- b) A wetland replacement plan or a wetland bank purchase agreement shall be submitted with a Land Use Permit prior to grading or filling unless a bond or letter of credit equal to 125% of the anticipated cost has been submitted by the applicant and approved by the Lake County Attorney.
- c) Location of Replacement Wetlands: Lake County supports wetland creation and the enhancement of drained or degraded wetlands on site and within the same watershed, however, due to the abundance of wetlands in Lake County, the County has no objection to replacement occurring in Minnesota counties with less than 80% of their pre-settlement wetlands.
- d) Buffer areas of permanent vegetative cover established on uplands adjacent to replacement sites will be considered for replacement credit provided that: (1) the buffer is established and adopted at the time of replacement, (2) the buffer does not exceed 75 percent of the replacement wetland area, and (3) the public value credits apply to replacement above a 1 : 1 ratio. Such buffer areas shall be recorded against the property deed and remain undeveloped.
- e) When a landowner seeks approval of an unpermitted replacement plan after-the-fact, Administrator shall require the landowner to replace the impacted wetland at a ratio not to exceed twice the replacement ratio otherwise required.

7) Wetland Banking:

- a) Wetlands may be created for the purpose of selling credits. Banks may include, but are not limited to, reclamation of mining sites, depleted aggregate pits, drained and/or degraded wetlands, or created in upland areas. The Administrator shall approve banking plans and certify the wetland as eligible for credit withdrawal.

D) Water and Stormwater Management (Pre-construction):

- 1) An applicant shall address stormwater issues prior to receiving a Land Use Permit and shall install or construct before or at the time land development occurs, all stormwater management

facilities necessary to manage increased runoff to standards which control storms of 24-hour duration for recurrence intervals of one year (1), two (2) year, five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year, and one hundred (100) year storm peak discharge rates existing prior to development. The stormwater management facilities calculations to meet the above standards shall utilize the procedures established by NRCS Technical Release 55 entitled, "Urban Hydrology for Small Watersheds."

- 2) Applicants shall give consideration to reducing the need for storm water facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree they can accommodate the additional flow of water without compromising the integrity of the land form or quality of the water.
  - 3) The following practices shall apply when developing a water management plan in descending order of preference:
    - a) Natural infiltration of precipitation on-site;
    - b) Flow attenuation by use of open vegetated swales and natural depressions or wetlands;
    - c) Storm water retention facilities; and
    - d) Storm water detention facilities.
  - 4) A combination of practices may be used to achieve the requirements specified in Subsection 1. above, including use of techniques known as "low-impact development." Justification shall be provided by the applicant for the method selected.
- E) Detention Structure Design Standards: Storm water detention facilities constructed in Lake County shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas." Dry structures shall generally be utilized in Lake County but wet retention structures may be considered when approved by the Hydrology Technical Committee. The facility at a minimum shall contain the following design factors:
- 1) Dry structure retention design. Dry retention facilities shall be designed to limit peak flows to below 75% of the pre-development level for recurrence intervals of 2 to 100 years.
  - 2) All detention structures shall be designed signed and sealed by a professional engineer prior to Land Use Office acceptance.
  - 3) A controlled discharge retention area equal to two (2) percent of the impervious surface area draining to the structure or one (1) percent of the entire area draining to the structure, whichever amount is greater.

- 4) An average structure depth of four (4) to ten (10) feet (dynamic storage should exceed the volume of a two year event).
- 5) A length-to-width ratio of three to one (3:1) or greater;
- 6) For wet ponds, when approved a minimum protective shelf extending ten (10) feet into the permanent pool with a slope of ten to one (10:1), beyond which slopes should not exceed three to one (3:1); permanent fencing for ponds with steeper slopes; cyclone fencing.
- 7) For wet ponds, when approved a protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);
- 8) Storm water detention facilities shall have a device to prevent oil, grease, and other floatable material from moving downstream as a result of normal operation;
- 9) Storm water detention facilities for new development must be sufficient to limit peak flows in each sub-water shed to those that existed before the development for storms of 24-hour duration and recurrence intervals of one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) years or limit peak flow rates of storm run-off after development to seventy-five percent (75%) of that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition for storms of twenty four (24) hour duration and recurrence intervals of one (1), two (2), five (5), ten, (10), and twenty-five (25) years.
- 10) All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.
- 11) Runoff shall not be discharged directly to a wetland without pre-settlement of the runoff.
- 12) Stormwater structures may not be placed in a drainage way without Hydrology Technical Committee approval.

F) Steep Slopes: No land disturbing activities shall be permitted on slopes of eighteen (18) percent or more unless special agreements and protective measures are developed, accepted and secured by appropriate financial assurances.

G) Catch Basins: All newly installed and rehabilitated catch basins shall include a sump area for the collection of coarse-grained material. Such basins shall be cleaned when one-half (.5) filled with material.

H) Drain Leaders: All newly constructed and reconstructed buildings will route drain leaders to permeable areas where runoff can infiltrate. The flow rate of water exiting the leader shall be controlled to prevent erosion in pervious areas.

- I) Inspection and Maintenance: Storm water management facilities shall be designed to minimize maintenance and provide maintenance access. All facilities shall have a plan of operation and maintenance that assures continued effective removal of runoff pollutants. The Administrator shall provide for inspection of storm water facilities during construction and during the first year of operation, and as needed thereafter. The inspection records will be kept on file at the Land Use Office for a period of six (6) years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. Fees as established by the County Board may be assessed for such inspections.
  
- J) Models/Methodologies/Computations: Models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the Administrator. Plans, specifications and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Administrator.
  
- K) Watershed Management: Plans/Groundwater Management Plans: Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes, Section 103B.301 and 103B.315.
  
- L) Easements: When storm water management plans involve directing runoff from a site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

Sec. 8.04 Lawn Fertilizer, Chemical, and Vegetative Regulations:

- A) Use of Impervious Surfaces: No person shall apply fertilizer or chemicals to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainage ways, or within wetland buffer areas.
  
- B) Unimproved Land Areas: Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been altered by landscaping, all areas shall be covered by plants or vegetative growth. Avoid the introduction of invasive weeds through the use of weed-free

seed mixtures, the seeding or planting of native species, and the use of cellulose or weed-free straw mulches.

- C) Fertilizer Content: Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent (.5%) by weight of phosphorus, or granular fertilizer which contains more than three percent (3%) by weight of phosphorus, unless the single application is less than or equal to one-tenth (.1) pound of phosphorous per one thousand (1000) square feet. Annual application amount shall not exceed one-half (.5) pound of phosphorus per one thousand (1000) square feet of lawn area.
- D) Separation from Waters: Fertilizer and chemical applications shall not occur within one rod (16.5 feet) of any wetland or the vegetation line abutting water resource.

Sec. 8.05 Management Plan Requirements: Land disturbing activities impacting more than one (1) acre shall be supported by a site plan. The plan shall contain a map of the existing site conditions and immediately adjacent areas, including:

- A) The name address of the applicant; the section, township and range; north point; date and scale of drawing and number of sheets.
- B) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, and districts or landmarks.
- C) Existing topography with a contour interval appropriate to the topography of land but in no case having a contour interval greater than two (2) feet unless approved in writing by the Administrator and also include any known ordinary high water level (OHW) flood elevations and highest known water levels.
- D) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a state of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers. Wetland delineations should use data sheets and identify locations where actual wetlands data was acquired.
- E) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the

site delineating in which direction and at what rate water is conveyed from the site. Identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects.

- F) A description of the soils, including a map indicating soil types of areas to be disturbed and proposed for replacement when applicable, as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable.
- G) Vegetative cover, clearly delineating any vegetation proposed for removal and replacement or re-vegetation plans.
- H) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
- I) Locations and dimensions of all temporary soil stockpiles;
- J) Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;
- K) Schedule of anticipated starting and completion dates of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and
- L) Provisions for maintenance of the construction site erosion control measures during construction including the names of parties immediately responsible for onsite development activities.

Sec. 8.06 Plan of Final Site Condition: A plan of final site conditions at the same scale as the existing site map showing the site changes including:

- A) Finished grade shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
- B) A final landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development
- C) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and

setting forth the areas of the site where storm water will be collected;

- D) The proposed size, alignment and intended use of any structures to be erected on the site;
- E) A clear delineation and tabulation of all impervious surfaces on the site including all areas which shall be paved or surfaced, with a description of the surfacing material to be used; and
- F) Any additional information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project.

Section 8.07 Review Procedure: Required for more than one (1) acre of impervious surface creation or wetland disturbance or more than five (5) acres of land-disturbing activities.

- A) Process: Activity creating more than one (1) acre of impervious surface, impacting more than one (1) acre of wetland or consisting of more than five (5) acres of land disturbing activities shall be supported by a management plan submitted to the Administrator. The Administrator, following protocols approved by the Hydrology Technical Committee, shall approve with conditions, modify or deny the project in accordance with this section. In some cases, environmental review may also be required.
- B) Conditions: Water, storm water or wetland management plans may be approved subject to compliance with conditions reasonable and necessary to insure requirements of the ordinance are met. Such conditions may limit the size, type, or character of the proposed development; require the placement of structures, drainage facilities, storage basins or other facilities; require replacement of vegetation and wetlands; establishment of monitoring procedures; alteration of work schedules or site design and require the conveyance of certain lands or interests to the County or other public entity.
- C) Performance Bond: Prior to approval of management plans, the applicant shall submit an agreement to construct such required physical improvements, replace wetland losses, dedicate property or easements, or comply with other conditions as may have been agreed to. Such agreement shall be accompanied by a bond or other financial assurance acceptable to the County Attorney to cover one hundred twenty- five percent (125%) of the agreed estimate cost of complying with the conditions within a specific time, which may be extended only in accordance with this ordinance.

Section 8.08 Approval Standards: Water, stormwater, vegetative, and wetland replacement plans which fail to meet the basic standards contained in this section shall not be approved.

- A) Stormwater Runoff: Water discharged from a site shall be treated by temporary sedimentation basins, silt fencing, or other appropriate controls to remove sediment. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.
  
- B) Waste and Material Disposal: All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel, storm sewer system or wetland.
  
- C) Tracking: Each site shall have temporary rock-constructed entrances of sufficient width and length to prevent sediment from being tracked onto public or private roadways.
  
- D) Drain Inlet Protection: All storm drain inlets shall be protected during construction until control measures are in place with a silt fence, or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas."
  
- E) Site Erosion Control: The following criteria in Section 3, a. through e. (below) apply only to construction activities resulting in runoff leaving the site.
  - 1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that does not erode the conveyance and receiving channels.
  - 2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
  - 3) Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsections 3.a. and 3.b., or 3.a. and 3.c., below.
    - a) All disturbed ground left inactive for seven (7) or more days shall be stabilized by temporary seeding or mulching until permanent protection can be established as prescribed by the Soil and Water Conservation District.
    - b) Disturbed areas should be permanently vegetated within seven (7) days after completion or site preparation.
  
  - c) For sites with more than two (2) acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more temporary or permanent sedimentation basins shall be

constructed. Each sedimentation basin shall have a surface area of at least one (1) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water. Applicants should also be aware of the need for obtaining NPDES stormwater permits from the PCA if disturbing more than one (1) acre.

- d) For sites with less than two (2) acres disturbed at one time, silt fences, mulching and rock check dams, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. When a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, mulching and rock check dams, or equivalent control measures must include a maintenance and inspection schedule.
- e) Storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, storage piles shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing silt fence barriers, or mulching and rock check dams around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

**ARTICLE 9.0**  
**FR FOREST-RECREATION DISTRICT**

Sec. 9.00 Purpose: This district provides for remote residential development distant from public services, prevents destruction of natural or man-made resources, maintains large tracts for forest recreation purposes, provides for the continuation of forest management and production programs, and fosters certain recreational uses and other activities which are not incompatible with the public welfare.

Sec. 9.01 Requirements:

- A) Minimum Lot Area: Ten (10) acres.
- B) Minimum Lot Width: Three hundred (300) feet.
- C) Maximum Lot Coverage Including Accessory Buildings:
  - 1) Fifteen percent (15%).
  - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
- D) Rear and Side Yard Structure Setbacks: Fifty (50) feet.

Sec. 9.02 Permitted Uses:

- A) Single-family dwellings.
- B) Forest management and utilization.
- C) Soil and water conservation programs.
- D) Wildlife preserves.
- E) Tree plantations.
- F) Home occupations.
- G) Compatible recreational uses.
- H) Farms & commercial livestock (except see Conditional Uses, Sec. 26.07 D & E).
- I) Portable sawmills.
- J) Customary accessory structures and uses.
- K) Vacation Rental Home (Refer to Sec. 6.16)

Sec. 9.03 Interim Uses:

- A) Aggregate pits.

Sec. 9.04 Conditional Use: A Conditional Use Permit (Article 26.0) is required for any use not listed as Permitted, Interim, or Prohibited.

Sec. 9.05 Prohibited Uses: Uses requiring urban level public services.

**ARTICLE 10.0**  
**R-1 RESIDENTIAL DISTRICT**

- Sec. 10.00 Purpose: This district provides for low density residential development on large lots in areas not requiring public water and sewer services. It further provides for general agriculture and forest-related development throughout the district.
- Sec. 10.01 Requirements: The following requirements shall be observed:
- A) Minimum Lot Area: Ten (10) acres.
  - B) Minimum Lot Width: Three hundred (300) feet.
  - C) Maximum Lot Coverage Including Accessory Buildings:
    - 1) Fifteen percent (15%).
    - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
  - D) Rear and Side Yard Structure Setbacks: Twenty-five (25) feet.
- Sec. 10.02 Permitted Uses:
- A) Single-family dwellings.
  - B) Farms, and commercial livestock. (Except see Conditional Uses, Sec. 26.07 D & E).
  - C) Forest management and utilization.
  - D) Home occupations.
  - E) Customary accessory structures and uses.
- Sec. 10.03 Interim Uses:
- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16).
  - B) Aggregate pits.
- Sec. 10.04 Conditional Use: A Conditional Use Permit (Article 26.0) is required for any use not listed as Permitted, Interim, or Prohibited.

Sec. 10.05 Prohibited Uses: Uses requiring urban level public services.

**ARTICLE 11.0**  
**R-2 RESIDENTIAL DISTRICT**

- Sec. 11.00 Purpose: This district provides for single-family residences without commercial livestock activities and at a smaller lot size than the R-1 District.
- Sec. 11.01 Requirements: The following requirements shall be observed:
- A) Minimum Lot Area: Five (5) acres.
  - B) Minimum Lot Width: Two hundred (200) feet.
  - C) Maximum Lot Coverage Including Accessory Buildings:
    - 1) Fifteen percent (15%).
    - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
  - D) Rear and Side Yard Structure Setbacks: Twenty (20) feet.
- Sec. 11.02 Permitted Uses:
- A) Single-family dwellings.
  - B) Farms, excluding commercial livestock.
  - C) Forest Management and Utilization.
  - D) Home occupations.
  - E) Customary accessory structures and uses.
- Sec. 11.03 Interim Uses:
- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16).
  - B) Aggregate pits.
- Sec. 11.04 Conditional Use: A Conditional Use Permit (Article 26.0) is required for any use not listed as Permitted, Interim, or Prohibited.
- Sec. 11.05 Prohibited Uses: Commercial livestock activities.

**ARTICLE 12.0**  
**R-3 RESIDENTIAL DISTRICT**

- Sec. 12.00 Purpose: This district provides for more intense use of land with smaller required lot sizes, and allows for possible hook-ups to public water and sewer services. The district is generally contained on the edges of an urban area.
- Sec. 12.01 Requirements: The following requirements shall be observed:
- A) Minimum Lot Area: Two and one-half (2½) acres.
  - B) Minimum Lot Width: Two hundred (200) feet.
  - C) Maximum Lot Coverage Including Accessory Buildings:
    - 1) Fifteen percent (15%).
    - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
  - D) Rear and Side Yard Structure Setbacks: Twenty (20) feet.
- Sec. 12.02 Permitted Uses:
- A) Single-family dwellings.
  - B) Farms, excluding livestock.
  - C) Forest Management and Utilization.
  - D) Home occupations.
  - E) Customary accessory structures and uses.
- Sec. 12.03 Interim Uses:
- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16)
- Sec. 12.04 Conditional Use: A Conditional Use Permit (Article 26.0) is required for any use not listed as Permitted, Interim, or Prohibited.
- Sec. 12.05 Prohibited Uses: Commercial livestock activities, kennels, aggregate pits.

**ARTICLE 13.0**  
**R-4 RESIDENTIAL DISTRICT**

Sec. 13.00 Purpose: This district provides for residential development in primarily non-commercial areas where soil conditions and other physical features will support such development without depleting or destroying natural resources.

Sec. 13.01 Requirements: The following requirements shall be observed:

A) Minimum Lot Area:

- 1) Two (2) acre.
- 2) Original Knife River Sanitary District
  - a) Riparian: One (1) acre.
  - b) Non-riparian: Ten thousand (10,000) square feet.

B) Minimum Lot Width:

- 1) On-site sewage systems: Two hundred (200) feet
- 2) Original Knife River Sanitary District
  - a) Riparian: Two hundred (200) feet
  - b) Non-riparian: Seventy-five (75) feet

C) Maximum Lot Coverage Including Accessory Buildings:

- 1) For lots with on-site sewage treatment systems: fifteen percent (15%).
- 2) For riparian lots served by the original Knife River Sanitary District twenty percent (20%).
- 3) For non-riparian lots served by original Knife River Sanitary District Area: Twenty-five percent (25%).
- 4) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.

D) Rear Yard Structure Setback: Twenty (20) feet.

- E) Side Yard Structure Setback:
  - 1) Lots served by on-site sewer system: Twenty (20) feet.
  - 2) Original Knife River Sanitary District: Fifteen (15) feet.

Sec. 13.02 Permitted Uses:

- A) Single-family dwellings.
- B) Home occupations.
- C) Customary accessory structures and uses.
- D) Forest management and Utilization.

Sec. 13.03 Interim Uses:

- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16)

Sec. 13.04 Conditional Uses:

- A) Bed and Breakfast establishments.
- B) Residential Planned Unit Developments.
- C) Towers may be considered as per Sec. 6.03 of this Ordinance.

Sec. 13.05 Prohibited Uses: Kennels, aggregate pits, and commercial uses except for Bed and Breakfasts and Vacation Rental Home.

**ARTICLE 14.0**  
**RR RESIDENTIAL-RECREATIONAL DISTRICT**

- Sec. 14.00 Purpose: This district provides for residential development and essential recreation-oriented services in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.
- Sec. 14.01 Requirements: The following requirements shall be observed:
- A) Minimum Lot Area: One (1) acre.
  - B) Minimum Lot Width: Two hundred (200) feet
  - C) Maximum Lot Coverage Including Accessory Buildings:
    - 1) Fifteen percent (15%).
    - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
  - D) Rear Yard Structure Setback: Twenty (20) feet.
  - E) Side Yard Structure Setback: Twenty (20) feet.
- Sec. 14.02 Permitted Uses:
- A) Single-family dwellings.
  - B) Home occupations.
  - C) Customary accessory structures and uses.
- Sec. 14.03 Interim Uses:
- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16).
- Sec. 14.04 Conditional Use: A Conditional Use Permit (Article 26.0) is required for any use not listed as Permitted, Interim, or Prohibited.
- Sec. 14.05 Prohibited Uses: Commercial Agriculture, kennels, aggregate pits.

**ARTICLE 15.0**  
**CR COMMERCIAL-RURAL DISTRICT**

Sec. 15.00 Purpose: This district provides for residential and low to medium intensity commercial facilities which meet the needs of residents and visitors, only where soil conditions and other physical features will support such development without depleting or destroying natural resources.

Sec. 15.01 Requirements: The following requirements shall be observed:

- A) Minimum Lot Area: Two (2) acre.
- B) Minimum Lot Width: Two hundred (200) feet
- C) Maximum Lot Coverage Including Accessory Buildings:
  - 1) Fifteen percent (15%).
  - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
- D) Rear Yard Structure Setback: Twenty (20) feet.
- E) Side Yard Structure Setback: Twenty (20) feet.

Sec. 15.02 Permitted Uses:

- A) Single-family dwellings.
- B) Home occupations.
- C) Customary accessory structures and uses.
- D) Forest management and utilization.

Sec. 15.03 Interim Uses:

- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16)

Sec. 15.04 Conditional Uses:

- A) Residential Planned Unit Developments.
- B) Commercial Planned Unit Developments.

- C) Eating and drinking establishments.
- D) Grocery stores.
- E) Gas stations.
- F) Automobile service and repair facilities.
- G) Retail sales.
- H) Wholesale sales and warehousing operations whose operations are principally confined to the interior of a building, such as, food products, automotive parts, drugs, electrical equipment, hardware.
- I) Water-oriented commercial activities.
- J) Service-oriented activities.
- K) Recreational camping areas.
- L) Towers may be considered as per Sec. 6.03 of this ordinance.

Sec. 15.05 Prohibited Uses: Commercial agriculture, kennels, aggregate pits.

**ARTICLE 16.0**  
**CU COMMERCIAL-URBAN DISTRICT**

Sec. 16.00 Purpose: This district provides for urban-oriented commercial facilities which meet the needs of residents and visitors while providing commercial growth opportunities in areas served by municipal sewer.

Sec. 16.01 Requirements: The following requirements shall be observed:

A) Minimum Lot Area:

- 1) Riparian: two (2) acre.
- 2) Non-riparian served by public sewer: Ten thousand (10,000) square feet.

B) Minimum Lot Width:

- 1) Riparian: Two hundred (200) feet
- 2) Non-riparian: Seventy-five (75) feet

C) Maximum Lot Coverage Including Accessory Buildings:

Lot coverage shall not exceed twenty percent (20%) unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed fifty percent (50%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.

D) Rear Yard Structure Setback: Twenty (20) feet.

E) Side Yard Structure Setback: Fifteen (15) feet.

Sec. 16.02 Permitted Uses:

- A) Single-family dwellings.
- B) Home occupations.
- C) Customary accessory structures and uses.
- D) Forest management and utilization.

Sec. 16.03 Interim Uses:

- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16)

Sec. 16.04 Conditional Uses:

- A) Residential Planned Unit Developments.

- B) Commercial Planned Unit Developments.
- C) Eating and drinking establishments.
- D) Grocery stores.
- E) The retail or wholesale dispensing of flammable liquids including gasoline.
- F) Automobile service and repair facilities.
- G) Retail sales and service.
- H) Wholesale sales and warehousing operations whose operations are principally confined to the interior of a building, such as food products, automotive parts, drugs, electrical equipment, hardware.
- I) Public or private schools.
- J) Municipal, county, state, or federal administration buildings, fire or police stations, museums, art galleries, libraries, post offices or other community service buildings.
- K) Churches.
- L) Hospitals, clinics, rest homes.
- M) Water-oriented commercial activities.
- O) Service-oriented activities.
- P) Recreational camping areas.
- Q) Towers may be considered as per Sec. 6.03 of this ordinance.

Sec. 16.05 Prohibited Uses: Commercial agriculture, kennels, aggregate pits.

**ARTICLE 17.0**  
**UP URBAN-PUBLIC DISTRICT**

Sec. 17.00 Purpose: This district provides for community, nonprofit and public facilities which meet the needs of residents and visitors in areas served by municipal sewer.

Sec. 17.01 Requirements: The following requirements shall be observed:

A. Minimum Lot Area:

- 1) Riparian: Two (2) acres.
- 2) Non-riparian: Ten thousand (10,000) square feet.

B) Minimum Lot Width:

- 1) Riparian: Two hundred (200) feet.
- 2) Non-riparian: Seventy-five (75) feet.

C) Maximum Lot Coverage Including Accessory Buildings: Lot coverage shall not exceed twenty percent (20%) unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in no case shall lot coverage by impervious surfaces exceed fifty percent (50%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.

D) Rear Yard Structure Setback: Twenty (20) feet.

E) Side Yard Structure Setback: Fifteen (15) feet.

Sec. 17.02 Conditional Uses:

A) Public or private schools.

B) Municipal, county, state, or federal administration buildings, fire or police stations, museums, art galleries, libraries, post offices, or other community service buildings and facilities.

C) Churches.

D) Hospitals, clinics, rest homes, senior housing, other institutional uses.

E) Towers may be considered as per Section 6.03 of this ordinance.

F) Customary accessory structures and uses.

Sec. 17.03 Prohibited Uses: Kennels.

**ARTICLE 18.0**  
**RC RESORT-COMMERCIAL DISTRICT**

Sec. 18.00 Purpose: This district provides for orderly growth opportunities in or adjacent to existing resort commercial activities, only where soil conditions and other physical features will support such development without depleting or destroying natural resources.

Sec. 18.01 Requirements: The following requirements shall be observed:

- A) Minimum Lot Area: two (2) acre.
- B) Minimum Lot Width: Two hundred (200) feet.
- C) Maximum Lot Coverage Including Accessory Buildings:
  - 1) Fifteen percent (15%).
  - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in no case shall lot coverage by impervious surfaces exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
- D) Rear Yard Structure Setbacks: Twenty (20) feet.
- E) Side yard structure setback:
  - 1) Lots served by on-site sewer system: twenty (20) feet.
  - 2) Original Knife River Sanitary District: fifteen (15) feet.

Sec. 18.02 Permitted Uses

- A) Single-family dwellings.
- B) Home occupations.
- C) Lodging establishments with four (4) or less units (two acres per unit).

Sec. 18.03 Interim Uses:

- A) Vacation Rental Home (Refer to Article 27 & Sec. 6.16).

Sec. 18.04 Conditional Uses:

- A) Residential Planned Unit Developments.
- B) Commercial Planned Unit Developments.
- C) Eating and drinking establishments.
- D) Grocery stores.
- E) Retail sales.
- F) Water-oriented commercial activities.
- G) Service-oriented activities.
- H) Recreational camping areas.

- I) Towers may be considered as per Sec. 6.03 of this ordinance.
- J) The retail or wholesale dispensing of flammable liquids including gasoline.

Sec. 18.05 Prohibited Uses: Kennels.

**ARTICLE 19.0**  
**PC PUBLIC-COMMERCIAL DISTRICT**

Sec. 19.00 Purpose: This district provides for the preservation and enhancement of publicly-controlled protected natural resources while allowing for environmentally-sensitive recreational development for the enjoyment of residents and visitors.

Sec. 19.01 Requirements:

- A) Minimum Lot Area: Five (5) acres.
- B) Minimum Lot Width: Three hundred (300) feet.
- C) Maximum Lot Coverage Including Accessory Buildings:
  - 1) Five percent (5%).
  - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. However, in any case, lot coverage by impervious surfaces shall not exceed forty percent (40%) of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
- D) Rear and Side Yard Structure Setbacks: Fifty (50) feet.

Sec. 19.02 Permitted Uses:

- A) Parks.
- B) Interpretive centers.
- C) Scenic overlooks.
- D) Historical and archeological sites.
- E) Customary accessory structures and uses.

Sec. 19.03 Conditional Uses:

- A) Harbors of refuge.
- B) Marinas.
- C) Gift shops.
- D) Recreational camping areas.
- E) Lodging establishments with four (4) or less units.
- F) Commercial Planned Unit Developments.
- G) Residential uses.

Sec. 19.04 Prohibited Uses: Kennels, Vacation Rental Home.

**ARTICLE 20.0**  
**M MANUFACTURING-INDUSTRIAL DISTRICT**

- Sec. 20.00 Purpose: This district provides for manufacturing and industrial activities which shall not adversely affect adjacent business or residential neighborhoods.
- Sec. 20.01 Requirements: The following requirements shall be observed:
- A) Minimum Lot Area: One (1) Acre.
  - B) Minimum Lot Width: Two hundred (200) feet.
  - C) Maximum Lot Coverage Including Accessory Buildings:
    - 1) Twenty-five percent (25%).
    - 2) Lot coverage shall not exceed the above unless a surface water runoff plan certified by a qualified professional is submitted and approved. The surface water runoff plan shall contain, at a minimum, provisions that address erosion control during construction and storm water runoff after all of the impervious surface is installed. The goal is to minimize direct runoff to receiving waters. This can be done by utilizing buffer strips, existing vegetated swales, sediment ponds, etc.
  - D) Rear and Side Yard Structure Setbacks: Ten (10) feet. (Note: in any case, adequate fire lanes must be maintained at all times.)
- Sec. 20.02 Permitted Uses:
- A) Manufacturing: Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging, providing that such use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse matter or water-carried waste.
  - B) Warehousing, Storage and Wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except highly combustible materials or liquids.
- Sec. 20.03 Prohibited Uses:
- A) Residential: Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes, except for necessary security personnel.
  - B) Institutional: Schools, child care centers, homes for the aged and similar institutions for human care.
- Sec. 20.04 Conditional Use: A Conditional Use Permit under Article 26.0 is required for other than the above permitted uses.

**ARTICLE 21.0  
TOWERS**

**(This Article adopted by the County Board on December 17, 2008. Resolution #08121605)**

Sec. 21.00 Intent and Purpose: It has been determined by the Lake County Board of County Commissioners that, though towers serve a public need, they also must meet reasonable standards established by the community. Because of the potential visual impact of towers, all lands within Lake County shall be subject to these guidelines.

The County-wide Comprehensive Planning survey identified significant public concern with the maintenance of dark skies, and the reduction of light trespass. Consequently, additional lighted towers shall be discouraged and co-location on existing structures encouraged.

This Article recognizes the need for protecting the health, safety and general welfare of all the citizens in the County while attempting to minimize possible adverse aesthetics related to the placement, construction or modification of tower facilities.

The Telecommunications Act of 1996 affirms Local Government's right to control the siting, construction, and modification of cellular and other wireless telecommunication facilities. The permitting process in this Article does not discriminate among providers of functionally equivalent services and does not prohibit the provision of personal wireless services.

Sec. 21.01 Applicability:

A) Permits Required: Unless otherwise addressed herein, it shall be unlawful for any person, firm, or corporation to erect or place any tower, wireless telecommunication or wind energy conservation system in excess of 35 feet without first receiving the appropriate permit(s) from the Lake County Planning & Zoning Office. Nor may any person, firm, or corporation alter, modify, transform, or add to in any way an existing tower, wireless telecommunication facility or wind energy conservation system without first receiving the appropriate permit(s) from the Lake County Planning & Zoning Office.

B) Amateur Radio and Personal Towers/Antenna: The provisions contained in Article 21 shall not govern any privately owned tower, or the installation of any antenna, that is under seventy (70) feet in height provided it is either operated by a federally licensed amateur radio station operator, or is used exclusively for personal use. These towers must still meet the setback requirements of Section 21.02(A).

Sec. 21.02 General Provisions:

- A) Tower Setbacks: The tower shall be setback a minimum distance to the parcel and/or recorded easement boundary (if the easement boundary crosses property lines) equal to the height of the tower.
- B) Accessory Buildings: All tower accessory building shall be subject to the following requirements:
  - 1) Constructed in such a manner that the external appearance is harmonious with structures in the area;
  - 2) Be buffered and screened from adjoining uses;
  - 3) Meet the height and setback requirements of the zoning district and when in the case of co-location and more than one structure is required, the structures must compliment each other; and
  - 4) Have integrated roof armoring to prevent equipment failure from ice fall.
- C) Fencing: All wireless communication tower facilities shall be secured by a fence at least six (6) feet in height to prohibit access by unauthorized persons. The radius of the perimeter shall be sufficient to contain the tower and all support equipment and accessory buildings.
- D) Signage: No advertisement or identification of any kind is permitted on a tower except applicable warnings and equipment information as required by the manufacturer or by Federal, State or Local authorities. The owner's name, telephone number and site ID numbers shall be posted on the gate of the perimeter fence.
- E) Lighting: Lighting shall comply with this Ordinance's lighting standards.
- F) Screening: Screening may be prescribed by the Planning Commission depending on the site location and existing available vegetation.
- G) Tower Height: The maximum height of a tower shall be 199 feet unless specifically allowed in other sections of this article.

Sec. 21.03 Wireless Telecommunication Towers:

- A) Tower Design Requirements:
  - 1) Towers and antennae, including support cables, structures and fencing shall be designed to blend into the surrounding environment to the maximum extent practical through the use of color and the possible implementation of either stealth or camouflage design. Communication towers not requiring FAA or FCC painting or markings shall have either a galvanized finish or painted a non-contrasting color consistent with the surrounding area.
  - 2) If a antennae is installed on a structure other than an independently standing tower, the antennae and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely

compatible with the color of the supporting structure so as to make the antennae and related equipment as visually unobtrusive as possible.

- 3) Towers within 2 miles of Lake Superior or within ½ mile of any other DNR classified lake shall be constructed of a monopole design.
- 4) Towers shall be constructed of a monopole or other freestanding design without the use of guy-wires or supporting cables, except under the following circumstances. The Planning Commission has the discretion to allow guy wires on commercial towers permitted over 200 feet or for personal communication towers of any size.
- 5) Towers and their antennas shall be certified by a qualified and licensed engineer to ensure that they conform to applicable state structural building standards.
- 6) No part of any antenna or tower, nor any lines, cable, equipment, wires or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk without approval from the appropriate governing entity.

**B) Co-Location Requirements:**

- 1) Proposals for new commercial wireless telecommunication tower facilities shall not be approved unless the applicant, under corporate letterhead can reasonably document that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a five mile search radius of the proposed tower due to one or more of the following reasons:
  - a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent registered professional structural engineer or a structural engineer with equivalent credentials, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost.
  - b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, as documented by a qualified, licensed professional engineer or qualified radio frequency engineer; and the interference cannot be prevented by a reasonable cost.
  - c) The existing or approved towers or buildings within the search radius that are sixty (60) feet or over in height cannot function reasonably, as documented by a qualified, licensed professional engineer.
  - d) Coverage objectives of the carrier cannot be met by using existing towers and or other structures within a two-mile search.
  - e) Other reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

- 2) Any proposed tower shall be designed structurally, electrically and in all respects able to accommodate both the applicants' antennas and comparable antennas for at least three additional users. Proposed facilities that provide a greater capacity for the placement of additional antennas shall be considered more desirable than towers with more limited capacities. Towers must be designed to allow for future arrangements of antennas and accept antennas mounted at varying heights.

C) Performance Standards:

- 1) Tower Height: Telecommunication towers up to 450 feet may be allowed as long as they are located more than 2 miles from Lake Superior and more than ½ mile from any other classified lake. Otherwise the height restrictions in Section 21.02(G) apply.
- 2) Setbacks: In addition to Section 21.02 (A), commercial wireless communication towers must be setback 1,000 feet from a DNR classified lake and 300 feet from a DNR classified river.

D) Permit Requirements:

- 1) Land Use Permits: The following tower activities require a land use permit from the Lake County Planning and Zoning Department:
  - a) The addition of antenna on existing structures or towers which does not increase the height, or require structural modification of the facility.
  - b) The addition or placement of accessory structures at the tower facility premises.
- 2) Conditional Use Permits: The following tower facility activities shall require a conditional use permit.
  - a) All commercial and personal wireless telecommunication facilities that require placement of a new tower or expand an existing tower by adding to its overall height.
  - b) The addition of antenna(s) to an existing tower facility that would increase the total height to two hundred (200) feet and would require the placement of lighting.

E) Application Requirements: The Lake County Planning & Zoning Office may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis. In addition to the general requirements for conditional use permit applications; all applications for new towers must also include the following:

- 1) Site plan(s) drawn to a scale of one (1) inch equals one hundred (100) feet or less, specifying the location of the tower, support structures,

transmission buildings and/or other accessory structures & uses, accesses, parking areas, fences, signs, lighting, landscaped areas and all adjacent land uses within 500 feet of the tower facility, including all support structures and security fencing.

- 2) A visual study depicting where within a one (1) mile radius any portion of the proposed tower will be visible. In regards to the placement of tower facilities within ½ mile from highway 61, the study shall include the visual impact as viewed from the highway within five (5) miles along either direction. The visual study shall include a viewshed representation of the affected area by means of computer generation, or engineering renderings, or a photo rendering of the proposed tower, as it would be viewed from each direction.
- 3) Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than two (2) mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing towers, and identifying all other structures that may be potential co-location sites.
- 4) A letter that requires the tower owner and successors to allow the shared use of the tower facility if an additional user(s) agrees in writing to meet reasonable industry terms and conditions for shared use. The letter must also state that they will process applications for shared use in a reasonable timeframe.
- 5) A copy of the FCC's license or a signed statement from the proposed operator of the tower attesting to the fact that the tower complies with the current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.
- 6) A letter of intent or interest on behalf of a carrier that once the tower is constructed it is reasonably sure that an antenna will be mounted within one (1) year after completion.
- 7) A copy of a pre-FAA determination or a signed statement that the proposed tower has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.
- 8) Provide documentation that Section 21.04(B)(1) has been satisfied.
- 9) Each applicant shall include a five-year wireless telecommunication facilities plan containing the following information. The plan must be updated with each submittal necessary:
  - a) Written description, to the extent possible of type of consumer services each company/carrier will provide to its customers over the next five years (which shall include but not be limited to digital and analog

- Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio or other anticipated communication technology).
- b) A list of all existing sites, existing sites to be upgraded or replaced, and proposed telecommunication facilities within the County for these services by the company.
  - c) A presentation size map of the County that shows the five-year plan for telecommunication facilities, or if individual properties are not shown, the geographic service areas of the cell sites. Information provided as a part of the five-year facility plan that is a trade secret pursuant to Minn. Stat. 13.37 shall be classified as non-public data.
- 10) The owner of the tower shall provide Lake County with an acceptable financial guarantee in an amount equal to one-and-one-half (1 1/2) times the cost to remove the tower facility and restore the site. The Lake County Planning Commission shall determine this amount based on input from an independent technical expert and based on the likelihood that the tower facility may be abandoned.
- 11) Documentation shall be provided prior to the issuance of a land use permit demonstrating that the approved tower has been designed to conform to the applicable state structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code and a sworn statement that following completion of construction the tower facility will be inspected at the applicant's expense by a qualified engineer licensed by the State of Minnesota.

Sec. 21.04 Wind Energy Conversion Systems:

A) Permit Requirements:

- 1) Land Use Permits: The following WECS will be given an administrative land use permit from the Lake County Planning & Zoning Office upon the completion of the application requirements and meeting the standards outlined within this Article:
  - a) Any residential WECS at or under the total height of ninety (90) feet constructed within the FR zone district, excluding the North Shore Management Zone and shoreland areas, where the lot size is conforming to the minimum requirements of the district, and that meet all of the applicable regulations contained herein.
  - b) The addition or placement of accessory structures at the tower facility premises.
- 2) Conditional Use Permits: The following WECS shall require a conditional use permit, which may be granted upon completion of the application requirements, potentially having conditions placed upon the tower facility, and findings of fact that support the tower facility:
  - a) Any commercial level WECS in all zone districts.

- b) Any residential WECS with a total height in excess of ninety (90) feet constructed within the FR zone district or any residential WECS constructed on a substandard lot within the FR zoning district.
  - c) Any residential WECS constructed in any zone district other than the FR zoning district or any residential WECS proposed in the North Shore Management Zone or shoreland area.
- B) WECS Prohibited: Commercial Wind Energy Conversion Systems are prohibited within 1,000 feet from the Ordinary High Water Level from any classified lake or 300 feet from any protected stream.
- C) WECS Performance Standards: All WECS shall at a minimum conform to the following performance standards:
- 1) WECS shall either have climbing apparatus located not closer than twelve (12) feet to the ground or be un-climbable by design for the first twelve (12) feet.
  - 2) WECS sited on top of buildings shall comply with applicable provisions of the Minnesota State Building Code. Certification of compliance by a Minnesota professional engineer is required.
  - 3) At least one sign shall be posted at the base of the WECS facility and shall contain the following information:
    - a) Notice of No Trespassing.
    - b) Warning of High Voltage.
  - 4) The interconnection of the WECS with the local electric utility shall comply with all applicable federal and Minnesota state regulations. Individuals proposing a WECS facility must notify their electrical utility in advance of their installation plans.
  - 5) Clearance between WECS facilities and electrical lines shall be in compliance with the requirements outlined in the most recent edition of the National Electrical Safety Code.
  - 6) Noise pollution standards established by the Minnesota Pollution Control Agency shall be used to evaluate and regulate all noise from WECS facilities.
  - 7) Efforts should be made to site WECS facilities to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the WECS owner and the individual receiving interference shall make reasonable efforts to resolve the problem short of shutting down the wind system. If the problem cannot be eliminated or

reduced to a reasonable level, the use that was first in existence has priority in continued use.

- 8) All WECS shall be equipped with manual and automatic overspeed controls. The conformance of rotor and overspeed control design and fabrication with established engineering practices shall be certified by the manufacturer's engineering staff or by a Minnesota professional engineer or by an individual with technical training on WECS.
  - 9) The safety of the design and construction of all WECS towers shall be certified by the manufacturer's engineering staff, by a Minnesota professional engineer, or by an individual with technical training on WECS. The standard for certification shall be with established engineering practices.
  - 10) The design of all commercial WECS towers and residential towers that exceed ninety (90) feet shall be of a monopole or freestanding design.
  - 11) All proposed WECS facilities shall be in compliance with any applicable airport zoning, and shall comply with Federal Aviation Administration notification requirements and any other FAA regulations.
  - 12) The maximum total height of a WECS tower shall be 199 feet.
  - 13) The minimum height of the lowest extent of a WECS blade shall be thirty (30) feet above the ground.
  - 14) The WECS shall be setback a minimum distance to the parcel and/or recorded easement boundary (if the easement boundary crosses property lines) equal to the height of the tower.
  - 15) Any WECS that is abandoned or discontinued for a period of 12 months shall be removed from the site. Removal includes the complete tower facility including related infrastructures and equipment to ground level not including any base support pad if so desired by the property owner, and restoration to pre-existing vegetative cover. If the discontinued WECS has not been removed from the site within 180 days following the twelve-month period, the County may complete the removal process and site restoration, the cost of which to the County shall be assessed against the property.
- D) Conditional Use Permit Application Requirements: In addition to the general requirements for conditional use permit applications; all applications for new WECS towers must also include the following:
- 1) Location of the proposed WECS including any guy wires and any other auxiliary equipment.

- 2) Property lines and physical dimensions of the lot, including the location and size of any obstructions within 300 feet that would be pertinent in the consideration of the permit request.
- 3) Clearance distances between the farthest tensions of the WECS blades to the property lines.
- 4) Locations, dimensions and types of existing structures and uses on the lot, including the location of all above ground utility lines within a distance equivalent to the total height of the proposed WECS.

## ARTICLE 22.0

### SPECIAL PROVISIONS: OFF-STREET LOADING AND PARKING

Note: Requirements below are minimum standards. Hydrology and impervious surface concerns require the accurate calculation of loading and parking space. In the case of commercial activities, the consequence of error could result in the construction of parking ramps. Fire lanes and emergency access should also be considered. Requests for variance from these requirements will be considered as self induced

Sec. 22.00 Loading: Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One (1) such space shall be provided for every ten thousand (10,000) square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

Sec. 22.01 Parking: Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with vehicular access to a street or alley and shall be deemed to be part of the lot coverage controlled by this ordinance and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided.

The requirement for parking is one of the limiting factors in development inasmuch as it increases impervious surfaces and lot coverage. In addition, the following minimum standards shall apply:

- A) Parking Space, Off-Street: An off-street parking space shall comprise not less than two hundred (200) square feet of parking area, plus necessary maneuvering space. Space for maneuvering incidental to parking shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.
- B) Residential Dwelling: One and one half (1-1/2) parking space for each dwelling or unit.
- C) Tourist Accommodations: One and one half (1-1/2) parking space for each room or unit.
- D) Theater, Stadium, Auditorium, Church, or Other Places of Public Assembly: Two (2) parking spaces for each five (5) seats, based on maximum seating capacity.
- E) Stores and Other Retail Business Establishments: One (1) parking space for each one hundred (100) square feet of total floor area. (Square footage is to be based on all but retail storage.)
- F) Industrial, Manufacturing or Wholesale Establishments: One (1) parking space for each worker, based on peak shift employment.
- G) Restaurants, Supper Clubs, Taverns and Bars: Two (2) parking spaces for each five (5) seats, based on maximum seating capacity.

**ARTICLE 23.0**  
**SIGNS AND OUTDOOR LIGHTING**

Sec. 23.00 Purpose: It is the intent of this Ordinance to permit appropriate signs wherever they are moderate in size and design and consistent with the public safety and the welfare of surrounding areas and to provide standards for outdoor lighting to minimize light pollution, glare, light trespass; conserve energy and resources while maintaining night-time safety, utility security and productivity and curtail the degradation of the night-time visual environment.

Sec. 23.01 Permit Required (Signs): Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the County until a permit has been issued by the Land Use Office.

Signs may be located up to the right-of-way line, but in no case closer than thirty-three (33) feet to the centerline of the road as long as all other requirements of this article are met.

Signs not properly maintained, permitted, or placed shall be removed by the Administrator after reasonable efforts have been made to correct the situation. Costs of corrections shall be borne by the property owner.

- A) On-Premise Signs: shall be limited to thirty-five feet in height, two (2) per premise, shall not exceed sixty-four (64) square feet in area each, and shall not be closer than thirty (30) feet to the entrance of any access road, nor interfere with visibility.
  
- B) Off-Premise Signs: are available from the appropriate road authority. Thematic signing proposed by trade organizations may be considered under the conditional use process. A single off premise sign no greater than 32 square feet in size may be permitted within ten (10) miles of the business under the conditional use process.
  
- C) Billboards: the largest signs permitted, shall not exceed three hundred (300) square feet in area and are permitted only in the M district. Such signs shall not be located within three hundred (300) feet of an existing entrance.
  
- D) Water-oriented Signs (Shore Impact Zone): Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
  - 1) No advertising signs or supporting facilities for signs may be placed in or upon public waters.
  
  - 2) Signs may be placed, when necessary, within the Shore Impact Zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the

general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed sixteen (16) square feet in size. If illuminated by artificial lights, the lights must be shielded above the horizontal plane and directed to prevent illumination across public waters.

- 3) Other outside lighting may be located within the Shore Impact Zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination above the horizontal plane or across public waters. This does not preclude use of navigational lights.

Sec. 23.02 Permits Not Required (Signs):

- A) Public service and official traffic control signs.
- B) Real estate signs. Signs shall not be larger than twelve (12) square feet in area, and not placed closer than thirty (30) feet from the entrance of any access road. (The County Board has adopted specific fees for the placement of realty signs on tax-forfeit property, information is available at the Lake County Forestry Office.)
- C) Residential identification signs. Signs shall not be larger than twelve (12) square feet in area, and not placed closer than thirty (30) feet from the entrance of any access road.
- D) Political signs. These signs shall be removed within ten (10) days after corresponding election. Signs shall not be larger than twelve (12) square feet in area, and not placed closer than thirty (30) feet from the entrance of any access road.
- E) Signs painted on wall of buildings. (Does not include signs attached to walls of buildings.)
- F) Home occupation signs. On Premise signs no larger than twelve (12) square feet in area, and not placed closer than thirty (30) feet to the entrance of any access road.

Sec. 23.03 Prohibited Characteristics of Signs:

- A) No sign shall resemble, imitate, or approximate the shape, size, form or color of traffic signs, signals or devices.
- B) No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

- C) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D) No sign shall contain any rotating or flashing lights.
- E) No sign or device shall be internally lighted or neon lighted.
- F) No sign shall exceed thirty-five (35) feet in height.
- G) No signs shall be allowed on trees, shrubs, or which are painted or drawn on rocks or natural features or on public utility poles.
- H) Signs that are structurally unsafe, in disrepair or abandoned. Such signs shall be removed by real property owners or by the County which will assess costs.
- I) No private signs shall be placed on County land or public right-of-way except under permit.

Sec. 23.04 Back-To-Back Signs: Signs joined with a common standard and angled no more than thirty (30) degrees between surfaces shall be considered a single sign and shall be sized according to the larger surface.

Sec. 23.05 Outdoor Lighting:

- A) General Requirements:
  - 1) Outdoor floodlighting by floodlight projection above the horizontal plane or onto adjoining properties is prohibited.
  - 2) All light fixtures shall be located, aimed, or shielded so as to minimize stray light trespassing across property boundaries.
  - 3) Search lights, strobe lights, laser source lights, or any similarly high-intensity fixture shall not be permitted except in emergencies by police and fire personnel or at their direction or for meteorological data gathering purposes.
  - 4) All new outdoor light fixtures shall be fully-shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane or on to adjoining properties.
  - 5) Lighting for outdoor advertising signs shall be mounted at the top of the sign structure and such fixtures shall comply with shielding requirements above.

- 6) Hi-Pressure Sodium (HPS)-lamps are the preferred illumination source through the County. Their use is energy efficient and encouraged for outdoor illumination wherever their use would not be detrimental.
- 7) Except for tower lighting required by the Federal Government, no mounted lighting fixture shall exceed thirty-five (35) feet in height.

Sec. 23.06 Elimination of Non-Conforming Signs and Lighting:

- A) Inasmuch as signing has been controlled by this ordinance since 1976 with a number of non-conforming billboards grandfathered and whereas, it is the stated intent of this ordinance to provide for the gradual elimination of non-conformities, all signs shall be brought into compliance with this ordinance within three (3) years of adoption of these provisions.
- B) No outdoor lighting fixture which was lawfully installed prior to the enactment of this ordinance shall be required to be removed or modified; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this ordinance.
- C) In the event that any non-conforming sign or lighting fixture is abandoned or is damaged and if the damage exceeds fifty percent (50%) of the replacement value, exclusive of foundations, the fixture shall be brought into conformance with the provisions of this ordinance.
- D) In situations where violations in signing and lighting continue, after the property owner has been given reasonable opportunity to correct the violation, the Administrator may effect corrective action in accordance with the enforcement section of the Ordinance. In the specific case of signage illegally placed in public rights-of-way, that signing shall be removed and put in storage by the road authority, storage fees assessed and the owner notified that the sign may be redeemed for the storage fee. At such time as the storage fees exceed the value of the sign, the sign shall be destroyed.

**ARTICLE 24.0**  
**PLANNING COMMISSION**

Sec. 24.00 Appointments, Terms and Compensation:

- A) The Planning Commission shall consist of seven (7) voting members, one of which shall be a member of the County Board. Two (2) alternate members shall be appointed, one of which shall be a County Board member as an alternate for the voting County Board member. The alternate members shall only vote for an absent or disqualified voting member. Each voting member and alternate member shall be appointed by the County Board for a three-year (3) term. At least five (5) members shall be residents of that portion of the county lying outside the corporate limits of municipalities. No employee of the County shall be a voting member.
  
- B) Members of the Commission shall be compensated in accordance with County policy.

Sec. 24.01 Organization and Procedures:

- A) Officers: The Planning Commission shall elect a Chair and Vice-Chair from among its regular members, and shall select a Secretary from among its members or from the County Land Use staff.
  
- B) Rules of Procedure: The Planning Commission shall adopt rules for the transaction of its business which shall be consistent with the statutes of the State of Minnesota and the Ordinances of this County.
  
- C) Meetings:
  - 1) The meetings of the Planning Commission shall be held at the call of the Chair and at such other times as the Commission in its rules of procedure may specify.
  
  - 2) All meetings of the Planning Commission shall be open to the public pursuant to Minnesota Statutes and public participation is encouraged.
  
- D) Voting:
  - 1) Each regular member, including the Chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.
  
  - 2) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote. The member who is being challenged shall not vote nor his presence be counted to determine the majority of those attending.

- 3) Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Planning Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to paragraph D.2. of this section.
  - 4) Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge the Commission shall decide the question pursuant to paragraph D.2. of this section.
  - 5) The alternate may participate in matters but may vote only in the absence or disqualification of a regular voting member.
- E) Records: The Planning Commission shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Sec. 24.02 Powers: The Planning Commission shall have and exercise the following powers:

- A) To cooperate with the Administrator and other employees of the County in preparing and recommending to the County Board modifications of the Comprehensive Plan and recommendations for plan execution in the form of official controls and other measures and amendments thereto.
- B) The Planning Commission, in conjunction with the Planning and Zoning Department, shall review any comprehensive, land use, or other plans, or any official controls sent to the County for review by any local unit of government, any council of governments, or any regional, state or federal agency and shall report thereon in writing to the County Board. All such review shall consider the customs, traditions and values of the community.
- C) The Planning Commission shall hold all required public hearings for the Comprehensive Plan and amendments thereto, official controls and amendments thereto, all Conditional Use Permit applications, all Interim Use Permit applications, all subdivision platting proposals, and other matters as may be prescribed by Ordinance of Lake County.
  - 1) In the case of conditional use applications, interim use applications, and plat review, the Planning Commission shall be the sole and final permitting authority for the issuance or denial of Conditional Use Permits, Interim Use Permits, and plats based upon its findings of fact and conclusions.

All decisions by the Planning Commission relating to conditional use, interim use, and plat reviews shall be final, except that any

aggrieved person or persons, shall have the right to appeal within thirty (30) days after notification of said decision to District Court on questions of law and fact.

- 2) On all other matters which are before the Planning Commission for public hearing, the Commission shall report in writing to the County Board.
- 3) The Planning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other Ordinances of Lake County.

Sec. 24.03 Removal: Members of the Planning Commission shall be removable for cause by majority vote of the County Board upon the filing of written charges with the County Board. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of written charges.

Sec. 24.04 Vacancies: Vacancies occurring on the Planning Commission shall be promptly filled by the County Board and any member so appointed shall serve the balance of the preceding member's term.

## ARTICLE 25.0

### BOARD OF ADJUSTMENT, VARIANCES AND OTHER APPEALS

#### Sec. 25.00 Appointments, Terms and Compensation:

- A) The Board of Adjustment shall consist of three (3) members, plus an alternate all appointed by the County Board, for a total of 4 seated members. The alternate board member shall attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chair. The chair shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. No officer or employee of the County shall serve as a member. Two (2) members shall be from the unincorporated area of the County and one (1) member shall be a member of the Planning Commission. A Planning Commission Member may also serve as the alternate.
- B) Each member shall be appointed for a term of three (3) years except the Planning Commission member shall be appointed annually. Members shall serve until a successor is appointed.
- C) Members of the Board of Adjustment shall be compensated in accordance with County policy.

#### Sec. 25.01 Organization and Procedures:

- A) Officers: The Board of Adjustment shall elect a Chair and Vice-Chair from among its members and shall appoint a Secretary who need not be a member.
- B) Rules of Procedure: The Board of Adjustment shall adopt rules for the transaction of its business which shall be consistent with the statutes of the State of Minnesota and the Ordinances of Lake County.
- C) Meetings:
- 1) The meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board of Adjustment in its rules of procedure may specify.
  - 2) All meetings of the Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.
- D) Records: The Board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The Board shall record the vote of each

member on each questions, or if absent or failing to vote, indicating such fact. All records shall be open to the public and shall be immediately filed in the County Recorder's Office by the Administrator and as otherwise necessary pursuant to Minnesota Statutes.

- E) Removal: Members of the Board shall be removable for cause by majority vote of the County Board of Commissioners, upon the filing of written charges with the County Board of Commissioners. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of the written charges.
- F) Vacancies: Vacancies occurring on the Board shall be promptly filled by the County Board of Commissioners and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner herein above set forth.
- G) The Board shall always act with due consideration toward promoting the public health, safety and convenience and welfare, thereby encouraging the most appropriate use of land consistent with the intent of the Ordinance and Comprehensive Plan.

Sec. 25.02 General - Variances and Other Appeals:

- A) Appeals for variances from the terms of this Ordinance, or from any order, requirement, decision or determination made by the Administrator shall be made to the Board of Adjustment.
- B) Such appeals may be taken by any person aggrieved, or by an officer, department, board or bureau of a town, municipality, county, state or federal government.
- C) Such appeals shall be taken to the Board of Adjustment within forty-five (45) days of receipt of notice from the Administrator of any order, requirement, decision or determination made by him.
- D) An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certified that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

Sec. 25.03 Applications, Hearings, Decisions and Criteria:

- A) Applications:
  - 1) Appeals shall be filed with the Board of Adjustment on a form provided by the Administrator.
  - 2) Appeals shall be filed in a timely manner in advance of a scheduled hearing date as the Board of Adjustment may provide in its rules of procedure.

- 3) Appeal forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.
  - 4) The appeal shall be accompanied by the required fee.
  - 5) The Administrator shall reject, and refuse to refer to the Board of Adjustment any appeal not accompanied by the required fee or by other materials and information as required by this Ordinance.
- B) Hearings:
- 1) The Board of Adjustment shall conduct a public hearing on each appeal.
  - 2) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. Notice of the time, place and purpose of the hearing shall be given as required by Minnesota Statute 394.27, Subdivision 2, as amended.
  - 3) Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules or procedure of the Board of Adjustment.
  - 4) Form of Notice: The notice shall state the location of the building or lot, the intent, time and place of the hearing. For the purpose of giving mail notice, the person responsible for mailing the notice may use any appropriate record to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice shall not invalidate the proceedings provided a bona fide attempt to comply with the notice requirement has been made.
  - 5) Conduct of Hearing: Any person may appear in person or by agent or attorney at the hearing. The order of business for the hearing shall be: (1) statement of the case by the Administrator; (2) the argument in favor of the appeal; (3) the argument in opposition to the appeal; (4) rebuttal by both sides. The first person to be heard on the affirmative side shall be the applicant or his agent. Witnesses may be called and factual evidence may be submitted. All witnesses shall affirm that their testimony is true.
  - 6) Rehearing and Re-application: No re-application for the same variance may be considered for at least one (1) year from the date of any denial.

Sec. 25.04 Decisions:

- A) Time of Decisions: Decisions of the Board shall be made within a reasonable time from the date of the hearing. Every attempt shall be made to reduce this to a minimum.
- B) Vote: The concurring vote of a majority of the members of the Board shall be necessary to grant any variance or to reverse any order, requirement or determination of the Administrator.
- C) Appeals from decisions of staff: The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
- D) Expiration of Approval: Unless otherwise stated in the decision, any order or decision of the Board for a variance shall expire if the appropriate permit shall not have been obtained by the appellant within three (3) months from the date of the decision.
- E) Filing of Decisions: Decisions of the Board shall be filed within in 30 days in the County Land Use Office and Recorder's Office and shall be public record. Copies shall also be sent to all parties to the appeal, the County Assessor's Office, and to other interested agencies and departments.

Sec. 25.05 Criteria for Decisions:

A) Variances, Hardship:

1. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes Section 216C.06, subdivision 2, when in harmony with the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to

protect adjacent properties and the public interest. The Board of Adjustment may consider the inability to use solar energy systems a “hardship” in the granting of variances.

- 2) When, in the opinion of the Board of Adjustment, a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
- 3) Approval may be subject to such further restrictions and conditions as the Board of Adjustment may deem necessary to insure compliance and to protect the public interest or adjacent properties, including but not limited to matters relating to appearance, exterior color, lighting, hours of operation, and performance characteristics. All actions shall consider the customs, traditions and values of Lake County and be consistent with the Lake County Comprehensive Plan.
- 4) In addition, the Board of Adjustment shall consider the following after thorough evaluation of the site:
  - a) Prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - b) Limiting visibility of structures and other facilities as viewed from public waters and rights-of-way.
  - c) Adequacy of the site for water supply and on-site sewage treatment.
- 5) The Board of Adjustment shall always act with due consideration to promote the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.

B) Appeals to Lake County District Court:

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, or decision 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 30 days, after receipt of notice of the decision, to Lake County District Court on questions of law and fact.

**ARTICLE 26.0**  
**CONDITIONAL USES**

Sec. 26.00 With the exception of the North Shore Management Zone which allows less flexibility, any use not specifically permitted or prohibited within a district may be allowed as a conditional use when it can be regulated and controlled in its proposed location so as to preserve the stated general purpose of the district beyond the location of the use and not unreasonably interfere with development of the permitted uses listed in the district. Any such conditional use may be permitted only after a complete application for a Conditional Use Permit has been received by the Planning Commission and approved pursuant to the procedures and criteria of this Article.

Sec. 26.01 Application: Application for a Conditional Use Permit shall be made to the Administrator, who, after determining it is complete and not prohibited by Ordinance, shall forward it to the Planning Commission. The applications shall be in form and content as specified by the Planning Commission and shall contain the information required for a Land Use Permit detailed description of the proposed use plus such other data as the Administrator may deem necessary to properly evaluate the application. Incomplete applications shall be returned for completion.

The costs of special or environmental studies that may be required in conjunction with a Conditional Use shall be borne by the applicant. (See Lake County Environmental Review Ordinance #8,).

Sec. 26.02 Hearing and Notice: The Planning Commission shall meet and hold a public hearing on the complete application within a reasonable time. Notice of the time, place and purpose of the hearing shall be given as required by Minnesota Statute 394.27, Sub. 2 as amended. For the purpose of giving mail notice, the person responsible for mailing the notice may use any appropriate record to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice shall not invalidate the proceedings provided a bona fide attempt to comply with the notice requirement has been made.

Sec. 26.03 General Standards and Criteria: A Conditional Use Permit shall be approved by a majority vote of the Planning Commission upon written findings of fact that the following conditions have been complied with:

- A) Measures have been taken, financially assured by the applicant, and approved by the road authority to provide safe and efficient access, off-street parking and loading space to serve the proposed use.
- B) The proposed use will comply with the hydrology and impervious surface requirements of the Ordinance.

- C) The topography, vegetation and soil conditions are adequate to accommodate the proposed use.
- D) The proposed use will not impact public waters during or after construction or impact wetlands without appropriate consideration.
- E) Adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities have been provided or are being provided backed by appropriate financial assurance.
- F) The proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems.
- G) The proposed use or development will not be detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
- H) That the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

The Lake County Planning Commission in evaluating each application may request assistance from the County Soil and Water Conservation District and other available sources.

Approval may be subject to such further restrictions and conditions as the Planning Commission may deem necessary to protect the public interest or adjacent properties, including but not limited to matters relating to appearance, height, exterior color, lighting, hours of operation, and performance characteristics. When appropriate, restrictive covenants may be specified to address such matters.

Sec. 26.04 Denial: In the event the Planning Commission denies an application for a Conditional Use Permit, the factual basis and reasons for the denial shall be set forth in written findings of fact. Such findings shall be adopted contemporaneously with the action of denial. No requests on the same property will be considered by the Planning Commission for at least one (1) year. The Planning Commission may deny requests for any use on a property where there exists a violation of the terms of any Lake County, State or Federal regulation. (see also Sec. 28.01 c.)

Sec. 26.05 Duration - Termination: Except as provided herein; a Conditional Use Permit shall remain in effect for so long as the conditions imposed are observed, provided that nothing in this section shall prevent the County Board from enacting or amending official controls to change the status of the conditional use. Where a conditional use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the Planning Commission. Conditional Use Permits shall expire eighteen (18) months from date of approval where no substantial action to initiate the approved use is taken by the applicant.

If a conditional use has been discontinued for twelve (12) months or more, the permit shall expire.

Sec. 26.06 Filing: A certified copy of any conditional use order shall be filed in the Recorder/ Register of Deeds Office. The conditional use order shall include the legal description of the property involved.

Sec. 26.07 Special Criteria and Requirements: Certain types of conditional uses require special standards. The following special criteria and requirements shall apply to each use as listed:

- A) Junk or Salvage Yards: No junk or salvage yard may exist or be operated unless it is screened so as to effectively conceal it from view from any public thoroughfare, lake, stream or adjacent residential or commercial property. The screening may be effected by trees, shrubs, or foliage, material objects, fences, or other appropriate means which provide for effective screening year round. Plantings shall be used in connection with any fence or non-natural screening device. All screening must meet minimum structure setback requirements for the specific district and be approved by the Planning Commission.
  - 1) General Requirements:
    - a) A minimum of ten (10) acres.
    - b) Setbacks from adjoining property owners shall be a minimum of one hundred fifty (150) feet.
    - c) Setbacks from right-of-way shall be a minimum of one hundred fifty (150) feet.
    - d) Setbacks from lakes and streams shall be a minimum of five hundred (500) feet.
  - 2) Enforcement: In the case of nonconforming junk or salvage yards, where the owner refuses to provide adequate screening, the Administrator may enter upon the land where the junk or salvage yard is located and may screen the same, or may relocate or dispose of the junk yard after ninety (90) days notice to the owner or dealer thereof, if known, or to the owner of the land. The County shall collect the cost of screening, removal, relocation or disposal from the owner or dealer, if known, or from the owner of the land upon which the junk or salvage yard is located.
  - 3) Maintenance: None of the articles commonly found in junk or salvage yards shall be allowed to remain on the grounds for more than twenty-four (24) hours unless within buildings or the properly screened area as provided herein, nor shall any junk in any junk or salvage yard be allowed to extend above existing or planned screening so as to be visible from a public thoroughfare, classified lake or stream or adjacent residential property.

- B) Recreational Camping Areas:
- 1) General Requirements for Recreational Camping Areas: In addition to other provisions of this Ordinance, Recreational Camping Area proposals shall address in writing:
    - a) Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Ordinance.
    - b) Landscaping Unused Areas: All areas not used for access parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width or thirty (30) feet adjoining residential districts, shall be established and maintained within the camping area along its exterior boundaries.
    - c) Design and Maintenance: Recreational Camping Areas shall be designed and maintained in accordance with the requirements of the Minnesota Department of Health, under Minnesota Statutes, Section 327.14 to 327.28, as amended copies of all plans and applications approved by said department shall be submitted with the Conditional Use Permit application.
- C) Manufactured Home Parks: In addition to other provisions of this Ordinance, the following must be addressed:
- 1) Purpose: It is the purpose of this regulation to permit the development of manufactured home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens.
  - 2) General Requirements: It shall be unlawful for any person to construct, alter or extend any manufactured home park, structures or uses within the park unless the person has a license under Minnesota Statute 327.15 and a Conditional Use Permit issued by the Planning Commission upon compliance with all other requirements imposed by law and the following regulations:
    - a) Area and Yard Requirements: Manufactured home parks shall comply with all area and yard requirements prescribed for such uses in the district in which located.
    - b) Lot Area Occupancy: The impervious surface created by any mobile home park shall not exceed more than twenty-five percent (25%) of the area of the lot and shall be regulated under Article 8.0 of this Ordinance.
    - c) Parking: All areas used for automobile access parking shall comply with the applicable provisions of this Ordinance, provided that there shall be at least two (2) off-street parking spaces for each manufactured home and lot and one (1) additional space for each four (4) such lots to accommodate guests if adequate space is not available on interior streets.

- d) Accessory Buildings: All manufactured homes which are established within a manufactured home park shall have an accessory building for storage purposes for each manufactured home unit. The size of the accessory building shall be a minimum of four (4) feet by six (6) feet.
- 3) Submission of Plan: An application for the establishment of a manufactured home park shall be submitted on a Conditional Use Permit application and be accompanied by a plat, drawn to scale. Such drawing shall include, but not necessarily be limited to the following:
- a) Accurate dimensions of the proposed manufactured home park.
  - b) The number, location and size of all manufactured home lots including maximum lot coverage.
  - c) The location and width of roadways, walkway approaches, and method of ingress and egress from public highways.
  - d) The locations of electric power or gas distribution systems, water mains or wells or water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, sewer treatment areas, fire protection stalls, fire hydrants, and other buildings, structures or uses contemplated for use by the applicant.
  - e) Copy of application to Minnesota Department of Health for operation of a manufactured home park.
- 4) Manufactured Home Park Standards: Manufactured home parks shall be designed and maintained in accordance with the following requirements:
- a) Park Area: The minimum manufactured home park area shall be five (5) acres.
  - b) Lot Area: The minimum lot area per manufactured home unit site within the park shall be five thousand (5,000) square feet.
  - c) Lot Width: The minimum lot width per manufactured home unit site within the park shall be fifty (50) feet. Each lot shall be clearly defined by a permanent marker in the ground.
  - d) Access: Each park shall have direct access to a state highway, county or township road and each manufactured home lot shall have direct access to a private hard surface road.
  - e) Manufactured Home Siting: Manufactured homes shall meet the required road setback of the land use district and be at least forty (40) feet from the manufactured home park boundary. There shall be a minimum distance of twenty (20) feet between an individual manufactured home and the right-of-way of a manufactured home park street or common parking area or other common areas. Manufactured homes with their additions shall be separated from each other and from other buildings and structures by at least twenty (20) feet, provided that manufactured homes placed end-to-end may have a clearance of ten (10) feet where opposing rear walls are staggered.

- f) Support Base: Each manufactured home unit lot shall be equipped with a hard surface aggregate base of sufficient size to support the wheels and the front parking jack and shall be anchored in accordance to State regulations.
- g) Interior Streets: The minimum roadway width of interior one-way streets with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way streets with parking permitted on two sides shall be thirty-six (36) feet. Grading shall be approved by the Planning Commission for residential streets and maintained in good condition.
- h) Sanitary System Connection: No manufactured home shall remain in a manufactured home park without connection to a sanitary system.
- i) Manufactured Home Additions: It shall be unlawful to construct, erect, attach, or cause to be constructed, erected, or attached any enclosure room, wing, annex, entrance, porch or other similar structure to any manufactured home porch or on any manufactured home lot unless the same is so designed and constructed of permanent durable material retaining the basic design of the original manufactured home; provided further that the total such additional structure or structures shall not exceed twenty-five percent (25%) of the square footage. No such awnings or screened enclosures shall be left on a manufactured home lot unless a manufactured home is also parked on the lot. Land Use Permits shall be required for additions or alterations to a manufactured home or other structures within the manufactured home park.
- j) Maintenance: It shall be the responsibility of the manufactured home park owner to see that good housekeeping and living conditions are maintained in the manufactured home park at all times. Each manufactured home lot shall be landscaped or maintained in grass. No unused building materials, debris, or other rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums, or trailer equipment or other materials unless it be effectively screened or concealed.
- k) Vehicle Storage: No more than two (2) motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall mechanical work except of a minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored, or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park and then it shall not be parked in that condition for a period of more than seven (7) days.
- l) Recreation Areas: There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of two thousand five hundred (2,500) square feet in the aggregate or one hundred (100) square feet for each manufactured home space in said park, whichever is greater.

- D) Livestock in RR, R-3 and R-4 Districts:
- 1) Livestock may be allowed in RR, R-3, and R-4 Districts under a conditional use provided the following minimum conditions are fulfilled:
    - a) Livestock shall not be corralled, penned, pastured, or stabled within two hundred (200) feet of a dwelling other than that of the owner of the animals; and
    - b) The land area upon which the livestock are to be kept shall not be less than two and one-half (2½) acres.
  - 2) The Planning Commission may impose additional conditions upon reviewing the application if it is deemed to be in the public interest.
- E) Feedlots: May not exceed thirty (30) animal units nor in any case, more than 200 animals, without a Conditional Use Permit (one animal unit equals 1000 lbs. of stock)
- 1) Specific sewage treatment systems or protection devices, including lagoons, are required at locations where there are more than thirty (30) animal units on a property.
  - 2) Feedlots shall not be located in shoreland or in bluff impact zones.
  - 3) Modifications or expansions to existing feedlots located within shoreland are not allowed.
  - 4) A permit or Certificate of Compliance must be obtained by the owner or operator of an animal feedlot as required by MPCA.
  - 5) Special requirements for feedlots shall include notifying property owners within one (1) mile of the intended use.
- F) Acid Manufacturing, Smelting of Ores, Wrecking and Salvage Yards, and Other Similar Uses: Allowed only in M District and only if separated a minimum distance of one thousand (1,000) feet from any residential district.
- G) Hotels, Motels, Resorts and Campgrounds:
- 1) Goal: To establish standards for the development of motels, hotels resorts and campgrounds that fit the following definition. If the motel, hotel, resort or campground does not meet the following definition or requirements of this section they must be processed as a Planned Unit Development.
  - 2) Definition: For these purposes, “motels, hotels, resorts and campgrounds” will be defined as any lodging facility under single ownership consisting of dwelling units or campsites which are used predominantly for rental to guests on an overnight basis or for vacation length stays provided that the density and other requirements described below are satisfied and the total inside living space for all dwelling units divided by the total number of dwelling units must average seven hundred fifty (750) square feet or less.

In determining the amount of inside living space, the space occupied by decks, patios, stoops and steps will not be considered.

3) Requirements:

- a) Density: Motels, hotels and resorts and campgrounds must not exceed a total of two thousand (2,000) sq ft per acre of inside living space (Example: no more than four (4) lodging units could be built per acre if each lodging unit had five hundred (500) sq ft of inside living space). Camp sites in campgrounds shall be considered three hundred (300) sq ft for purposes of determining density.
- b) Minimum setbacks: Refer to Zoning District
- c) Minimum lot area: Five (5) acres
- d) Minimum lot width: Two hundred (200) feet
- e) Maximum building height: Thirty-five (35) feet
- f) Open Space Requirement: At least fifty percent (50%) of the project area must be preserved as open space. In shoreland areas a minimum of forty percent (40%) of lot frontage, as measured at the building setback line, must be preserved as open space.
- g) Water Supply: Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- h) Sewage Treatment: On-site sewage treatment systems must be located on suitable areas of the development as determined by a qualified site evaluator and sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

4) Application Requirements: The application shall provide a detailed development plan which shall include the following:

- a) The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers and other relevant features.
- b) Building elevations and location on site, proposed uses, number of units and commercial operations, including a floor plan for all structures.
- c) A concept statement describing the project.
- d) Parking areas and driveways for residences and commercial activities, vehicle loading/unloading areas, proposed road entrances, and projected traffic generation of the proposed development.
- e) Proposed phasing of the project if applicable.
- f) Description of how the project will operate after completion.
- g) Proposed fire protection.
- h) Open space location and use.
- i) Water sources and water supply systems.
- j) Proposed sewage treatment systems.

- k) Storm water runoff plans (construction and operation).
  - l) Erosion control plan for site (construction and operation).
  - m) Evidence of availability of necessary public utilities.
  - n) Those additional documents as requested by the County.
- 5) Expansion of existing hotels, motels, resorts and campgrounds:  
Expansion of existing establishments of less than two thousand (2000) sq ft per three (3) year period can be approved by the Administrator as long as all the requirements of this section are met.
- 6) Campgrounds must also meet the requirements of Section 26.07(B).

**ARTICLE 27.0**  
**INTERIM USES**

- Sec. 27.00 A permit allowing temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. Any such interim use may be permitted only after a complete application for an Interim Use Permit has been received by the Planning Commission and approved pursuant to the procedures and criteria of this Article.
- Sec. 27.01 Application: Application for an Interim Use Permit shall be made to the Administrator, who, after determining it is complete and not prohibited by Ordinance, shall forward it to the Planning Commission. The applications shall be in form and content as specified by the Planning Commission and shall contain the information required for a Land Use Permit detailed description of the proposed use plus such other data as the Administrator may deem necessary to properly evaluate the application. Incomplete applications shall be returned for completion.
- The costs of special or environmental studies that may be required in conjunction with an Interim Use shall be borne by the applicant. (See Lake County Environmental Review Ordinance #8,).
- Sec. 27.02: Hearing and Notice: Subject to procedure set forth under Conditional Uses, Sec. 26.02.
- Sec. 27.03: General Standards and Criteria: Refer to General Standards and Criteria set forth under Conditional Uses, Sec. 26.03.
- Sec. 27.04: Denial: Subject to procedure set forth under Conditional Uses, Sec. 26.04.
- Sec. 27.05: Termination: An interim use shall expire upon a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. Where an interim use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the Planning Commission.
- Sec. 27.06: Special Criteria and Requirements: Certain types of interim uses require special standards. The following special criteria and requirements shall apply to each use as listed:
- A) Vacation Rental Home (Refer to Sec. 6.16)
- 1) The initial Interim Use Permit will be valid for one year in order to determine the compliance level of the owner with the conditions of approval. Subsequent renewals shall not be for more than five years. Change in ownership will immediately terminate any Interim Use Permit issued for this use. (The FR Zoning District is exempt from Sec. 27.06 A 1)

- 2) The Planning Commission may impose conditions that will reduce impacts of the proposed use on neighboring properties and nearby waterbodies. Said conditions shall include, but not be limited to fences, vegetative screening along property lines or shoreline, and quiet hours.

B) Extraction and Processing of Sand and Gravel and Other Minerals

Although this section is directed towards the extractive activities, the end goal is reclamation and as such all proposals shall be designed around certain activities permitted prior to site restoration.

- 1) Application required for extraction and processing activities shall be accompanied by:
  - a) A legal description of the proposed site.
  - b) A topographic map (at a minimum contour interval of ten [10] feet) of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides. The Administrator may require smaller contours depending on the site.
  - c) State description of all phases of the contemplated activity including proposed hours and days of operation and including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and aggregate washing, the estimated daily quantity of water required, its source and its deposition shall be identified.
  - d) Agreements providing that processing machinery and extractive activity will be located consistent with setback standards for structures.
  - e) A restoration plan and financial guarantee as hereinafter required.
- 2) Compatibility: The Planning Commission shall consider:
  - a) The affect of the proposed operation on the area hydrology and water quality.
  - b) Input from appropriate governmental agencies.
  - c) Relation to the comprehensive plan.
- 3) Duration:
  - a) All extractive use Interim Use Permit holders shall file for administrative review every five (5) years unless stated otherwise by the Planning Commission. An application will be provided for administrative review. The application must be submitted within three (3) months of the expiration of the five (5) year period or any other date imposed by the Planning Commission. The Administrator shall conduct the administrative review by reviewing the progress of the operation, its conformance with the conditions of the permit, restoration efforts completed or underway and anything that may be pertinent to the operation. If the Administrator, during the review, finds the operation is not meeting all of the requirements of the permit or the Land Use Ordinance, the

Administrator shall forward the review to the Planning Commission. The Planning Commission shall hold a public hearing for review. During this review the Planning Commission could find the operation is satisfactory, impose additional conditions or revoke the permit. If the applicant fails to apply for review as specified above, the Planning Commission shall hold a revocation hearing on the permit.

- b) An interim use shall expire upon a particular date, until the occurrence of a particular event, when the gravel pit has been depleted of the resources specified in the original permit, or until zoning regulations no longer permit it. Where an interim use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the Planning Commission.
- 4) Restoration Plan and Financial Guarantee Required: No permit to carry on a quarry, mining or aggregate pit operation of one (1) acre or more in size shall be given until the Planning Commission approves a restoration plan and the owner agrees in writing to restore the area within five (5) years or as soon as practicable after the extractive operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the County Attorney.
- 5) General Standards: Setbacks, screening, hours of operation, aggregate tax, slopes, and annual report should be addressed in the hearing.

**ARTICLE 28.0**  
**NONCONFORMING STRUCTURES, USES, LOTS AND SEWAGE TREATMENT SYSTEMS**

Sec. 28.00 Purpose:

This article is established in recognition of the existence of uses, structures, lots and sewage treatment systems which were lawfully established but which do not currently comply with the provisions of this ordinance or subsequent amendments of this ordinance. It is the intent of this article to specify the requirements, circumstances and conditions under which nonconforming uses, structures, lots and sewage treatment systems will be maintained and to encourage actions that bring such nonconformities into conformance with this ordinance.

Sec. 28.01 Continuance of Nonconforming Situations:

Legal nonconforming situations shall be allowed to continue as long as they remain otherwise lawful, subject to the provisions of this article. Nonconforming situations which were not lawfully in existence on the effective date of this ordinance shall be prohibited. A change in tenancy, ownership or management of any nonconforming situation shall be allowed, provided there is no change in the nature or character of such nonconforming situation, except as otherwise provided in this chapter.

Sec. 28.02 Nonconforming Uses:

Any use of land or structure(s) lawfully in existence before the adoption of this ordinance that would not have been permitted to become established under the terms of the ordinance as written. Nonconforming uses shall be allowed to continue only if they comply with all of the following provisions:

- A) Illegal nonconforming uses shall cease. Nonconforming uses that were not lawfully in existence prior to the adoption of this ordinance shall cease. In no case shall this provision be interpreted to give legal status to the unlawful use for any period, past or future.
- B) Nonconforming uses restrictions:
  - 1) Expansions of the land area or building area occupied by a nonconforming use are prohibited.
  - 2) A nonconforming use may be changed to lessen the nonconformity of the use. In such cases, the previous nonconforming use shall not be re-established.
  - 3) Repairs and maintenance of a structure containing or relating to a nonconforming use may be permitted subject to Section 28.03(A)1.

- 4) The nature of a lawfully existing nonconforming use shall not be expanded, enlarged or altered, including any increase in the volume, intensity, duration or frequency of the use.
- 5) A change from one nonconforming use to another nonconforming use is prohibited.
- 6) A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be re-established, and any further use shall be in conformity with this ordinance.
- 7) If a structure used for a lawfully existing nonconforming use is destroyed by any cause or means to the extent of fifty percent (50%) or more of its market value any subsequent use of the land or structure shall be a use conforming to the provisions of this ordinance.

Sec. 28.03 Nonconforming Structures:

Nonconforming Structures are structures which do not meet minimum setback or other dimensional requirements of the particular zone district.

A) General requirements for nonconforming structures:

- 1) Maintenance and repair. Only structural alterations required by law and any nonstructural repairs and incidental alterations for normal maintenance may be made on any nonconforming structure.
- 2) Additions and Expansions. Additions or expansions, excluding basements, up to twenty-five percent (25%) of the square footage of current living space of the existing structure (not including the square footage of the basement) may be made to a nonconforming structure only if the addition meets the following conditions:
  - a) Existing structures meeting at least fifty percent (50%) of the required shoreland setback may be allowed to expand provided the addition does not encroach further upon the existing setbacks and the structure is not located within the Shore Impact Zone, Bluff Impact Zone or not meeting the required elevation above the high water level of a lake or river.
  - b) Cannot result in replacement. The process of adding onto an existing nonconforming structure shall not be used to effectuate replacement of the structure where replacement would not otherwise be allowed under the provisions of this ordinance.

- c) Existing structure in sound condition. An addition may be made to a nonconforming structure only if the existing structure is in sound condition, as determined by the County Assessor.
  - d) Existing structure must remain. No structural part of the existing structure shall be removed once the new construction is completed.
  - e) Encasement prohibited. The addition, or multiple additions, shall not surround or encase the existing structure.
  - f) One time allowance. This section can only be used one time. No further additions and expansions are allowed unless they are in full compliance with structure setbacks and other provisions of this ordinance.
- 3) Replacement. A nonconforming structure may be replaced only if the replacement structure meets the setback requirements and all other provisions of this ordinance. Removing a structure from its foundation or basement and then rebuilding a new structure in its place or moving another structure onto that foundation or basement shall be considered replacement.
- 4) Sewage Treatment. Expansion of, addition to, or replacement of a nonconforming structure requiring a Land Use Permit shall be subject to all the requirements in Lake County regarding sewage treatment.
- 5) Interior Alteration. Interior alteration of a nonconforming structure is permissible.
- B) Destruction of nonconforming structures. In the event of the destruction of a nonconforming structure, the following standards shall apply for rebuilding:
- 1) Fifty percent (50%) of market value. A nonconforming structure may not be rebuilt if it is destroyed by any cause, including demolition, to the extent of fifty percent (50%) or more of its current estimated market value, excluding land value, as determined by the County Assessor.
  - 2) Sewage system must be conforming. Rebuilding, under any circumstance, shall only be permitted where sewage disposal system is found to be in compliance.
  - 3) Must meet setback requirements. Rebuilding shall be in conformance with the setback requirements of this ordinance.

Sec. 28.04 Nonconforming lots:

A) Nonconforming lots may be allowed to be sold, developed or improved provided that:

- 1) The lot is a Lot of Record as defined in this Ordinance. If the lot is located in the North Shore Management Zone and has been in separate ownership from abutting lands since the lot became substandard and was created in compliance with the official controls at that time it shall meet the intent of this section.
- 2) The lot has been in separate ownership from abutting lands prior to the effective date of this Ordinance, June 1, 1973 for shoreland properties and February 1, 1976 for non-shoreland properties, unless each lot has been developed prior to these dates with a dwelling, sewage treatment system and a well. Lots in the North Shore Management Zone that conformed to the one (1) acre minimum lot size before the change to two (2) acre minimum lot size must have been in separate ownership since May 26<sup>th</sup>, 2006 (effective date of the minimum lot size change).
- 3) The lot has a minimum size of one-half (½) acre in unsewered areas and ten thousand (10,000) square feet in areas served by Knife River Sanitary District.
- 4) All other applicable Lake County Ordinance requirements are met except lot width and area.
- 5) Requirements of the Lake County Individual Sewage Treatment Ordinance shall be met.

A nonconforming lot which does not meet the above requirements shall not be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land, each meeting the full lot width and area requirements of this Ordinance.

- B) Nonconforming lots containing a principal structure may add a permitted accessory structure, not a dwelling, provided the accessory structure will meet all minimum setback requirements and will not cause the maximum of lot coverage requirement to be exceeded.
- C) Additions to principal or accessory structures located on nonconforming lots may be permitted, provided that any such addition will meet all minimum setback requirements of this Ordinance, all requirements of the Lake County Individual Sewage Treatment Ordinance, and will not cause the maximum percentage of lot coverage to be exceeded.

D) **Parcels Separated By Physical Barriers:** Where a lot of record is divided by a railroad, public road, or river as determined by the Administrator, the parcels created by that feature may be considered as separate lots if all public health standards, applicable setbacks, and lot coverage requirements can be met. The Administrative Subdivision process in the Subdivision Ordinance must be used to create a separate lot per this section.

Sec. 28.05 **Nonconforming Sewage Treatment Systems:** A sewage treatment system not meeting the requirements of the General Provisions of this Ordinance must be upgraded prior to the issuance of any Lake County license or permit.

**ARTICLE 29.0**  
**AMENDMENT AND REZONING**

- Sec. 29.00 General: The regulations, restrictions and boundaries set forth in this Ordinance may be amended, supplemented or repealed in accordance with the provisions of this article.
- Sec. 29.01 Initiation:
- A) Amendments may be initiated by the County Board, Planning Commission, or by application of any person owning property within the boundaries of the district subject to the proposed amendment.
  - B) A rezone may be initiated by the County Board, Planning Commission or through application by any person or persons owning fifty-one percent (51%) of the property within the boundaries of the district subject to the proposed amendment.
- Sec. 29.02 Referral to Planning Commission: A petition for an amendment or rezone not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the County Board until it has received the recommendation from the Planning Commission.
- Sec. 29.03 Procedure:
- A) Upon receipt of the proper application and other requested material for amendment or rezoning by a property owner the Planning Commission shall hold a public hearing within 60 days in accordance with MN Statute 394.26 Subd. 2 as amended.
  - B) The failure to give mailed notice to the individual owners or defects located in the required notice area shall not invalidate the proceedings provided a bona fide attempt to comply with this section was made.
- Sec. 29.04 Action and Authorization:
- A) Following the closing of the public hearing by the Planning Commission, the Administrator shall report the findings and recommendations of the Planning Commission on the proposed amendment or rezone to the County Board at their next regularly scheduled action meeting. The County Board may adopt, modify or deny the request.
- Sec. 29.05 Criteria for Rezoning: Rezoning to the official land use district map shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist:
- A) The proposed zoning is consistent with the Comprehensive Plan.
  - B) A mistake has been made in the original zoning which was inconsistent with the Comprehensive Plan which should now be corrected; or substantial changes have occurred in the community since the adoption of the

Comprehensive Plan, which should result in the Plan and the zoning being amended.

- C) There shall exist a clear public need or benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.
- D) Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.
- E) In the case of down zoning, which is the changing of a zone district from a higher or more intensive use, the proposed zoning shall allow the property owner a reasonable use of his property under the terms of this Ordinance, as well as serve the public interest.

Sec. 29.06 Nothing above is intended to abridge the County Board's authority to proceed under Minnesota Statutes 394.34 in adopting interim zoning regulations.

## ARTICLE 30.0

### ADMINISTRATION, ENFORCEMENT AND PENALTIES

Sec. 30.00 Administrator: The County shall appoint a Planning and Zoning Administrator whose duty it shall be to administer and enforce the provisions of this Ordinance. The Administrator shall:

- A) Enforce compliance with the provision of land use regulations as provided herein.
- B) Issue Land Use Permits upon demonstration of the applicant's compliance with the provision of this Ordinance.
- C) Identify and record information relative to nonconformities.
- D) Provide assistance to the County Board, Planning Commission and Board of Adjustment in land use matters.
- E) Provide necessary forms and applications, and maintain files of applications, permits and other relevant documents.
- F) Maintain the Official Land Use District Map.
- G) Make an annual report of activities to the County Board.
- H) Assume other duties as specified by the County Board.

Sec. 30.01 Powers: The Administrator and agents shall have the powers and authority including, but not limited to, the following:

- A) Access to any structure or premise for the purpose of performing their duties between 8:00 a.m. and 6:00 p.m. by the permission of the owner or upon issuance of a special inspection warrant.
- B) Upon reasonable cause or question as to proper compliance, to revoke any permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance. When work has been stopped by a cease and desist order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.
- C) Deny any permit or license for any use or construction on a property where there exists a violation of the terms of any Lake County, State or Federal regulation.

Sec. 30.02 Permits:

- A) No land or structure shall be changed in use and no structure shall be erected, placed, structurally altered, altered in its exterior dimensions, horizontal or vertical, this includes construction of a basement, or moved until the Administrator has approved and issued a Land Use Permit, certifying that the plans and intended use of the land and structures are in conformity with this Ordinance or until the Planning Commission has granted a Conditional Use Permit for a use that requires no new construction. A permit shall be obtained before the construction of basements or foundations when the work is in conjunction with erecting a structure.
- B) Applications for permits shall be on forms provided by the Administrator and shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including relation to abutting streets or roads, any abutting lakes or streams and the existing and proposed use of each structure and lot, and the number of persons to be accommodated.
- C) No permit shall be issued to establish a use on any lot, parcel or tract which has been divided or transferred in violation of this Ordinance or the Subdivision Regulations of Lake County.
- D) No Land Use Permit shall be required for the following:
  - 1) Local public utility distribution lines.
  - 2) Maintenance, repair or remodeling with no structural alterations and no increase of building dimensions in any direction.
- E) Construction of a building or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of a permit or said permit shall become void. Failure to complete construction or establish use within a reasonable time shall be grounds for revocation of the permit.
- F) Permits issued hereunder may be revoked for cause including, but not limited to, mistakes or misrepresentation of fact, failure to complete construction or establish use within a reasonable time, issuance in violation of the provisions of this Ordinance, or in violation of any other applicable law or Ordinance and for violation of the terms and conditions of the permit.
- G) No Land Use Permit shall be issued for any new construction, rebuilding, remodeling, or structural alterations, without proof,

presented by the property owner, that a conforming septic system serves the property.

- H) Permits issued hereunder will be revoked for cause or issuance may be refused where there are delinquent property taxes, special assessments, penalties, and other interest due on the parcel to which the application relates. Property taxes which are being paid under the provisions of a stipulation, order, or Confession of Judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this Article if all required payments that are due under the terms of the stipulation, order, Confession of Judgment or appeal have been paid (M.S. 934.235).

Sec. 30.03 Enforcement:

- A) The Administrator shall investigate all violations of this Ordinance where appropriate, notify the owners of violations and direct the property owner to correct violations within a reasonable time period, and, if compliance is not obtained within a reasonable period of time or requires punitive action, he shall report such violations to the County Attorney, who shall take appropriate and immediate action on the matter.

Land use activities affect the quality of life in Lake County. Lake County citizens, Lake County employees, and the Lake County Sheriff are directed to be observant of land use activities which may impair the quality of life in the County. Sheriff's deputies, who are paid by the public to be the eyes and ears of local government, are encouraged especially to be observant of land use activities occurring without a posted Land Use Permit.

- B) Taxpayers within the County may institute proceedings to compel specific performance by proper officials in reference to administration or enforcement of the Land Use Ordinance.
- C) Lake County may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The County Board or any member thereof, upon notification from the Administrator may initiate action to prevent, restrain, correct or abate violations or threatened violations. The County Board may at a later date vote to discontinue proceedings.

Sec. 30.04 Penalties: Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction be fined up to one thousand dollars

(\$1,000.00). Each day that a violation continues to exist shall constitute a separate offense. All fines for violations shall be paid to the County and shall be credited to the General Revenue Fund.

### **ARTICLE 31.0 FEES**

- Sec. 31.00 The County Board shall establish a schedule of fees applicable to all permit and variance applications, petitions and appeals, and other documents and actions required by this Ordinance.
- Sec. 31.01 No application for a Land Use Permit, Conditional Use Permit, or any other required permit, nor any petition to amend the Official Land Use District Map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check, or money order to the Land Use Office. Receipt of fees shall be subject to their collection by the County. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectible.
- Sec. 31.02 Should a permit, certificate, petition or appeal be denied, the fee shall not be refunded.

### **ARTICLE 32.0 VALIDITY**

- Sec. 32.00 Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- Sec. 32.01 Should this Ordinance be declared unconstitutional or invalid in its application to any given property or use, such decision shall not affect that validity or constitutionality of this Ordinance as applied to other properties or uses.

### **ARTICLE 33.0 REPEAL OF CONFLICTING ORDINANCE**

- Sec. 33.00 Any Ordinance existing at the time of adoption of this Land Use Ordinance, together with all amendments and supplements thereto which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency and no further, hereby repealed.

**ARTICLE 34.0**  
**EFFECTUATION OF ORDINANCE # 12**

Sec. 34.00    Adopted January 6, 1976  
                  Superceded Ordinances # 5 and #6

                  Amended June 22, 1983  
                  Amended March 6, 1986  
                  County Board delegates authority to Planning Commission

                  Amended August 22, 1989  
                  Amended January 1, 1993  
                  Amended June 1, 1995  
                  Amended April 7, 1999  
                  Amended April 12, 2000  
                  Amended March 12, 2002  
                  Amended July 1<sup>st</sup>, 2004  
                  Amended May 26<sup>th</sup>, 2006

This Amendment shall take effect and be in full force on August 11, 2011.  
All previous versions of this ordinance are repealed.

Recommended by the Lake County Planning Commission after a public hearing on June 20, 2011, and unanimously passed by the Lake County Board of Commissioners this 28<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Derrick Goutermont, Chairman  
Lake County Board of Commissioners

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laurel Buchanen, Clerk of the Board

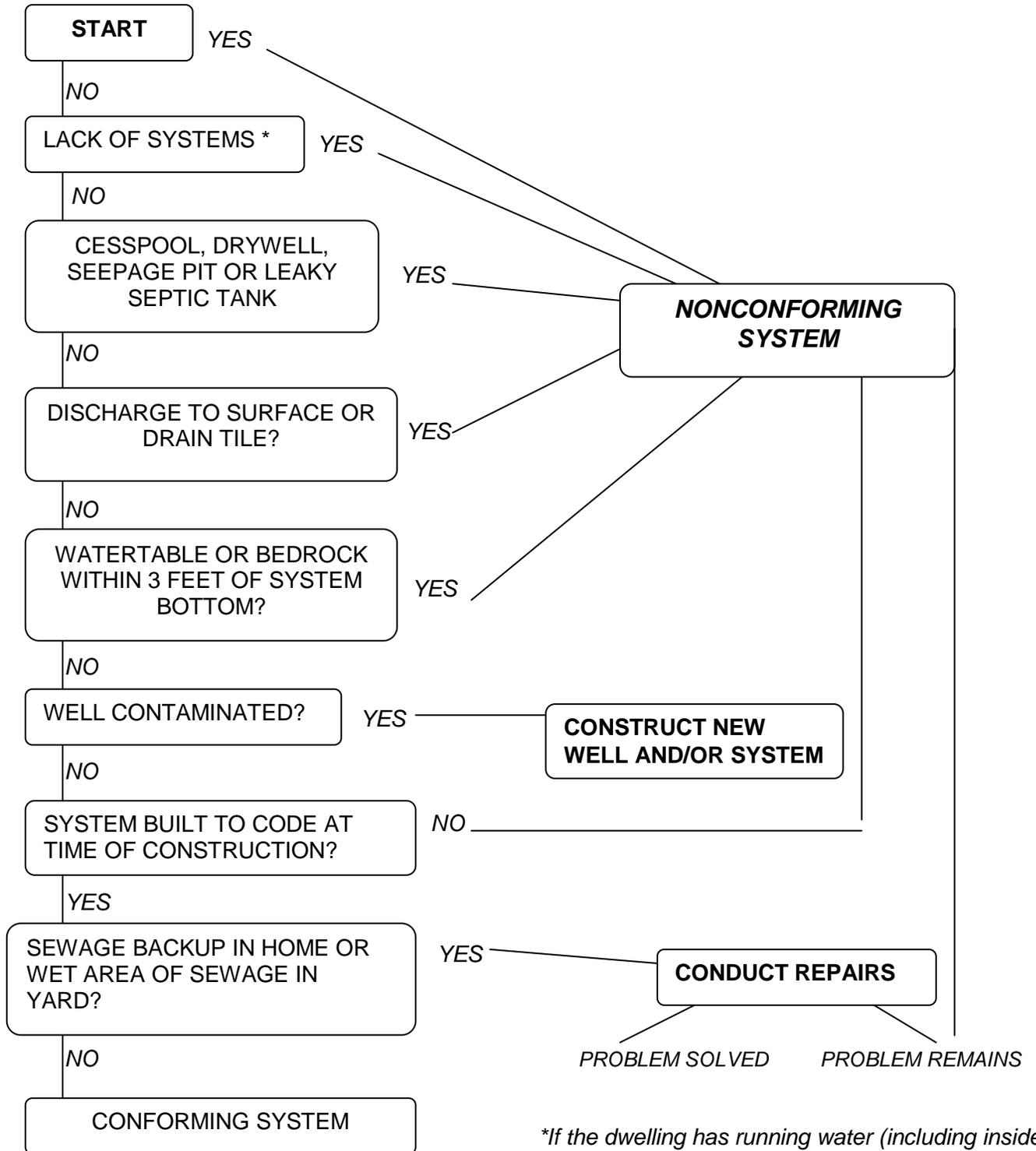
## Exhibit A

### CODE SYSTEM/CONFORMING SYSTEM DIFFERENCES

The following list highlights the requirements for an existing septic system to meet the classification as a conforming system (MN Rule 7080.0600), and highlights the requirements for a new system to meet current 7080 standards (code system).

ITEM	CODE SYSTEM	CONFORMING SYSTEM
Surface discharge.	Not allowed.	Not allowed.
Cesspools, Seepage Pits, Leaching Pits or Dry Wells.	Not allowed.	Not allowed.
System backup.	Not allowed (however system may be repairable).	Not allowed (however system may be repairable).
Receives non domestic wastewater.	Not allowed without state and federal permit.	Not allowed without state and federal permit.
Receives a hazardous waste.	Not allowed.	Not allowed.
System receives water from footing or roof drains.	Not allowed.	Not addressed in rule.
System Requirements.	Must meet all provisions of 7080 as explained below.	Must meet code at time of construction. This statement is interpreted in the remaining columns.
Septic tank.	Must be in accordance with 7080.0130.	Must be watertight (including connection).
Distribution System.	Must be in accordance with 7080.0150.	Must be to code at the time of installation, unless causing hydraulic problems.
System size.	Must be in accordance with 7080.0170.Subp.2.A.	Must be to code at the time of installation, unless having hydraulic problems. May be repairable if excess water can be removed from system.
System location.	Must be in accordance with 7080.0170.Subp.2.B.	Must be to code at the time of installation unless having hydraulic problems. May be repairable if excess water can be removed from system.
System design and Construction.	Must be in accordance with 7080.0170.Subp.2.C. and Subp.2.F.	System bottom must be 3 feet or greater to the seasonally high watertable or bedrock. Other portions of the system must be to code at the time of installation.

**EXHIBIT B  
ASSESSMENT OF SEPTIC SYSTEM  
CONFORMING/NONCONFORMING**



*\*If the dwelling has running water (including inside hand pump) a greywater system is necessary.*

**APPENDIX 1  
LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS**

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Alger	38-0054	29	NE
Alruss	69-0005	30	NE
Alsike	38-0672	30	NE
Amberger	38-0646	37	NE
Artlip	38-0021	83	NE
August	38-0691	221	NE
Balsam	38-0245	240	RD
Bandana	38-0565	10	NE
Bean	38-0409	26	NE
Bear	38-0405	39	NE
Bear	38-0408	17	NE
Beaver Hut	38-0737	32	NE
Beetle	38-0551	35	NE
Besho	38-0040	29	NE
Bill	38-0085	150	NE
Birch	69-0003	7628	RD
Blesener	38-0017	16	NE
Bluebill	38-0261	44	NE
Bogberry	38-0699	94	NE
Bonanza	38-0025	56	NE
Bone	38-0065	43	NE
Bonga	38-0762	138	NE
Bright	38-0790	26	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Browns	38-0780	248	RD
Bruin	38-0702	37	NE
Bunny	38-0293	41	NE
Bushel	38-0433	18	NE
Cabin	38-0260	71	NE
Camp	38-0789	84	NE
Campers	38-0679	56	NE
Cat	38-0556	60	NE
Cedar	38-0810	472	RD
Charity	38-0055	26	NE
Chipmunk	38-0669	39	NE
Chow	38-0770	24	NE
Christianson	38-0750	158	RD
Clark	38-0647	60	NE
Cloquet	38-0539	186	RD
Coffee	38-0064	139	NE
Comfort	38-0290	48	NE
Conchu	38-0720	50	NE
Cook	38-0004	14	NE
Cougar	38-0767	71	NE
Cramer	38-0014	69	NE
Cramer Homestead	38-0246	25	NE
Crest	38-0757	93	NE
Crooked	38-0024	292	RD
Cross River	38-0002	72	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Crown	38-0419	69	NE
Culkin	38-0764	58	NE
Dam Five	38-0053	92	NE
Delay	38-0415	121	NE
Delta	38-0527	27	NE
Discovery	38-0602	35	NE
Divide	38-0256	69	NE
Doyle	38-0249	114	NE
Dragon	38-0552	85	NE
Driller	38-0652	31	NE
Dumbbell	38-0270	15	NE
Dumbbell	38-0393	476	RD
Dunnigan	38-0664	84	NE
East	38-0020	86	NE
East Chub	38-0674	98	NE
Echo	38-0028	46	NE
Egge	38-0244	61	NE
Eighteen	38-0432	113	NE
Elbow	16-0805	550	NE
Fall	38-0811	2322	RD
Farm	38-0779	1380	RD
Flash	38-0630	142	NE
Flat Horn	38-0568	63	NE
Fourtown	38-0813	1305	NE
Fran	38-0771	11	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Frank	38-0428	33	NE
Frear	16-0806	332	NE
Fry	38-0411	32	NE
Fulton	38-0056	39	RD
Gander	38-0554	131	NE
Garden	38-0782	4236	RD
Gegoka	38-0573	174	RD
Grass	38-0635	45	NE
Green Wing	38-0264	37	NE
Greenstone	38-0718	316	RD
Greenwood	38-0656	1469	NE
Grouse	38-0557	149	RD
Gunsten	38-0667	19	NE
Gypsy	38-0665	26	NE
Hare	38-0026	48	RD
Harriet	38-0048	281	RD
Harris	38-0736	121	NE
Hayes	69-0004	3429	RD
Heart	38-0692	42	NE
Helen	38-0448	68	NE
Hide	38-0553	28	NE
Highland	38-0753	125	NE
Hjalmer	38-0758	109	NE
Hogback	38-0057	44	NE
Hoist	38-0251	117	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Homestead	38-0269	50	NE
Horse	38-0792	724	NE
Inga	38-0549	78	NE
Isabella	38-0396	1318	NE
Island River	38-0289	148	NE
Jack	38-0441	51	NE
Jackpot	38-0772	13	NE
Jasper	38-0641	195	RD
Jewell	38-0716	11	NE
Johnson	38-0242	34	NE
Kamimela	38-0717	26	NE
Kane	38-0651	108	GD
Kangas	38-0241	22	NE
Kari	38-0541	22	NE
Katherine	38-0538	77	NE
Katydid	38-0272	28	NE
Kempton	38-0740	66	NE
Kennedy	38-0243	10	NE
Kitigan	38-0559	84	RD
Kowalski	38-0016	13	NE
Langley	38-0648	14	NE
Lax	38-0406	273	GD
Legler	38-0649	51	NE
Lena	38-0424	26	NE
Leskinen	38-0240	34	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Lillian	38-0542	34	NE
Little Wampus	38-0684	24	NE
Little Wilson	38-0051	57	NE
Lobo	38-0766	132	NE
Long	38-0748	43	NE
Lookout	38-0250	60	NE
Lost	38-0003	87	NE
Lupus	38-0038	93	NE
Luster	38-0682	46	NE
Majava	38-0579	26	NE
Marble	38-0650	159	GD
Meme	38-0030	12	NE
Micmac	38-0233	121	RD
Middle McDougal	38-0658	108	RD
Mitawan	38-0561	202	RD
Moose	38-0036	201	NE
Moose	38-0644	1307	RD
Murphy	38-0754	128	NE
Nicado	38-0230	13	NE
Nine A.M.	38-0445	27	NE
Ninemile	38-0033	339	RD
Nipisiquit	38-0232	50	NE
North Branch Kawishiwi	38-0738	6427	RD
North McDougal	38-0686	323	RD
North Wigwam	16-0804	38	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Norway	38-0688	18	NE
Ojibway	38-0640	383	RD
Omaday	38-0706	37	NE
Organ	38-0067	44	NE
Osier	38-0420	81	NE
Ova	38-0555	34	NE
Parent	38-0526	412	NE
Peavey	38-0252	29	NE
Phantom	38-0653	75	NE
Pickerel	38-0741	171	NE
Pike	38-0670	78	NE
Pine	69-0001	442	RD
Pitcha	38-0676	39	NE
Planted	38-0564	61	NE
Plum	38-0273	74	NE
Range	38-0812	100	NE
Redskin	38-0440	32	NE
Robin	38-0661	25	NE
Rookie	38-0710	26	NE
Rota	38-0543	116	NE
Round Island	38-0417	58	NE
Sand	38-0735	506	RD
Sandpit	38-0786	65	NE
Sapphire	38-0446	42	NE
Sawmill	38-0746	28	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Scanlon	38-0267	29	NE
Scarp	38-0058	43	NE
Section 29	38-0292	122	NE
Section Twelve	38-0714	50	NE
Seven Beaver	69-0002	1508	NE
Shamrock	38-0687	58	NE
Shoepack	38-0023	55	NE
Silver Island	38-0219	1294	NE
Sister	38-0050	125	NE
Slate	38-0666	354	RD
Small	38-0281	55	NE
Snowbank	38-0529	4819	RD
Sonju	38-0248	41	NE
Soup	38-0413	22	NE
Source	38-0654	35	NE
Sourdough	38-0708	17	NE
South McDougal	38-0659	277	NE
South Wigwam	38-0001	63	NE
Spruce	38-0544	85	NE
Spur	38-0259	46	NE
Steamhaul	38-0570	36	NE
Stewart	38-0744	264	NE
Stony	38-0660	409	NE
Stub	38-0781	85	RD
Sullivan	38-0755	41	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Sumpet	38-0283	86	NE
Superior	16-0001	999999	GD
Surprise	38-0550	38	NE
Swallow	38-0668	158	NE
Swamp	38-0285	55	NE
Sylvania	38-0395	86	NE
T	38-0066	307	NE
Tanner	38-0255	63	RD
Tetagouche	38-0231	68	NE
Thomas	38-0751	157	RD
Thunderbird	38-0031	100	NE
Tin Can Mike	38-0785	142	NE
Tofte	38-0724	135	RD
Triangle	38-0715	318	RD
Twenty Three	38-0247	47	NE
Twin	38-0747	26	NE
Two Deer	38-0671	52	NE
Unnamed	38-0061	39	NE
Unnamed	38-0234	41	GD
Unnamed	38-0236	12	NE
Unnamed	38-0237	19	NE
Unnamed	38-0239	16	NE
Unnamed	38-0286	28	NE
Unnamed	38-0287	30	NE
Unnamed	38-0288	28	NE

<b>LAKE NAME</b>	<b>PWI ID</b>	<b>ACRES</b>	<b>SL CLASS</b>
Unnamed	38-0412	29	NE
Unnamed	38-0416	31	NE
Unnamed	38-0569	25	NE
Unnamed	38-0615	31	NE
Upland	38-0756	74	NE
Uranus	38-0719	22	NE
Victor	38-0560	24	NE
Vivian	38-0046	10	NE
Wadop	38-0681	47	NE
Wampus	38-0685	146	NE
Wanless	38-0049	84	NE
West Chub	38-0675	124	NE
Whitefish	38-0060	350	RD
Wilber	38-0548	29	NE
Wilson	38-0047	666	RD
Windy	38-0068	469	RD
Wood	38-0729	587	NE
Woodcock	38-0749	53	NE
Wye	38-0042	57	NE

Note: Lakes (twenty-five [25] acres or more) not listed are classified as NE lakes.  
Questions on lake classifications may be directed to the DNR Area Hydrologist at Two Harbors.

APPENDIX 1 LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS

LAKE COUNTY WATERCOURSES WITH SPECIAL SHORELAND CLASSIFICATIONS

NAME	SL CLASS	FROM	FROM			TO	TO		
			SEC	TWP	RG		SEC	TWP	RG
Cloquet River	R	Outlet of Cloquet Lake	9	57	9	NFD road bridge	32	57	10
Cloquet River	F	NFD Road bridge	32	57	10	West section line	13	56	11
Cloquet River	R	East section line	14	56	11	West section line	30	56	11
Knife River	R	County Road #131 bridge	20	54	11	Confluence with McCarthy Creek	18	53	11
Knife River	F	Confluence with McCarthy Creek	18	53	11	West section line	19	52	11
Knife River	F	West section line	31	52	11	Lake Superior	31	52	11
Gooseberry River	R	Basin 897	33	56	10	Lake Superior	27	54	9
West Branch Split Rock River	R		22	56	10	Confluence with Split Rock River	26	55	9
Split Rock River	R	Confluence with West Branch Split Rock River	26	55	9	Lake Superior	7	54	8
Beaver River	R	Confluence with tributary	5	56	9	East section line	1	55	9
Beaver River	F	West section line	6	55	8	Lake Superior	12	55	6
West Branch Baptism River	R	North section line	2	58	8	South section line	21	58	8
West Branch Baptism River	F	North section line	28	58	8	Confluence with Baptism River	20	57	7
Baptism River	F	Confluence with West Branch Baptism River	20	57	7	Lake Superior	14	56	7
North Branch	R	Basin 415	12	59	8	Confluence with Manitou River	6	58	6

APPENDIX 1 LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS

LAKE COUNTY WATERCOURSES WITH SPECIAL SHORELAND CLASSIFICATIONS

NAME	SL CLASS	FROM	FROM			TO	TO		
			SEC	TWP	RG		SEC	TWP	RG
Manitou River									
Manitou River	R	Confluence with North Branch Manitou River	6	58	6	Lake Superior	11	57	6
Caribou River	R	East section line	24	59	6	Lake Superior	36	58	8
Cross River	R	Basin 2	13	60	6	Basin 902	25	60	6
Kawishiwi River	R	Basin 70	9	62	6	Confluence with South Fork Kawishiwi River	26	63	10
South Fork Kawishiwi River	R	Confluence with North Fork Kawishiwi River	26	63	10	NFD Road	24	62	11
South Fork Kawishiwi River	F	NFD Road	24	62	11	West section line	19	62	11
Isabella River	R	Basin 396	35	62	8	Basin 637	6	61	9
Perent River	R	Basin 654	1	61	7	Basin 396	31	62	7
Stony River	R	Outlet of Source Lake	25	58	10	North section line	35	60	10
Stony River	F	South section line	26	60	10	West section line	12	60	11
Stony River	R	East section line	11	60	11	Basin 69-3	30	61	11

APPENDIX 1 LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS

LAKE COUNTY WATERCOURSES WITH SPECIAL SHORELAND CLASSIFICATIONS

NAME	SL CLASS	FROM	FROM			TO	TO		
			SEC	TWP	RG		SEC	TWP	RG
	Tr	All other nonclassified watercourses as shown on Lake County Protected Waters Inventory Map and list, including portions of Knife River, Beaver River, West Branch Baptism River, West Branch Manitou River, Cross River, Kawishiwi River, South Fork Kawishiwi River and Isabella River.							
	F	All Designated Trout Streams are, at a minimum, classified as Forested.							

The following is a list of trout streams within Lake County according to MN Rules 62.0400. The following described streams and portions of streams and their tributaries within the section specified are designated as trout streams and all designated trout streams in Lake County are, at a minimum, classified Forested (see Article 7.0 of this Ordinance).

Arrowhead Creek	T. 60, R. 8, S. 3, 10, 11, 13, 14, 15, 22, 23, 26, 27, 28, 34; T. 61, R. 8, S. 14, 15, 21, 22, 27, 28, 34.
Baptism River, Main Br.	T. 56, R. 7, S. 3, 4, 5, 9, 10, 14, 15; T. 57, R. 7, S. 20, 27, 28, 29, 33, 34
Baptism River, East Br.	T. 57, R. 6, S. 6; T 57, R. 7, S. 1, 2, 3, 9, 10, 11, 12, 16, 17, 20; T. 58, R. 6, S. 30, 31; T. 58, R. 7, S. 13, 17, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 36; T. 58, R. 8, S. 22, 23, 24, 25, 26
Baptism River, West Br.	T. 57, R. 7, S. 7, 17, 18, 20; T. 57, R. 8, S. 1, 2, 12; T. 58, R. 8, S. 2, 3, 4, 9, 10, 11, 15, 16, 20, 21, 22, 28, 33, 34, 35, 36; T. 59, R. 8, S. 27, 34, 35
Beaver River	T. 55, R. 8, S. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17; T. 55, R. 9, S. 1, 2,; T. 56, R. 8, S. 31; T. 56, R. 9, S. 4, 5, 6, 8, 9, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 32, 33, 34, 35, 36; T. 57, R. 9, S. 28, 32, 33
Beaver River, East Br.	T. 55, R. 8, S. 2; T. 56, R. 8, S. 4, 5, 6, 8, 9, 15, 16, 21, 22, 25, 26, 27, 35, 36; T. 57, R. 8, S. 7, 18, 19, 30, 31, 32; T. 57, R. 9, S. 2, 3, 11, 12, 13, 14, 15, 23, 24, 25, 26, 36
Beaver River, West Br.	T. 55, R. 8, S. 7, 17, 18; T. 55, R. 9, S. 2, 3, 4, 10, 11, 12, 13, 14
Berry Creek (Breda)	T. 56, R. 11, S. 6; T. 57, R. 11, S. 10, 15, 16, 21, 28, 29, 31, 32
Blesner Creek	T. 58, R. 6, S. 20, 29, 31, 31
Budd Creek	T. 55, R. 9, S. 7, 17, 18, 20, 21
Camp Creek	T. 60, R. 8, S. 3, 4, 5, 7, 8, 9, 10, 16, 17, 20, 21, 29; T. 61, R. 8, S. 33
Camp Creek, East Br.	T. 60, R. 9, S. 7, 18; T. 60, R. 10, S. 11, 12, 14
Caribou River	T. 58, R. 6, S. 1, 2, 11, 13, 14, 15, 22, 23, 24, 25, 26, 36; T. 59, R. 6, S. 23, 24, 25, 26, 35, 36
Castle Danger Creek	T. 54, R. 9, S. 30, 31, 32
Cedar Creek	T. 56, R. 8, S. 13, 14, 23, 24, 26
Cloudy Spring Creek	T. 57, R. 9, S. 5, 6, 7, 18; T. 57, R. 10, S. 12, 13, 24
Cross River	T. 60, R. 6, S. 13, 24, 25
Crow Creek	T. 53, R. 10, S. 1, 2; T. 54, R. 10, S. 15, 22, 23, 26, 35
Crown Creek	T. 57, R. 8, S. 2, 3, 4, 5, 9, 10, 11; T. 58, R. 8, S. 5, 6, 7, 18, 19, 20, 29, 30, 31, 32, 33; T. 58, R. 9, S. 1, 12, 13, 14, 24, 36, T. 59, R. 8, S. 31, 32
Dago Creek	T. 54, R. 9, S. 18, 19; T. 54, R. 10, S. 2, 11, 12, 13; T. 55, R. 10, S. 27, 34 35
Dragon Creek	T. 57, R. 6, S. 8, 9, 16, 17, 21
Egge Creek	T. 57, R. 7, S. 2, 3, 4, 11
Encampment River	T. 53, R. 10, S. 3, 10, 11; T. 54, R. 10, S. 8, 16, 17, 21, 27, 28, 34
Foumle Creek	T. 60, R. 6, S. 24
Gooseberry River	T. 54, R. 9, S. 18, 19, 20, 21, 22, 27; T. 54, R. 10, S. 4, 5, 6, 8, 9, 10, 11, 12, 13; T. 55, R. 10, S. 4, 9, 16, 17, 20, 29, 30, 31, 32; T. 56, R. 10, S. 33
Gooseberry River, Little	T. 54, R. 10, S. 6,; T. 54, R. 11, S. 1; T. 55, R. 10, S. 31,; T. 55, R. 11, S. 34, 35, 36
Harris Lake Creek	T. 60, R. 10, S. 6; T. 61, 10, S. 19, 31, 31

APPENDIX 1 LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS

Hockamin Creek	T. 57, R. 7, S. 17, 18, 19; T. 57, R. 8, S. 13, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34
Hill Creek	T. 60, R. 8, S. 30; T. 60, R. 9, S. 24, 25
Houghtaling Creek	T. 59, R. 6, S. 2, 3, 4, 5, 6; T. 60, R. 6, S. 25, 32, 33, 35, 36
Inga Creek	T. 60, R. 9, S. 2; T. 61, R. 9, S. 11, 12, 14, 22, 23, 27, 34, 35
Isabella River, Little	T. 59, R. 8, S. 3, 4, 5, 6, 9, 10; T. 60, R. 8, S. 31, 32,; T. 60, R. 9, S. 5, 6, 8, 9, 10, 15, 16, 22, 25, 26, 27, 36; T. 61, R. 9, S. 3, 4, 9, 10, 16, 17, 20, 21, 22, 29, 32; T. 62, R. 9, S. 34
Jack Creek	T. 61, R. 8, S. 14, 23, 24, 25, 26, 36
Jack Pine Creek	T. 60, R. 8, S. 5, 6, 7, 8, 18; T. 61, R. 8, S. 19, 20, 29, 30, 31, 32
Kennedy Creek	T. 57, R. 7, S. 35, 36
Kinney Creek	T. 57, R. 10, S. 15, 21, 22, 28, 33
Knife River	T. 52, R. 11, S. 4, 5, 8, 9, 17, 18, 19 31; T. 53, R. 11, S. 4, 5, 7, 8, 17, 18, 20, 29, 32, 33; T. 54, R. 11, S. 20, 29, 30, 32
Knife River, West Br.	T. 52, R. 11, S. 5, 6, 8
Knife River, Little East	T. 53, R. 11, S. 17, 20, 21, 22, 27, 33, 34
Knife River, Little West	T. 52, R. 11, S. 5, 6; T. 53, R. 11, S. 31
Leppanen Creek	T. 57, R. 7, S. 15, 21, 22, 28
Lindstrom Creek	T. 56, R. 7, S. 4; T. 57, R. 7, S. 19, 30, 31, 32, 33; T. 57, R. 8, S. 25
Manitou River	T. 57, R. 6, S. 3, 4, 10, 11; T. 58, R. 6, S. 4, 5, 6, 7, 8, 16, 17, 18, 20, 21, 28, 29, 32, 33, 34
Manitou River, North Br.	T. 58, R. 6, S. 6; T. 58, R. 7, S. 1, 2; T. 59, R. 6, S. 31; T. 59, R. 7, S. 15, 16, 18, 19, 20, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36; T. 59, R. 8, S. 1, 2, 12, 13 23, 24, 25, 26
Manitou River, South Br.	T. 58, R. 6, S. 6; T. 58, R. 7, S. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18; T. 59, R. 7, S. 29, 30, 31, 32, 33; T. 59, R. 8, S. 1, 2
Manitou River, Little	T. 57, R. 6, S. 2; T. 58, R. 6, S. 34, 35
Marais River, Little	T. 57, R. 6, S. 5, 8, 16, 17, 21
Mary Ann Creek	T. 58, R. 10, S. 16, 21
Martin Creek	T. 58, R. 6, S. 2, 3, 11
McCarthy Creek	T. 53, R. 11, S. 18
Mike Kelly Creek	T. 60, R. 11, S. 14, 15, 23
Mile Post 43 Creek	T. 56, R. 8, S. 2, 3, 9, 10, 11, 13, 14, 15
Mink Creek	T. 54, R. 9, S. 4, 5, 9; T. 55, R. 9, S. 30, 31, 32; T. 55, R. 10, S. 25, 26, 36
Mitawan Creek	T. 60, R. 9, S. 1, 12; T. 61, R. 8, S. 5, 6, 7, 18, 19, 31; T. 61, R. 9, S. 1, 2, 12, 13, 24, 25, 36; T. 62, R. 9, S. 35
Moose Creek	T. 59, R. 6, S. 31, 32, 33, 34
Mud Creek, Little	T. 57, R. 11, S. 11, 12, 14, 22, 23
Murphy Creek	T. 56, R. 11, S. 4, 5, 8, 17, 18, 19; T. 57, R. 10, S. 4, 7, 8, 9, 18; T. 57, R. 11, S. 11, 12, 13, 14, 21, 22, 23, 24, 26, 27, 28, 33, 34
Nicadoo Creek	T. 56, R. 7, S. 7; T. 56, R. 8, S. 1, 12; T. 57, R. 8, S. 25, 35, 36
Nine Mile Creek	T. 58, R. 6, S. 3, 4, 9, 16, 17; T. 59, R. 6, S. 27, 28, 33, 34
Nip Creek	T. 59, R. 11, S. 3, 4; T. 60, R. 11, S. 21, 22, 27, 28, 34
Nira Creek	T. 61, R. 11, S. 22, 23, 27
Oliver Creek (Silver)	T. 57, R. 7, S. 5, 6; T. 57, R. 8, S. 1; T. 58, R. 7, S. 31, 32
Palisade Creek	T. 56, R. 7, S. 16, 17, 18, 19, 20, 21, 22; T. 56, R. 8, S. 24
Rock Cut Creek	T. 58, R. 6, S. 18, 19, 20; T. 58, R. 7, S. 13
Sawmill Creek	T. 57, R. 6, S. 18; T. 57, R. 7, S. 1, 12, 13, 22, 23, 24, 26, 27, 34
Schoolhouse Creek	T. 58, R. 7, S. 35, 36

APPENDIX 1 LAKE COUNTY PROTECTED WATERS SHORELAND CLASSIFICATIONS

Scott Creek	T. 59, R. 7, S. 4; T. 60, R. 7, S. 9, 10, 15, 16, 21, 22, 27, 33, 34, 35
Section 30 Creek	T. 63, R. 11, S. 30
Silver Creek	T. 53, R. 10, S. 6, 7, 16, 17, 18, 21; T. 53, R. 11, S. 1; T. 54, R. 10, S. 18, 19, 30; T. 54, R. 11, S. 11, 12, 13, 25, 36
Silver Creek, East Br.	T. 53, R. 10, S. 5, 8, 9, 16, 21
Skunk Creek	T. 54, R. 9, S. 4, 9, 16, 17, 20; T. 55, R. 9, S. 19, 29, 30, 32, 33; T. 55, R. 10, S. 13, 14, 24
Snake Creek	T. 60, R. 9, S. 6; T. 60, R. 10, S. 1; T. 61, R. 9, S. 19, 30, 31; T. 61, R. 10, S. 24, 25, 36
Snake River	T. 60, R. 10, S. 3, 4; T. 61, R. 9, S. 7, 18, 19; T. 61, R. 10, S. 12, 23, 24, 26, 27, 33, 34
Sphagnum Creek	T. 60, R. 9, S. 4; T. 61, R. 9, S. 28, 29, 33
Split Rock River	T. 54, R. 8, S. 6, 7; T. 54, R. 9, S. 1, 2, 12
Split Rock River, E. Br.	T. 55, R. 9, S. 4, 5, 6, 9, 10, 14, 15, 22, 23, 24, 25, 26; T. 56, R. 9, S. 30, 31, 32; T. 56, R. 10, S. 1, 11, 12, 13, 14, 23, 24, 25
Split Rock River, W. Br.	T. 55, R. 9, S. 6, 7, 8, 16, 17, 21, 22, 26, 27, 28; T. 55, R. 10, S. 1; T. 56, R. 10, S. 22, 26, 27, 33, 34, 35, 36
Stanley Creek	T. 52, R. 11, S. 18, 19
Stewart River	T. 53, R. 10, S. 18, 19, 20, 29; T. 53, R. 11, S. 2, 3, 10, 11, 13, 14, 15; T. 54, R. 11, S. 3, 4, 10, 15, 22, 26, 27, 34, 35
Stewart River, Little	T. 53, R. 10, S. 19, 20, 29; T. 53, R. 11, S. 9, 15, 16, 22, 23, 24
Stewart River	T. 55, R. 11, S. 7
Stony Creek (Rock)	T. 55, R. 9, S. 30; T. 55, R. 10, S. 20, 23, 24, 25, 27
Stream No. 30	T. 54, R. 8, S. 5, 6; T. 55, R. 8, S. 19, 30, 31
Sullivan Creek	T. 56, R. 11, S. 1, 2, 10, 11, 15; T. 57, R. 10, S. 19, 30; T. 57, R. 11, S. 24, 25, 36
Thirty-nine Creek, Big	T. 56, R. 8, S. 19, 30, 31; T. 56, R. 9, S. 1, 2, 3, 9, 11, 12, 13, 14, 15, 22, 23, 24, 25; T. 57, R. 9, S. 22, 26, 27, 35, 36
Thirty-nine Creek, Little	T. 56, R. 8, S. 6, 7, 8, 17, 18, 19, 20, 29, 30; T. 56, R. 9, S. 1, 12
Tikkanen Creek	T. 57, R. 7, S. 5, 6, 8, 16, 17
Tomlinson Creek	T. 60, R. 7, S. 18, 19, 31; T. 60, R. 8, S. 24, 25, 36
Tower Creek	T. 57, R. 7, S. 9
Trappers Creek	T. 56, R. 11, S. 2, 3, 9, 10, 16, 17, 19, 20; T. 57, R. 11, S. 35
Twin Points Creek	T. 54, R. 9, S. 10, 11, 13, 14
Two Island River	T. 59, R. 6, S. 11, 12
Unnamed Creek	T. 55, R. 8, S. 20, 21, 29, 32, 33
Victor Creek	T. 60, R. 9, S. 12, 13
Wanless Creek	T. 60, R. 6, S. 27, 33, 34, 35, 36
Weiss Creek	T. 59, R. 9, S. 2, 3, 11; T. 60, R. 9, S. 27, 34
Wenho Creek	T. 58, R. 10, S. 17, 20, 21, 27, 28, 34
Whyte Creek	T. 57, R. 10, S. 1, 2, 11, 14, 23, 26, 27, 34

## APPENDIX 2 LAKE COUNTY WETLAND FUNCTION ANALYSIS MODEL

### Introduction

This model has been developed to assist in the management of wetlands and to promote sound land use practices in Lake County. In the administration of Article 8.0 of the Lake County Land Use Ordinance, the model serves as a guide in assessing wetland values. The model provides a method of identifying high priority wetlands for protection and those where greater jurisdictional flexibility can be exercised.

### Model Development Procedures

Hydrology Technical Committee (HTC): An inter-agency technical team was assembled in accordance with Article 8.0, Section 8.02, of the Lake County Comprehensive Plan and Land Use Ordinance #12, to assist in developing a wetland function and value determination method considering wetland size, type, geographic location, abundance, isolation, and watershed. The HTC identified the following eight functions as significant to wetland management: fisheries habitat; wildlife habitat; shoreland protection; groundwater protection; stormwater/flooding protection; uniqueness; recreational values; and floral diversity protection. These eight categories provide a framework for evaluating wetlands based upon the values they provide. The National Wetland Inventory Maps and County, Geographic Information System (GIS) serve as principal management tools. Due to their non-regulatory purpose, national wetland maps only serve as a preliminary guide and aid to onsite evaluations. This model is designed as a guide for the Lake County Land Use Office and the HTC.

### Wetland Classifications

Wetland types are adopted from the U. S. Fish and Wildlife Service, Circular No. 39, as defined on pages one hundred twenty-six (126) and one hundred twenty-seven (127) of this text. The U. S. Army Corps of Engineers Wetland Delineation Manual (Jan. 1987) serves as the principle wetland identification guide for delineations and onsite determinations.

### Wetland Assessment and Rating

A number assigned to each function provides a method of scoring and ranking wetlands. Each wetland is assigned a high value (3), medium value (2), or low value (1) according to the assessment criteria listed below. The combined total of functions one (1) through seven (7) provide a preliminary number to be added to the corresponding Floral Diversity score as outlined on pages one hundred twenty-four (124) and one hundred twenty-five (125). ALL ASSIGNED SCORING IS SUBJECT TO FIELD ADJUSTMENT.

### Wetland Functions

- A) Fisheries Habitat: Wetlands within 1000 feet of an identified public fishery which displays evidence of hydraulic linkage to that public fishery shall be given a value of 3. Wetlands capable of supporting fish populations are given a score of 2. Wetlands not capable of sustaining a fish population are given a score of 1.
- B) Wildlife: A wetland which provides critical habitat for a particular species or group of species shall be given a value of 3. A wetland that provides habitat for a particular species or group of species shall be given a value of 2. A wetland that does not provide wildlife habitat shall be given a value of 1.

\* Critical habitat is the habitat element which limits the abundance or range of a species.

\*\* Wildlife habitat is dependent upon site specific factors. Wetland type is not necessarily related to habitat quality – nearly all wetland types provide habitat for some species of wildlife.

While wetland type is useful as a general guide, an on-site evaluation is necessary to determine the habitat quality of a particular site.

- C) Shoreland Protection: A wetland within 150 feet of a stream (watercourse with a defined bottom) or within 500 feet of lakes classified as a protected water shall be given a value of 3. A wetland between 150 feet and 300 feet of a stream and a wetland between 500 feet and 1000 feet of a lake shall be given a value of 2 and all others a value of 1.
- D) Ground Water Protection: A wetland within 1000 feet of a commercial/industrial site that handles hazardous materials or potentially hazardous materials shall have a value of 3. Wetlands within 1000 feet of urban areas or commercial/industrial sites which do not handle hazardous materials shall have a value of 2. All others shall have a value of 1.
- E) Stormwater/Flooding: Wetlands in zoning districts permitting greater than 25% impervious surface coverage per unit lot area shall be given a value of 3. Wetlands in zoning districts permitting 20% and 25% impervious surface coverage per unit lot area shall have a value of 2. All others shall have a value of 1.
- F) Uniqueness: Wetlands abutting or adjacent to Lake Superior shall have a value of 3. Type III, Type IV, and Type V wetlands shall have a value of 2. All others shall have a value of 1.
- G) Public Recreational Use: Wetlands on public and private lands that provide public recreation shall have a value of 3. Wetlands on privately owned lands not open or maintained for public use shall have a value of 2.
- H) Floral Diversity: Refer to pages one hundred twenty-four (124) and one hundred twenty-five (125) of this model for the corresponding plant community and scoring method found for a particular site.

Wetland Function and Value Rating Criteria	
<u>Function</u>	<u>Score</u>
Fisheries Habitat	High Value 3
Wildlife Habitat	Medium Value 2
Shoreland Protection	Low Value 1
Ground Water Protection	
Stormwater/Flooding	
Uniqueness	
Public Recreational	
Floral Diversity/plant habitats	

Wetland Replacement Ratios

- A) The wetland replacement ratios found in this model illustrate that high functioning wetlands perform in the public's best interest. The replacement ratios reflect this (scores >13) and create a disincentive to draining and filling. For those wetlands found to be of low functional capacity (scores <13), the replacement ratios have been established to account for the reduced public values.

- B) For value rankings of 20 or higher the public may better be served by protecting rather than replacing potential lost values, therefore, wetlands scoring above 20 shall be subject to approval by the Lake County Board of Adjustment in accordance with Sec. 8.02, E., of the Land Use Ordinance. Activities in wetlands scoring below 20 may be permitted after issuance of a Land Use Permit and upon acceptance of a mitigation plan when required. Sequencing flexibility may be exercised for those wetlands that score <13 and are less than two acres in size.
- C) The amount of wetland exempt from replacement is determined by the assigned score for each wetland type as shown below. Ratios of replacement are also shown

Score	Mitigation Ratio	Exemption Type I, II & VI	Exemption Type VII** Non-shoreland	Exemption Shoreland & Types III IV, V, & VIII
9-12	½ : 1	2 acre*	10,000 sq. ft.	400 sq. ft.
13-16	1 : 1	10,000 sq. ft.	1,000 sq. ft.	400 sq. ft.
17-19	3 : 1	800 sq. ft.	400 sq. ft.	400 sq. ft.
20-24	Denied without Board of Adjustment Action			

\* This exemption applies only to basins less than two acres in size unless accompanied by a conservation plan approved by the Soil and Water District.

Type I bottomland hardwoods are excluded from this exemption.

\*\* Excludes white cedar and tamarack wetlands. The exemption amount allowed for white cedar and tamarack shall be 400 square feet in non-shoreland areas as well as shoreland areas.

Hydrology Technical Committee Members

Cliff Bentley	DNR-Division of Water
Tom Estabrooks	MPCA
Al Goodman	Lake County Highway Department
Matthew Huddleston	Planning & Zoning Administrator
Lenore Johnson	Lake County Commissioner
Robert Kirsch	DNR-Section of Wildlife
Tom Martinson	Land Commissioner
Clair Nelson	Lake County Commissioner
Mark Nelson	B W S R
Jessica Olson	CCLNS
Tim Peterson	U.S. Army Corps of Engineers
Wayne Seidel	Soil & Water Conservation District
Walt Van Den Heuvel	Lake County Land Use Specialist
John Wytanis	U.S.F.S. Tofte Ranger District

## Summary

The results of this analysis improve the efficiency of resource managers and reduce considerably the time in processing wetland development applications. The model also provides a basis for local wetland policy decisions.

### FLORAL DIVERSITY CLASSES

Wetland plant communities vary in quality based upon soils, hydrology, amount of disturbance, the integrity of the plant community, and impacts from non-native species. A high (3), medium (2), or low (1) value is assigned to the wetland class being investigated as outlined below. The user of this model will need to identify the appropriate wetland class in order to perform a functional assessment. The floral diversity value is added to the preliminary score to produce a final wetland value ranking.

- 1) Open Water/Marsh Communities: These communities generally contain the following species: pondweeds, bulrushes, cattails, water lilies, arrowhead, bladderworts, sweet flag, duckweed, crowfoot, and native milfoils.

Wetlands containing three (3) or more species of native plants listed above shall receive a score of three (3). Wetlands dominated by one (1) or two (2) species of native plants shall receive a score of (2). Wetlands that have minimal aquatic vegetation or are dominated by non-native exotics shall have a score of one (1).

- 2) Meadow Communities: These communities contain various species of sedges, native grasses, and/or forbs including Canada Blue Joint, Reed Canary Grass, Tussocks Sedge, Joe-Pye Weed, and lake sedge.

Wetland communities dominated by sedges or ten (10) species of native grasses with an intermix of forbs, on minimally disturbed sites and containing less than 5% non-native plants, receive a score of three (3). Wetland sedge/grass communities with an intermix of forbs, on moderately disturbed sites, and containing less than 30% non-native plants shall receive a score of two (2). Wetland sedge/grass communities with an intermix of forbs, on highly disturbed sites and containing more than 30% non-native plants shall receive a score of one (1).

3. Bog Communities: Communities typically consist of sphagnum moss, sedges, leatherleaf, Labrador tea, heath family shrubs, black spruce, and tamarack.

Undisturbed communities dominated by sphagnum/sedge/heath family shrubs or dense stands of black spruce/tamarack receive a score of three (3). Moderately disturbed sites containing the above mentioned communities with limited invasion by aspen, cattails, stinging nettle, dewberry, etc., shall have a score of two (2). Wetland communities on highly disturbed sites which have been invaded by the above mentioned species shall receive a score of one (1).

4. Shrub Communities: Communities are typically comprised of willow, dogwood, alder, and often contain sedges, grasses, and forbs.

Undisturbed shrub communities with a groundlayer of five (5) or more species of native grasses, sedges, and/or forbs, shall receive a score of three (3). Moderately disturbed shrub wetlands with a groundlayer of less than five (5) species of native grasses, sedges, and/or forbs will receive a score of two (2). Highly disturbed wetlands with substantial invasion of non-native species of grasses or shrubs shall receive a score of one (1).

5. Wooded Swamps: Hardwood or coniferous tree species typically dominate these communities and typically contain black ash, red maple, yellow birch, northern white cedar, tamarack, and balsam poplar.

Undisturbed communities with evidence of regeneration and a groundlayer of native grasses, sedges, ferns, or forbs shall receive a score of three (3). Moderately disturbed sites or sites with evidence of invasion by quaking aspen, reed canary grass or other indicator species shall receive a score of two (2). Highly disturbed sites or sites with substantial invasion by disturbance indicator species shall receive a score of one (1).

6. Floodplains: Minimally disturbed stands with a groundlayer (if present) comprised of nettle, jewel weed, etc. shall receive a score of three (3). Moderately disturbed stands with minor invasion by non-native plants shall receive a score of two (2). Highly impacted stands with a high proportion of dead and dying native trees species shall receive a score of one (1).

#### WETLAND CLASSES

The following wetland classes are taken from the Fish and Wildlife Services Circular No. 39 and shall be used when describing and evaluating wetlands in Lake County. A wetland must display: (1) a predominance of hydric soils; (2) surface water or ground water at a frequency or duration sufficient to support a prevalence of hydrophytic vegetation; (3) hydrophytic vegetation under normal conditions.

- A) Type I – Seasonally flooded basins or flats: Soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Vegetation varies greatly according to season and duration of flooding from bottom-land hardwoods to herbaceous growth.
- B) Type II – Inland fresh meadows: Soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.
- C) Type III – Inland shallow fresh marshes: Soil is usually waterlogged early during the growing season; often covered with as much as six (6) inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on landward side.
- D) Type IV – Inland deep fresh marshes: Soil is usually covered with six (6) inches to three (3) feet or more of water during growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wildrice. In open areas, pondweeds, naiads, coontail, watermilfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.
- E) Type V – Inland open fresh water: Shallow ponds and reservoirs are included in this type. Water is usually less than ten (10) feet deep and fringed by a border of emergent vegetation similar to open areas of Type IV.
- F) Type VI – Shrub Swamps: Soil is usually waterlogged during growing season and is often covered with as much as six (6) inches of water. Vegetation includes alders, willows, button bush, dogwoods, and swamp-privet. Occur mostly along sluggish streams and occasionally on floodplains.

- G) Type VII – Wood Swamps: Soil is waterlogged at least to within a few inches of surface during growing season and is often covered with as much as one (1) inch of water. Occur mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick cover of mosses. Deciduous swamps frequently support beds of duckweeds or smartweeds.
- H) Type VIII – Soil is usually waterlogged and supports a spongy covering of mosses. Occur mostly in shallow basins, on flat uplands and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. Scattered, often stunted black spruce and tamarack may occur.