

**CLEARWATER COUNTY, MN
BOARD OF COMMISSIONERS
County Board Motion 2016**

	Motion By:	Motion Seconded	Vote:
Arlen Syverson District 1			<i>aye</i> /
Dean Newland District 2	✓		
Neal Illies District 3			
John Nelson District 4			
Daniel Stenseng District 5		✓	

Motion:

To accept the recommendation of the Planning Commission to approve amendments to the Clearwater County Shoreland Management Ordinance (April 18, 2006 with subsequent amendments), Article VI, various sections as detailed in the minutes of the regular Planning Commission meeting of November 1st, 2016.

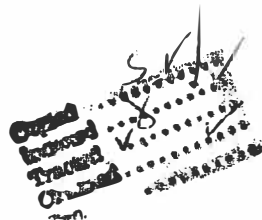
Passed: ✓

Failed: _____

-----Certification-----

I hereby certify that the foregoing is a true and correct copy of a motion presented to and adopted by the Clearwater County Board of Commissioners at a duly authorized meeting thereof, on the 8th day of November, 2016, as shown by the minutes in my possession.

Emily McDougall
Board Coordinator



A168973
Recorded:
November 10, 2016 2:45 PM
Signed *Brenda L. Knable*
BRENDA L. KNABLE
CLEARWATER COUNTY RECORDER

ARTICLE VI
NONCONFORMITIES AND NONCONFORMING LOTS OF RECORD

All legally established nonconformities existing as of the date of enactment of this Ordinance may continue provided that they are managed in accordance with applicable state statutes and the following standards.

Section 601. Nonconforming Use of Land

The nonconforming lawful use of land where no structure exists as of the effective date of this Ordinance may continue provided:

1. the nonconforming use of land shall in no way be expanded or extended either on the same or adjoining property;
2. if the nonconforming use of land is discontinued for a period of twelve months, the new use of such land must be in conformity with the provisions of this Ordinance;
3. uses which are declared to be public nuisances shall not be allowed to continue as legal nonconforming uses.

Section 602. Extension of Nonconforming Uses

A nonconforming use may be extended throughout a building or structure, provided no structural alterations or changes are made therein, except those required by statute or by ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued use of the building or structure for the duration of its natural life.

Section 603. Change of a Nonconforming Use

A nonconforming use may be changed to a different nonconforming use, or to a conditional use, only upon approval of a conditional use permit by the County Board. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use. If a nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or land shall be in conformance with the terms of this Ordinance.

Section 604. Nonconforming Structures

Buildings or structures which were legally constructed prior to the adoption of this Ordinance, but that do not meet the provisions of this Ordinance, may continue in use, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. Additions or alterations to nonconforming structures are allowed, provided that any such additions or alterations are in full compliance with the provisions herein. Any addition or alteration to the outside dimensions of a nonconforming structure, which does not comply with the dimensional requirements of this Ordinance, must be authorized by a variance pursuant to Article XI of this Ordinance.

2. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080;

3. impervious surface coverage must not exceed 25 percent of each lot; and

4. development of the lot must be consistent with an adopted comprehensive plan.

If the lot does not meet requirements 1 thru 4, then it ~~The lot~~ must be combined with one or more contiguous lots so that they equal one or more parcels of land, each meeting the lot area and lot width requirements as much as possible.

Contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes, Chapter 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

Section 608. Nonconforming Sewage Treatment Systems

A sewage treatment system that does not meet the requirements specified in Article VIII of this Ordinance must be upgraded, at a minimum, at any time that a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the setback of the sewage treatment system from the ordinary high water level.

The Clearwater County Board of Commissioners has, by formal resolution, notified the Commissioner of its program to identify nonconforming sewage treatment systems. Clearwater County will require upgrading or replacement of any nonconforming system identified through this program within two years of identification by the Office of Environmental Services.

Clearwater County Environmental Services

**Proposed Amendment to Clearwater County
Shoreland Management Ordinance**

**Proposed 3/11/2014
Revised 6/3/2014**

**ARTICLE IV
SHORELAND MANAGEMENT DISTRICT REQUIREMENTS**

Section 401. Natural Environmental Management District

A. Permitted Uses

1. Single family residential
2. Accessory buildings
3. Pasture and cropland
4. Forestry
5. Hiking and riding trails
6. Mining

B. Uses Requiring a Conditional Use Permit

1. Duplex, triplex and quads
2. Residential planned unit developments
3. Mobile home parks, as residential planned unit developments, provided that:
 - a. Site plans must be approved by the Clearwater County Board.
 - b. Mobile home parks must be licensed by the Minnesota Department of Health (DOH), and must meet all DOH requirements in addition to the requirements of this Ordinance.
 - c. Each mobile home must meet minimum setback from all roads, the ordinary high water mark, top of bluff, and all unplatted cemeteries.
 - d. There shall be a minimum of fifteen (15) feet between the sides of adjacent mobile homes, including their attachments, and a minimum of ten (10) feet between mobile homes when parked end to end.
 - e. Each mobile home site shall be a minimum of 6,000 square feet in area.
 - f. A centralized sewage treatment system which meets all standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.
 - g. Individual sewage treatment systems shall not be used unless the site meets the minimum lot size requirements of this ordinance.
 - h. Vegetative screening shall be maintained for the mobile home park in a manner consistent with the general intent of this Ordinance.
4. Commercial planned unit developments
5. Recreational Vehicle Camping Areas, as commercial planned unit developments, provided that:
 - a. Site plans must be approved by the Clearwater County Board.

DOC# A164167

- b. Recreational vehicle camping areas shall be licensed by and meet the minimum requirements of the Minnesota Department of Health in addition to the requirements of this Ordinance.
 - c. All recreational vehicles must meet the setback from the ordinary high water mark for the applicable class of public waters.
 - d. Each recreational vehicle camping site must be a minimum of 3,000 square feet in area.
 - e. A centralized sewage treatment system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.
 - f. Individual on-site sewage treatment systems shall not be used unless the site meets the minimum lot size requirements of this Ordinance.
 - g. Vegetative screening of the recreational vehicle camping area shall be maintained consistent with the intent of this Ordinance.
- 6. Stables, horse barns and barns for livestock
 - 7. Parks and waysides with no overnight camping
 - 8. Historical sites
 - 9. Extractive uses
 - 10. Agricultural feedlots
 - 11. Commercial storage buildings located a minimum of 500 feet from OHWL
 - 12. This item pertains to Clearwater County Parcel ID R12.033.0500 presently owned by Enbridge Energy, Limited Partnership within the shoreland area of Deep Lake, Lake Identification Number 15-90, Natural Environment Management District: Pipeline industry-related industrial buildings and accessories such as maintenance buildings, storage buildings, switch-gear buildings, valve houses, above-ground piping, valves and pumping apparatus, but not including petroleum storage tanks, all outside of 500 feet from the OHWL and electrical substations, access platforms, containment berms and outside storage areas also known as "laydown yards" used for temporary storage of non-structure pipeline industry-related parts such as piping, valves, etc. and equipment, all outside of 200 feet from the OHWL, provided that:
 - a. Vegetative screening of the industrial use area shall be substantially maintained consistent with the intent of this Ordinance.
 - b. Any possibility of environmental damage or pollution that is heightened by location within the shoreland area is mitigated.
 - c. The applicant can demonstrate that increased noise, traffic, odor or other unusual sensory effects related to an industrial use are either not present or can be mitigated.
 - d. At any time that above-ground piping, valves and/or pumping apparatus are requested to be constructed on this parcel through a conditional use permit process, a fen management plan must be provided that meets all State requirements as defined in Minnesota Statutes.

Section 1106. Variances and Appeals

A. The Clearwater County Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official controls including restrictions placed on nonconformities. All such Variances shall be granted in accordance with M.S. Chapter 394. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases where there are practical difficulties ~~or particular hardship in the way of carrying out~~ in complying with the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. ~~The Board of Adjustment shall consider the criteria set forth below when passing upon a variance request:~~

- ~~1. Has the applicant demonstrated a hardship? Hardship means that the property cannot be put to a reasonable use under conditions allowed by the Zoning Ordinance. Economic considerations alone do not constitute a hardship.~~
- ~~2. Are there exceptional circumstances unique to this property which were not created by the land owner?~~
- ~~3. Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance?~~
- ~~4. Can the variance be granted without altering the essential character of the surrounding area?~~

~~The Board of Adjustment must make an affirmative finding on all of the four criteria listed above in order to grant a variance. "Practical difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; 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 do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The applicant for a variance has the burden of proof to show that all of the criteria listed above has have been satisfied. A variance shall not be granted for a use that is not permitted under this ordinance.~~

The Board may impose conditions upon a variance that relate to the purposes and objectives of this ordinance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. If conditions are imposed, the variance shall not be effective until the conditions are fully complied with. A conditional variance shall be in effect only as long as the condition is complied with. If a condition is not complied with, the variance may be revoked and the County may pursue the enforcement remedies set forth in Section 1109 herein.

- B. An applicant desiring a variance shall fill out and submit to the Clearwater County Zoning Administrator an Application for Consideration of Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment.
- C. The Zoning Administrator shall make a recommendation, in writing, to the Board of Adjustment who shall make the final decision after conducting a public hearing in accordance with M.S. 394.26 and the provisions of this Ordinance.

- D. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, which is available from the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Zoning Administrator.

Section 1108. Public Notice and Hearing Requirements

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and final plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the Official newspaper of Clearwater County and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of variances, 500 feet; In the case of conditional uses, one quarter mile or the ten nearest properties, whichever provides notice to the most property owners; In the case of final plat approvals and amendments of official controls which affect specific properties, one half mile. In all cases that affect specific properties, the Township Clerk in the township where the subject property is located shall also be notified.
- B. The Commissioner of Natural Resources must also receive at least ten (10) days notification of hearings to be conducted concerning applications for conditional use permits; variances, amendments or final plat approvals. Notice of hearings to consider subdivisions must include copies of the proposed final plat.
- C. The Commissioner must also receive a copy of approved conditional use permits, variances, zoning amendments and final plats postmarked within ten (10) days of final action.

ARTICLE IV
SHORELAND MANAGEMENT DISTRICT REQUIREMENTS

Section 401. Natural Environmental Management District

- A. Permitted Uses
 - 1. Single family residential
 - 2. Accessory buildings
 - 3. Pasture and cropland
 - 4. Forestry
 - 5. Hiking and riding trails
 - 6. Mining
- B. Uses Requiring a Conditional Use Permit
 - 1. Duplex, triplex and quads
 - 2. Residential planned unit developments
 - 3. Mobile home parks, as residential planned unit developments, provided that:
 - a. Site plans must be approved by the Clearwater County Board.
 - b. Mobile home parks must be licensed by the Minnesota Department of Health (DOH), and must meet all DOH requirements in addition to the requirements of this Ordinance.
 - c. Each mobile home must meet minimum setback from all roads, the ordinary high water mark, top of bluff, and all unplatted cemeteries.
 - d. There shall be a minimum of fifteen (15) feet between the sides of adjacent mobile homes, including their attachments, and a minimum of ten (10) feet between mobile homes when parked end to end.
 - e. Each mobile home site shall be a minimum of 6,000 square feet in area.
 - f. A centralized sewage treatment system which meets all standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.
 - g. Individual sewage treatment systems shall not be used unless the site meets the minimum lot size requirements of this ordinance.
 - h. Vegetative screening shall be maintained for the mobile home park in a manner consistent with the general intent of this Ordinance.
 - 4. Commercial planned unit developments
 - 5. Recreational Vehicle Camping Areas, as commercial planned unit developments, provided that:
 - a. Site plans must be approved by the Clearwater County Board.
 - b. Recreational vehicle camping areas shall be licensed by and meet the minimum requirements of the Minnesota Department of Health in addition to the requirements of this Ordinance.
 - c. All recreational vehicles must meet the setback from the ordinary high water mark for the applicable class of public waters.
 - d. Each recreational vehicle camping site must be a minimum of 3,000 square feet in area.
 - e. A centralized sewage treatment system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.

- f. Individual on-site sewage treatment systems shall not be used unless the site meets the minimum lot size requirements of this Ordinance.
- g. Vegetative screening of the recreational vehicle camping area shall be maintained consistent with the intent of this Ordinance.
- 6. Stables, horse barns and barns for livestock
- 7. Parks and waysides with no overnight camping
- 8. Historical sites
- 9. Extractive uses
- 10. Agricultural feedlots
- 11. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 402. Recreational Development Management District

A. Permitted Uses

- 1. Single family residential
- 2. Duplex, triplex and quads
- 3. Accessory buildings
- 4. Pasture and cropland
- 5. Forestry
- 6. Nature areas
- 7. Hiking and riding trails
- 8. Mining

B. Uses Requiring a Conditional Use Permit

- 1. Residential planned unit developments
- 2. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
- 3. Cooperative housing, as residential planned unit developments
- 4. Condominiums, as residential planned unit developments
- 5. Commercial planned unit developments
- 6. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
- 7. Hotels, motels and other permanent buildings which provide sleeping accommodations on a transient rental basis, as commercial planned unit developments
- 8. Restaurants, drive-ins, dinner clubs, taverns and private clubs
- 9. Retail Businesses such as gift and novelty shops
- 10. Churches; chapels; temples; synagogues; including Sunday Schools, convents and parish houses meeting the requirements of this district
- 11. Parks and waysides
- 12. Historical sites
- 13. Stables, horse barns and barns for livestock
- 14. Agricultural feedlots
- 15. Extractive uses
- 16. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 403. General Development Management District

A. Permitted Uses

1. Single family residential
 2. Duplex, triplex and quads
 3. Accessory buildings
 4. Pasture and cropland
 5. Forestry
 6. Nature areas
 7. Hiking and riding trails
 8. Stables, horse barns and barns for livestock
 9. Mining
- B. Uses Requiring a Conditional Use Permit
1. Residential planned unit developments
 2. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 3. Condominiums, as residential planned unit developments
 4. Commercial planned unit developments
 5. Recreational vehicles camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 6. Hotels and motels as commercial planned unit developments
 7. Restaurants, drive-ins, dinner clubs, taverns and private clubs
 8. Retail businesses such as gift and novelty shops
 9. Commercial offices, as commercial planned unit developments
 10. Industrial uses which require location within shoreland areas provided that all storage within 500 feet of a public right-of-way or the ordinary high water level shall be completely enclosed in buildings or effectively screened by appropriate landscaping and a solid wall or fence not less than six (6) feet or more than eight (8) feet in height.
 11. Churches; chapels; temples; synagogues; including Sunday Schools, convents and parish houses meeting the requirements of this district
 12. Parks and waysides
 13. Historical sites
 14. Agricultural feedlots
 15. Extractive uses
 16. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 404. Remote River Management District

- A. Permitted Uses
1. Single family residential
 2. Accessory buildings
 3. Pasture and cropland
 4. Mining
 5. Forestry
- B. Uses Requiring a Conditional Use Permit
1. Duplex, triplex and quads
 2. Stables, horse barns and barns for livestock
 3. Agricultural feedlots
 4. Parks and historic sites
 5. Residential planned unit developments
 6. Condominiums as residential planned unit developments

7. Cooperative housing as residential planned unit developments
8. Commercial planned unit developments
9. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
10. Campgrounds as commercial planned unit developments
11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Churches; chapels; temples; synagogues; including Sunday Schools, convents and parish houses meeting the requirements of this district
13. Extractive uses
14. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 405. Forested River Management District

A. Permitted Uses

1. Single family residential
2. Accessory buildings
3. Forestry
4. Pasture and cropland
5. Mining

B. Uses Requiring a Conditional Use Permit

1. Duplex, triplex and quads
2. Stables, horse barns and barns for livestock
3. Agricultural feedlots
4. Parks and historic sites
5. Residential planned unit developments
6. Condominiums as residential planned unit developments
7. Cooperative housing as residential planned unit developments
8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
9. Commercial planned unit developments
10. Campgrounds as commercial planned unit developments
11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Hotels, motels and resorts, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
14. Retail businesses such as gift and novelty shops
15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
16. Extractive uses
17. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 406. Transitional River Management District

A. Permitted Uses

1. Single family residential

2. Accessory buildings
 3. Forestry
 4. Pasture and cropland
 5. Mining
- B. Uses Requiring a Conditional Use Permit
1. Duplex, triplex and quads
 2. Stables, horse barns and barns for livestock
 3. Agricultural feedlots
 4. Parks and historic sites
 5. Residential planned unit developments
 6. Condominiums as residential planned unit developments
 7. Cooperative housing as residential planned unit developments
 8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 9. Commercial planned unit developments
 10. Campgrounds as commercial planned unit development
 11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 12. Hotels, motels and resorts, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
 14. Retail businesses such as gift and novelty shops
 15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
 16. Extractive uses
 17. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 407. Agricultural River Management District

- A. Permitted Uses
1. Single family residential
 2. Accessory buildings
 3. Forestry
 4. Pasture and cropland
 5. Mining
- B. Uses Requiring a Conditional Use Permit
1. Duplex, triplex and quads
 2. Stables, horse barns and barns for livestock
 3. Agricultural feedlots
 4. Parks and historic sites
 5. Residential planned unit developments
 6. Condominiums as residential planned unit developments
 7. Cooperative housing as residential planned unit developments
 8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 9. Commercial planned unit developments
 10. Campgrounds as commercial planned unit developments

11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Hotels, motels and resorts, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
14. Retail businesses such as gift and novelty shops
15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
16. Extractive uses
17. Commercial storage buildings located a minimum of 500 feet from OHWL

Section 408. Tributary Management District

A. Permitted Uses

1. Single family residential
2. Accessory buildings
3. Forestry
4. Pasture and cropland
5. Mining

B. Uses Requiring a Conditional Use Permit

1. Duplex, triplex and quads
2. Stables, horse barns and barns for livestock
3. Agricultural feedlots
4. Parks and historic sites
5. Residential planned unit developments
6. Condominiums as residential planned unit developments
7. Cooperative housing as residential planned unit developments
8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
9. Commercial planned unit developments
10. Campgrounds as commercial planned unit developments
11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Hotels, motels and resorts, as commercial planned unit development, provided that the requirements of 401(B)5 are met
13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
14. Retail businesses such as gift and novelty shops
15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
16. Extractive uses.
17. Commercial storage buildings located a minimum of 500 feet from OHWL

**ARTICLE VII
ACCESSORY USES AND STRUCTURES**

Section 701. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

1. All accessory buildings, including carports and breezeways, attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of the Ordinance applicable to the principal building.
2. All detached accessory buildings or structures, except detached decks as described in item 5, shall be located on the side or rear yards. They shall comply with all yard requirements applicable to the principal building within the management district.
3. Piers and docks are allowed, but shall be controlled by applicable State and local regulations.
4. Water-oriented accessory structures including, but not limited to, boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks except as specifically described in item 5, are prohibited. These structures are allowed provided that they are not water-oriented, meaning that they must meet all yard requirements applicable to the principal structure within the management district.
5. One detached deck may be permitted as a water oriented accessory structure, per parcel in the Recreational Development or General Development Management Districts, where the natural landscape is not suitable due to steep slopes and bluffs for the construction of patios, with the following conditions:
 - a) the detached deck shall be set back a minimum of 25 feet from the Ordinary High Water Level;
 - b) the detached deck shall be limited to 200 square feet in size including any attached walkway;
 - c) the structure shall be concealed by natural vegetation and paint or stain that is not in contrast to the adjacent landscape or vegetation during leaf-off conditions;
 - d) no other accessory structures shall be located within the shore impact zone;
 - e) the maximum overall height including railings shall be 8 feet.

**CLEARWATER
COUNTY
SHORELAND MANAGEMENT
ORDINANCE**

A 148911

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE</u>
PREAMBLE	5
Statutory Authorization	5
Policy	5
 ARTICLE I. DEFINITIONS AND GENERAL PROVISIONS	 6
Section 101 Definitions as Used in this Ordinance	6
Section 102 Jurisdiction	13
Section 103 Compliance	13
Section 104 Enforcement	13
Section 105 Interpretation	13
Section 106 Severability	14
Section 107 Abrogation and Greater Restrictions	14
Section 108 Effective Date	14
 ARTICLE II. SHORELAND CLASSIFICATION SYSTEMS	 15
Section 201 Shoreland Classification System	15
Section 201.1 Natural Environment Lakes	15
Section 201.2 Recreational Development Lakes	16
Section 201.3 General Development Lakes	17
Section 201.4 Remote River Segments	17
Section 201.5 Forested River Segments	17
Section 201.6 Agriculture River Segments	17
Section 201.7 Transitional River Segments	18
Section 201.8 Tributaries	18
 ARTICLE III. ESTABLISHMENT OF SHORELAND MANAGEMENT DISTRICTS	 22
Section 301 Establishment of Shoreland Management Districts	22
Section 302 Management Goals and Objectives	22
Section 303 Shoreland Management Map	22
 ARTICLE IV. SHORELAND MANAGEMENT DISTRICT REQUIREMENTS	 23
Section 401 Natural Environment Management Districts	23
Section 402 Recreational Development Management Districts	24
Section 403 General Development Management Districts	24
Section 404 Remote River Management Districts	25
Section 405 Forested River Management Districts	26
Section 406 Transitional River Management Districts	26
Section 407 Agricultural River Management Districts	27
Section 408 Tributary River Management Districts	28

ARTICLE V. HEIGHT AND PLACEMENT REGULATIONS	29
Section 501 Lot Area Requirements	29
Section 502 Lot Width Requirements	30
Section 503 Setback Provisions	30
Section 504 Bluff Impact Zones	32
Section 505 Height of Structures	32
Section 506 Uses Without Water-Oriented Needs	32
Section 507 Guest Cottages	33
Section 508 Design Criteria for Structures	33
Section 508.1 High Water Elevations	33
Section 508.2 Stairways, Lifts and Landings	33
Section 509 Significant Historic Sites	34
Section 510 Steep Slopes	34
ARTICLE VI. NONCONFORMITIES AND NONCONFORMING LOTS OF RECORD	35
Section 601 Nonconforming Use of Land	35
Section 602 Extension of Nonconforming Uses	35
Section 603 Change of a Nonconforming Use	35
Section 604 Nonconforming Structures	35
Section 605 Deck Additions to Nonconforming Structures	35
Section 606 Damage to Nonconforming Structures	36
Section 607 Nonconforming Lots of Record	36
Section 608 Nonconforming Sewage Treatment Systems	36
ARTICLE VII. ACCESSORY USES AND STRUCTURES	37
Section 701 Accessory Uses and Structures	37
ARTICLE VIII. SANITATION STANDARDS	38
Section 801 Sewage Treatment Standards	38
Section 802 Sewage Treatment Permit Requirements	38
Section 803 Revision to an Approved Plan	39
Section 804 Sewage Treatment System Inspection	39
Section 805 Water Supply Standards	39
ARTICLE IX. GENERAL SHORELAND REQUIREMENTS	40
Section 901 Vegetative Alterations	40
Section 902 Topographic Alterations/Grading and Filling	40
Section 903 Placement and Design of Roads, Driveways, Recreational Trails and Parking Areas	41
Section 904 Stormwater Management Standards	42
Section 905 Special Provisions for Commercial, Industrial, Public and Semipublic Areas	42
Section 906 Special Provisions for Agricultural Uses	43
Section 907 Special Provisions for Forest Management	43
Section 908 Special Provisions for Extractive Uses	43

A 148911

ARTICLE X. SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT	45
Section 1001 Applicability	45
Section 1002 Land Suitability	45
Section 1003 Consistency with Other Controls	46
Section 1004 Dedications	46
Section 1005 Controlled Access on Recreational Lots	46
Section 1006 Lot Size	47
Section 1007 Public and Private Streets	47
Section 1008 Storm Drainage	48
Section 1009 Water Supply Facilities	48
Section 1010 Sanitary Sewerage	48
Section 1011 Platting Requirements	49
Section 1012 Planned Unit Development Review	50
Section 1013 PUD Site Suitability Evaluation	51
Section 1014 Residential and Commercial PUD Density Evaluation	51
Section 1015 PUD Maintenance and Design Criteria	53
Section 1016 Conversions to PUDs	55
ARTICLE XI. ADMINISTRATION	56
Section 1101 Zoning Administrator	56
Section 1102 Planning Commission	56
Section 1103 Board of Adjustment	57
Section 1104 Permits	57
Section 1105 Conditional Use Permits	58
Section 1106 Variances and Appeals	59
Section 1107 Amendments	60
Section 1108 Public Notice and Hearing Requirements	60
Section 1109 Access to Private Property	61
Section 1110 Enforcement and Penalties	61
Section 1111 Fees	61
Signature page	62

A 148911

PREAMBLE

Statutory Authorization

Pursuant to the authority conferred by the State of Minnesota in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394 and for the purpose of; preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of waters and related land resources.

Policy

The uncontrolled use of shorelands of Clearwater County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. It is, therefore, in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Minnesota State Legislature has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Clearwater County, and will be accomplished through the enforcement of this Ordinance which shall be known and cited as the Clearwater County Shoreland Management Ordinance.

A 148911

**ARTICLE I
DEFINITIONS AND GENERAL PROVISIONS**

Section 101. Definitions as Used in this Ordinance

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory; the word "may" is permissive. All distances, unless otherwise specified, shall be measured horizontally. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number as well.

ACCESSORY STRUCTURE OR FACILITY. Any structure or facility incidental to another structure or facility on the same lot which, because of its nature, can reasonably be located at or greater than normal structure setback. Examples of such structures and facilities include but are not limited to: Swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; detached garages; storage buildings; and recreational trailers and vehicles.

ACCESSORY USE. Any use which is incidental to the principal use of a lot.

ADMINISTRATOR. The administrator of the Clearwater County Environmental Services Office or its authorized agent or representative.

AGRICULTURE. The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; floriculture; viticulture; animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities.

AGRICULTURAL STRUCTURE. Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

BLUFF. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (1) Part or all of the feature is located within a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater;
- (4) The slope drains toward the waterbody.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet of the top of a bluff.

BOARD OF ADJUSTMENT. The Clearwater County Board of Adjustment as appointed by the Clearwater County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS. The Clearwater County Board of Commissioners.

BOATHOUSE. A structure used solely for the storage of boats or boating equipment.

BUILDING. Any structure, either temporary or permanent, having a roof or other covering, and designed for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

CHURCH. A building wherein persons regularly assemble for religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

CLEAR CUTTING. The removal of an entire stand of trees.

COMMERCIAL PLANNED UNIT DEVELOPMENT. Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods or service.

COMMISSIONER. The Commissioner of the Department of Natural Resources.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that standards and criteria stated in this Ordinance will be satisfied.

CONTIGUOUS LOT. Parcels of land that have a common lot line or boundary. Parcels that are separated by a public road shall not be considered contiguous lots.

COOPERATIVE HOUSING. One or more residential units in a building or buildings owned or leased by a corporation, association, organization, or other legal entity, the shareholders or members of which are entitled, solely by reason of their ownership or stock or membership certificates in such entity to occupy said residential units.

DECK. A horizontal unenclosed platform 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 one foot above ground, measured as the vertical distance from the lowest adjoining ground level to the highest elevation of any portion or feature of the deck.

DUPLEX, TRIPLEX AND QUADS. Dwelling structures on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

A 148911

DWELLING UNIT. Any structure, or portion of a structure, or other shelter, designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

EASEMENT. A grant by a property owner for specified use of land by a corporation, the public or specified persons.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW). A brief document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects and, in the case of private action, whether it is of more than local significance.

ENVIRONMENTAL IMPACT STATEMENT (EIS). An informational document which contains a thorough evaluation of the environmental effects of a proposed project. The EIS provides information for agencies and private persons which helps in the evaluation of the impacts of proposed actions which have the potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes, Sections 93.44 through 93.51.

FAMILY. An individual or group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.

FLOOD PLAIN. The area adjoining a lake, watercourse or wetland which has been or hereafter may be covered by a regional flood.

FLOOD FRINGE. The area of the flood plain outside of the flood way.

FLOOD WAY. The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FRONT LOT LINE. For a riparian lot, the front lot line is that line indicating the ordinary high water level. For a non-riparian lot, a front lot line is a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

GARAGE. A fully enclosed building designed or used for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.

GUEST COTTAGE. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

A
148911

HARDSHIP. A hardship exists when the property in question cannot be put to reasonable use under the strict interpretation of the official controls; the plight of the landowner is due to circumstances unique to his property and was not created by the landowner; and the variance, if granted, would 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 official controls.

HEIGHT OF BUILDING. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lowest, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. A sewage treatment system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated the word "system", as it appears in this Ordinance, means an individual sewage treatment system.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

INTENSIVE VEGETATIVE CLEARING. The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT AREA. The area of land within the boundaries of a lot.

LOT LINE. A line marking a boundary of a lot.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MINING. The use of land for surface or subsurface removal of metallic minerals and peat as regulated under Minnesota Statutes, Sections 93.44 through 93.51.

MOBILE HOME. A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. Mobile homes shall be treated as single family housing units.

MOBILE HOME PARK. Any premises on which two or more mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more of such mobile homes. Sales lots on which automobiles or unoccupied mobile homes, new or used, are parked for purposes of inspection or sale are not included in this definition. For purposes of this Ordinance mobile home parks shall be considered a residential planned unit development.

MULTIPLE DWELLING. A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding hotels, hospitals or nursing homes.

NONCONFORMITY. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands indicated by 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 is 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.

PATIO. A horizontal unenclosed platform with or without attached railings, seats, trellises or other features that at no point extends more than one foot above ground, measured as the vertical distance from the lowest adjoining ground level to the highest elevation of any portion or feature of the patio.

PERFORMANCE BOND. A bond which may be required by the County Board, Planning Commission, or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.

PLANNED UNIT DEVELOPMENT (PUD). A type of development characterized by a united 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, 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; campgrounds; recreational vehicle parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

PUBLIC WATERS. Any waters as defined in Minnesota Statutes, 103G.005, Subdivision 15-18.

REAR LOT LINE. Any lot line which is not a front or side lot line and which, if extended in either direction, would not cross the lot.

RECREATIONAL VEHICLE. Any vehicle or vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or other vacation use.

RECREATIONAL VEHICLE CAMPGROUND. Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents or recreational vehicles, either free of charge or for compensation.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

REGULATORY FLOOD PROTECTION LEVEL. A point not less than one foot above the water surface profile associated with the regional flood plus any increase in flood heights attributable to encroachments on the flood plain, it is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

A 148911

RESIDENTIAL PLANNED UNIT DEVELOPMENT. A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, single family residences; duplexes; triplexes, residential apartments; mobile home parks; condominiums; time-share condominiums; townhouses; cooperatives; and conversions of structures and land uses to these. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

RESORT. A private recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes.

SEMPUBLIC USE. The use of land by a private nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SEPTIC TANK. Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a buildings sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids to discharge to a soil treatment system.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. A system whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. This includes those systems commonly known as: Seepage bed; disposal field; and mounds.

SEWER SYSTEM. Pipelines, conduits, pumping stations, force main and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner.

SIDE LOT LINE. Any lot line which meets the end of a front lot line and any other lot line within thirty degrees of being parallel to such a line, except a front lot line.

A 148911

SIGNIFICANT HISTORIC SITE. Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SINGLE FAMILY DWELLING. A structure, designated or used for residential occupancy by one family.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the soil characteristics of the site, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over twelve percent, as measured over horizontal distances of fifty feet or more, but are not bluffs.

STRUCTURE. Any building or appurtenance, including decks, but not including aerial or underground utility lines such as; sewer, electric, telephone, telegraph, gas lines, towers, poles, or other supporting facilities.

SUBDIVIDER. Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

SUBDIVISION. Land that is divided for the purpose of sale, rent or lease, including planned unit developments.

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TOE OF THE BLUFF. The lower point of a fifty (50) foot segment with an average slope in excess of eighteen (18) percent.

TOP OF THE BLUFF. The higher point of a fifty (50) foot segment with an average slope in excess of eighteen (18) percent.

UNINCORPORATED AREA. The area outside of the incorporated area of a city.

VARIANCE. Relief from certain provisions of this Ordinance may be granted when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or a desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of the Ordinance. Variances shall only be granted in compliance with M.S. 394.

A 148911

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of its relationship of its use to a surface water feature reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

WATER SUPPLY PURPOSE. Any use of water for domestic, commercial, industrial or agricultural purpose.

WETLAND. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition).

ZONING ADMINISTRATOR. The zoning administrator of Clearwater County or his authorized agent or representative.

Section 102. Jurisdiction

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Article II of this Ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond or flowage less than twenty-five (25) acres in size need be regulated by county shoreland management regulations. A body of water created by a private user where there is no previous shoreland may, at the discretion of the governing body, be exempt from this Ordinance.

Section 103. Compliance

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.

Section 104. Enforcement

The Clearwater County Board of Commissioners shall bear ultimate responsibility for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including failure to comply with special conditions attached to granted conditional uses or variances, shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Article XI of this ordinance.

Section 105. Interpretation

In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Clearwater County and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. Interpretation shall be made by the Zoning Administrator with approval of the Board of County Commissioners, subject to appeal to the Board of Adjustment.

A 148911

Section 106. Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is judged to be unconstitutional or otherwise invalid for any reason by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance.

Section 107. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

Section 108. Effective Date

This Ordinance, as amended, shall take effect and be in force on and after April 18, 2006

A 148911

ARTICLE II
SHORELAND CLASSIFICATION SYSTEM

Section 201. Shoreland Classification System

The public waters of Clearwater County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory map for Clearwater County, Minnesota.

The shoreland areas for the waterbodies listed in Sections 201.1 through 201.8 shall be as defined in Section 101 of this Ordinance and as shown on the Official Shoreland Management Map for Clearwater County. The public waters of Clearwater County have been classified as follows:

Section 201.1. Natural Environmental Lakes

Lake Identification		Lake Identification	
<u>Number</u>	<u>Lake Name</u>	<u>Number</u>	<u>Lake Name</u>
15-3	Pickereil	15-47	Kings
15-4	Bogus	15-49	No Name
15-5	Squaw	15-50	Long
15-8	Twin	15-52	Schoolhouse
15-9	Bohall	15-54	Sandy
15-10	Elk	15-55	Tiny
15-12	Clarke	15-59	Upper Rice
15-13	McKay	15-60	Walkerbrook
15-14	Whipple	15-61	Mud
15-16	Itasca	15-62	Fourth
15-17	Robinson	15-63	Huff
15-18	Mallard	15-66	Sugar Bush
15-19	Gill	15-69	Cox
15-20	Sucker	15-70	Glanders
15-21	No Name	15-71	Frellson
15-22	Daniel	15-72	Stassen
15-23	Dahlberg	15-74	Anderson
15-25	Berg	15-75	Rockstad
15-26	No Name	15-76	Mud
15-27	East Four Legged	15-77	Klepp Slough
15-28	West Four Legged	15-80	Moon
15-29	Stenlund	15-82	Mud
15-30	Fence	15-83	Perterson
15-35	Spike	15-84	Solberg
15-36	Gust Anderson	15-85	Carver
15-37	Nels Olson	15-86	Johnson
15-38	Falk	15-87	Leon
15-39	Clearbrook	15-90	Deep
15-40	Bagley	15-91	Second
15-43	Gurneau	15-92	First
15-44	Fifth	15-93	Butcher Knife
15-45	Morrison	15-94	No Name

D
148911

Section 201.3. General Development Lakes

<u>Lake Identification</u>	<u>Number</u>	<u>Lake Name</u>	<u>Lake Identification</u>	<u>Number</u>	<u>Lake Name</u>
	15-81	Lomond		4-35	Red (with Beltrami County)

Section 201.4. Remote River Segments

<u>River</u>	<u>From</u>	<u>To</u>
Red Lake	Outlet of Lower Red Lake in Sec. 28, T152N, R36W	West section line, Sec. 19, T152N, R37W

Section 201.5. Forested River Segments

<u>River</u>	<u>From</u>	<u>To</u>
Red Lake	East section line, Sec. 24, T152N, R38W	West section line, Sec. 16, T152N, R38W
Clearwater	West section line, Sec. 5, T146N, R38W	Border of Clearwater and Beltrami Counties (except that portion within Bagley corporate limits)
Clearwater	Outlet of Clearwater Lake in Sec. 12, T149N, R36W	West section line, Sec. 31, T150N, R36W
Mississippi	Outlet of Lake Itasca in Sec. 35, T144N, R36W	Border of Clearwater and Hubbard Counties
Wild Rice	Outlet of Upper Rice Lake in Sec. 12, T145N, R37W	Border of Clearwater and Mahnomen Counties

Section 201.6. Agriculture River Segments

<u>River</u>	<u>From</u>	<u>To</u>
Red Lake	East section line, Sec. 17, T152N, R38W	Border of Clearwater and Pennington Counties
Clearwater	East section line, Sec. 36, T150N, R37W	North section line, Sec. 22, T150N, R37W
Clearwater	East section line, Sec. 9, T151N, R38W	Border of Clearwater and Polk Counties
Lost	Border of Clearwater and Polk Counties at Sec. 31, T149N, R38W	Border of Clearwater and Polk Counties at Sec. 7, T150N, R38W (except that portion in Gonvick corporate limits)

A 148911

Lost	Outlet of Lost Lake in Sec. 27, T148N, R38W	Border of Clearwater and Polk Counties
------	--	---

Section 201.7. Transitional River Segments

<u>River</u>	<u>From</u>	<u>To</u>
Clearwater	South section line, Sec. 15, T150N, R37W	West section line, Sec. 10, T151N, R38W

Section 201.8. Tributaries

<u>River</u>	<u>From</u>	<u>To</u>
Big Rock Creek	Border of Clearwater and Beltrami Counties at Sec. 25, T151N, R36W	Sec. 25 (at Basin 4-35) T151N, R36W
Sandy River	Border of Clearwater and Beltrami Counties at Sec. 24, T150N, R36W	Sec. 22 (at Basin 4-35), T151N, R36W
Sandy Lake Creek	Sec. 21 (at Basin 15-54), T151N, R36W	Sec 22 (at confluence with Sandy River), T151N, R36W
Clearwater River	Border of Clearwater and Mahnomen Counties at Sec. 7, T146N, R38W	East section line, Sec. 6, T146N, R38W
Knife Creek	Sec. 17 (at Basin 15-199), T150N, R36W	Sec. 12 (at Basin 15-93), T150N, R37W
Butcher Creek	Sec. 11 (at Basin 15-93), T150N, R37W	Sec. 9 (at confluence with Clearwater River), T150N, R37W
Unnamed to Clear- water	Border of Clearwater and Beltrami Counties at Sec. 13, T149N, R36W	Sec. 12, T149N, R36W (at confluence with Clearwater River)
Unnamed to Clear- water River	Sec. 29, T149N, R36W	Sec. 9, (at confluence with Clearwater River), T149N, R36W
Unnamed Tributary	Sec. 22, T149N, R36W	Sec. 16 (at Basin 15-36), T149N, R36W
Unnamed to Clear- water River	Sec. 36, T149N, R37W (at Basin 15-235)	Sec. 6 (at confluence with Clearwater River), T150N, R37W
Unnamed to Unnamed	Sec. 7 (at Basin 15-34), T149N, R36W	Sec. 7 (at confluence with unnamed tributary), T149N, R36W
Unnamed to Clear- water River	Sec. 11, T149N, R37W	Sec. 36 (at confluence with Clearwater River), T150N, R37W

A 148911

Ruffy Brook	Sec. 27, T148N, R37W	Sec. 22 (at confluence with Clearwater River), T150N, R37W
Unnamed to Ruffy Brook	Sec. 17 (at Basin 15-28), T148N, R36W	Sec. 13 (at confluence with Ruffy Brook), T148N, R37W
Unnamed to Ruffy Brook	Sec. 4, (at Basin 15-83), T148N, R37W	Sec. 2 (at confluence with Ruffy Brook), T148N, R37W
Walker Brook	Sec. 17 (at Basin 15-343), T146N, R36W	Bagley corporate limits
Unnamed to Walker Brook	Sec. 10, T146N, R37W	Sec. 36 (at confluence with Walker Brook), T147N, R37W
Unnamed to Clearwater River	Sec. 5, T146N, R37W	Sec. 32 (at confluence with Clearwater River), T147N, R37W
Unnamed to Clearwater River	Sec. 22 (at Basin 15-137), T147N, R38W	Sec. 28 (at confluence with Clearwater River), T147N, R38W
Unnamed Tributary	Border of Clearwater and Polk Counties at Sec. 30, T147N, R38W	Sec. 29 (at Basin 15-141), T147N, R38W
Unnamed to Clearwater River	Corporate limits of Bagley	Sec. 31 (at confluence with Clearwater River), T147N, R37W
Lost River	Sec. 33, T148N, R38W	Sec. 27 (at Basin 15-146), T148N, R38W
Silver Creek	Sec. 24, T148N, R38W	Sec. 34 (at Basin 15-159), T150N, R38W
Unnamed to Silver Creek	Sec. 7 (at Basin 15-442), T148N, R37W	Sec. 12 (at confluence with Silver Creek), T148N, R38W
Unnamed to Silver Creek	Sec. 32, T149N, R37W	Sec. 30 (at confluence with Silver Creek), T149N, R37W (except that portion within Clearbrook Corporate limits)
Unnamed to Lost River	Sec. 4 (at Basin 15-293), T148N, R38W	Sec. 33 (at Basin 15-149), T149N, R38W
Unnamed to Lost River	Sec. 22 (at Basin 15-145), T148N, R38W	Sec. 20 (at confluence with Lost River), T148N, R38W
Unnamed to Lost River	Sec. 2 (at Basin 15-290), T147N, R38W	Sec. 27 (at confluence with Lost River), T148N, R38W

A 148911

Nassett Creek	Sec. 28 (at confluence with Lost River), T148N, R38W	Sec. 20 (at confluence with Lost River), T148N, R38W
Unnamed to Lost River	Sec. 8, T149N, R38W	Gonvick corporate limits
Unnamed to Lost River	Sec. 5 (at T.H. 92), T149N, R38W	Sec. 34 (at confluence with Lost River), T150N, R38W
Unnamed to Little Mississippi River	Sec. 3, T147N, R36W	Border of Clearwater and Beltrami Counties at Sec.1, T146N, R36W
Unnamed to Unnamed	Sec. 12 (at Border of Clearwater and Beltrami Counties), T147N, R36W	Sec. 23 (at confluence with unnamed tributary), T147N, R36W
Unnamed to Little Mississippi River	Sec. 4 (at Basin 15-22), T146N, R36W	Sec. 12 (at Basin 4-342), T146N, R36W
Unnamed to Unnamed	Sec. 27, T146N, R36W	Sec. 10 (at confluence with unnamed tributary), T146N, R36W
LaSalle Creek	Sec. 24 (at Border of Clearwater and Hubbard Counties), T144N, R36W	Sec. 13 (at Basin 15-1), T144N, R36W
Unnamed to Mississippi River	Sec. 11, T144N, R36W	Sec. 35 (at confluence with Mississippi River) T145N, R36W
Elk Creek	Sec. 27 (at Basin 15-415), T143N, R36W	Sec. 15 (at Basin 15-16), T143N, R36W
Sucker Creek	Sec. 19 (at Basin 15-57), T144N, R36W	Sec. 27 (at confluence with Mississippi River), T144N, R36W
Unnamed to Sucker Creek	Sec. 25 (at Basin 15-58), T144N, R37W	Sec. 30 (at Basin 15-20), T144N, R36W
Gould Creek	Sec. 8 (at Basin 15-8), T143N, R36W	Sec. 32 (at confluence with Sucker Creek), T144N, R36W
Unnamed to Gould Creek	Sec. 2 (at Basin 15-205), T143N, R37W	Sec. 6 (at Basin 15-5), T143N, R36W
Unnamed to Mississippi River	Sec. 20 (at Basin 15-19), T144N, R36W	Sec. 22 (at confluence with Mississippi River), T144N, R36W
Bear Creek	Sec. 6 (at Basin 15-56), T144N, R36W	Sec. 26 (at confluence with Mississippi River), T145N, R36W

A 148911

Unnamed to Bear Creek	Sec. 30, T145N, R36W	Sec. 28 (at confluence with Bear Creek), T145N, R36W
Mosquito Creek	Sec. 14, T146N, R37W	Sec. 14 (at Basin 15-130), T145N, R38W
Hier Creek	Sec. 22 (at Basin 15-77), T144N, R37W	Sec. 21 (at confluence with Wild Rice River), T145N, R37W
Unnamed to Hier Creek	Sec. 26 (at Basin 15-78), T144N, R37W	Sec. 13 (at confluence with Hier Creek), T144N, R37W
Unnamed to Wild Rice River	Sec. 17 (at Basin 15-75), T144N, R37W	Sec. 6 (at confluence with Wild Rice River), T144N, R37W
Buckboard Creek	Sec. 31 (at S. F.R.), T144N, R37W	Sec. 2 (at Basin 15-130), T144N, R38W
Unnamed to Buckboard Creek	Sec. 20 (at S.F.R.), T144N, R37W	Sec. 19 (at confluence with Buckboard Creek), T144N, R37W
Unnamed to Buckboard Creek	Sec. 21 (at Basin 15-264), T144N, R38W	Sec. 11 (at confluence with Buckboard Creek), T144N, R38W
Unnamed to Buckboard Creek	Sec. 29 (at Basin 15-269), T144N, R38W	Sec. 2 (at confluence with Buckboard Creek), T144N, R38W
Auganaush Creek	Sec. 5, T144N, R38W	Sec. 27 (at Basin 15-130), T145N, R38W
Unnamed to Auganaush Creek	Sec. 31, T145N, R38W	Sec. 32, T145N, R38W
Unnamed to Bad Boy Creek	Sec. 5 (at Basin 15-247), T143N, R38W	Border of Clearwater and Mahnomen Counties at Sec. 6, T143N, R38W
Solid Bottom Creek	Sec. 16 (at Basin 15-116), T143N, R38W	Border of Clearwater and Becker Counties at Sec. 31, T143N, R38W
Unnamed to Solid Bottom Creek	Sec. 17, T143N, R38W	Sec. 20 (at Basin 15-382), T143N, R38W
Bear Creek	Sec. 34 (at Basin 15-123), T143N, R38W	Border of Clearwater and Becker Counties at Sec. 34, T143N, R38W

All protected watercourses in Clearwater County shown on the Protected Waters Inventory map for Clearwater County, which is hereby adopted by reference, not given a classification in Section 201.1 through 201.8 of this Ordinance, shall be considered 'tributary'.

A 148911

**ARTICLE III
ESTABLISHMENT OF SHORELAND MANAGEMENT DISTRICTS**

Section 301. Establishment of Shoreland Management Districts

The development of shorelands of public waters shall be controlled by means of shoreland management districts which are designated to be compatible with the classification of public waters. For purposes of this Ordinance, the following districts are created:

1. Natural Environment
2. Recreational Development
3. General Development
4. Remote River
5. Forested River
6. Agricultural River
7. Transitional River
8. Tributary

Section 302. Management Goals and Objectives

1. The Natural Environment (NE) management district is established to preserve and enhance high quality waters by protecting them from pollution and to protect shorelands of waters which are unsuitable for development; to maintain a low density of development; and to maintain high standards of quality for permitted development.
2. Recreational Development (RD) management district is established to manage proposed development reasonably consistent with existing development and use; to provide for the beneficial use of public waters by the general public, as well as the riparian owners; to provide for a multiplicity of lake uses; and to protect areas unsuitable for residential and commercial uses from development.
3. The General Development (GD) management district is established to provide minimum regulations in areas presently developed as high density, multiple use areas; and to provide guidance for future growth of commercial and industrial establishments which require locations on protected waters.
4. The Remote River (RR) management district is established to preserve wilderness and near wilderness settings along protected watercourses.
5. The Forested River (FR) management district is established to maintain existing levels of development densities while preserving the natural setting along protected watercourses.
6. The Agricultural River (AR) management district is established to protect shore areas from potentially adverse impacts of agricultural uses.
7. The Transitional River (TR) management district is established to protect remaining natural shoreland areas from agricultural encroachment and impacts.
8. The Tributary (Tr) management district is established to maintain or establish vegetated buffer strips to improve water quality along protected watercourses.

Section 303. Shoreland Management Map

An official shoreland management map, on file at the Office of Environmental Services, Clearwater County Courthouse, is hereby adopted by reference.

A 148911

ARTICLE IV
SHORELAND MANAGEMENT DISTRICT REQUIREMENTS

Section 401. Natural Environmental Management District

- A. Permitted Uses
 - 1. Single family residential
 - 2. Accessory buildings
 - 3. Pasture and cropland
 - 4. Forestry
 - 5. Hiking and riding trails
 - 6. Mining
- B. Uses Requiring a Conditional Use Permit
 - 1. Duplex, triplex and quads
 - 2. Residential planned unit developments
 - 3. Mobile home parks, as residential planned unit developments, provided that:
 - a. Site plans must be approved by the Clearwater County Board.
 - b. Mobile home parks must be licensed by the Minnesota Department of Health (DOH), and must meet all DOH requirements in addition to the requirements of this Ordinance.
 - c. Each mobile home must meet minimum setback from all roads, the ordinary high water mark, top of bluff, and all unplatted cemeteries.
 - d. There shall be a minimum of fifteen (15) feet between the sides of adjacent mobile homes, including their attachments, and a minimum of ten (10) feet between mobile homes when parked end to end.
 - e. Each mobile home site shall be a minimum of 6,000 square feet in area.
 - f. A centralized sewage treatment system which meets all standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.
 - g. Individual sewage treatment systems shall not be used unless the site meets the minimum lot size requirements of this ordinance.
 - h. Vegetative screening shall be maintained for the mobile home park in a manner consistent with the general intent of this Ordinance.
 - 4. Commercial planned unit developments
 - 5. Recreational Vehicle Camping Areas, as commercial planned unit developments, provided that:
 - a. Site plans must be approved by the Clearwater County Board.
 - b. Recreational vehicle camping areas shall be licensed by and meet the minimum requirements of the Minnesota Department of Health in addition to the requirements of this Ordinance.
 - c. All recreational vehicles must meet the setback from the ordinary high water mark for the applicable class of public waters.
 - d. Each recreational vehicle camping site must be a minimum of 3,000 square feet in area.
 - e. A centralized sewage treatment system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.

A 148911

- f. Individual on-site sewage treatment systems shall not be used unless the site meets the minimum lot size requirements of this Ordinance.
- g. Vegetative screening of the recreational vehicle camping area shall be maintained consistent with the intent of this Ordinance.
- 6. Stables, horse barns and barns for livestock
- 7. Parks and waysides with no overnight camping
- 8. Historical sites
- 9. Extractive uses
- 10. Agricultural feedlots

Section 402. Recreational Development Management District

A. Permitted Uses

- 1. Single family residential
- 2. Duplex, triplex and quads
- 3. Accessory buildings
- 4. Pasture and cropland
- 5. Forestry
- 6. Nature areas
- 7. Hiking and riding trails
- 8. Mining

B. Uses Requiring a Conditional Use Permit

- 1. Residential planned unit developments
- 2. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
- 3. Cooperative housing, as residential planned unit developments
- 4. Condominiums, as residential planned unit developments
- 5. Commercial planned unit developments
- 6. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
- 7. Hotels, motels and other permanent buildings which provide sleeping accommodations on a transient rental basis, as commercial planned unit developments
- 8. Restaurants, drive-ins, dinner clubs, taverns and private clubs
- 9. Retail Businesses such as gift and novelty shops
- 10. Churches; chapels; temples; synagogues; including Sunday Schools, convents and parish houses meeting the requirements of this district
- 11. Parks and waysides
- 12. Historical sites
- 13. Stables, horse barns and barns for livestock
- 14. Agricultural feedlots
- 15. Extractive uses

Section 403. General Development Management District

A. Permitted Uses

- 1. Single family residential
- 2. Duplex, triplex and quads
- 3. Accessory buildings
- 4. Pasture and cropland

A 148911

5. Forestry
 6. Nature areas
 7. Hiking and riding trails
 8. Stables, horse barns and barns for livestock
 9. Mining
- B. Uses Requiring a Conditional Use Permit
1. Residential planned unit developments
 2. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 3. Condominiums, as residential planned unit developments
 4. Commercial planned unit developments
 5. Recreational vehicles camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 6. Hotels and motels as commercial planned unit developments
 7. Restaurants, drive-ins, dinner clubs, taverns and private clubs
 8. Retail businesses such as gift and novelty shops
 9. Commercial offices, as commercial planned unit developments
 10. Industrial uses which require location within shoreland areas provided that all storage within 500 feet of a public right-of-way or the ordinary high water level shall be completely enclosed in buildings or effectively screened by appropriate landscaping and a solid wall or fence not less than six (6) feet or more than eight (8) feet in height.
 11. Churches; chapels; temples; synagogues; including Sunday Schools, convents and parish houses meeting the requirements of this district
 12. Parks and waysides
 13. Historical sites
 14. Agricultural feedlots
 15. Extractive uses

Section 404. Remote River Management District

- A. Permitted Uses
1. Single family residential
 2. Accessory buildings
 3. Pasture and cropland
 4. Mining
 5. Forestry
- B. Uses Requiring a Conditional Use Permit
1. Duplex, triplex and quads
 2. Stables, horse barns and barns for livestock
 3. Agricultural feedlots
 4. Parks and historic sites
 5. Residential planned unit developments
 6. Condominiums as residential planned unit developments
 7. Cooperative housing as residential planned unit developments
 8. Commercial planned unit developments
 9. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 10. Campgrounds as commercial planned unit developments

A 148911

11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Churches; chapels; temples; synagogues; including Sunday Schools, convents and parish houses meeting the requirements of this district
13. Extractive uses

Section 405. Forested River Management District

- A. Permitted Uses
 1. Single family residential
 2. Accessory buildings
 3. Forestry
 4. Pasture and cropland
 5. Mining
- B. Uses Requiring a Conditional Use Permit
 1. Duplex, triplex and quads
 2. Stables, horse barns and barns for livestock
 3. Agricultural feedlots
 4. Parks and historic sites
 5. Residential planned unit developments
 6. Condominiums as residential planned unit developments
 7. Cooperative housing as residential planned unit developments
 8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 9. Commercial planned unit developments
 10. Campgrounds as commercial planned unit developments
 11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 12. Hotels, motels and resorts, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
 14. Retail businesses such as gift and novelty shops
 15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
 16. Extractive uses

Section 406. Transitional River Management District

- A. Permitted Uses
 1. Single family residential
 2. Accessory buildings
 3. Forestry
 4. Pasture and cropland
 5. Mining
- B. Uses Requiring a Conditional Use Permit
 1. Duplex, triplex and quads
 2. Stables, horse barns and barns for livestock
 3. Agricultural feedlots
 4. Parks and historic sites

5. Residential planned unit developments
6. Condominiums as residential planned unit developments
7. Cooperative housing as residential planned unit developments
8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
9. Commercial planned unit developments
10. Campgrounds as commercial planned unit development
11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Hotels, motels and resorts, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
14. Retail businesses such as gift and novelty shops
15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
16. Extractive uses

Section 407. Agricultural River Management District

A. Permitted Uses

1. Single family residential
2. Accessory buildings
3. Forestry
4. Pasture and cropland
5. Mining

B. Uses Requiring a Conditional Use Permit

1. Duplex, triplex and quads
2. Stables, horse barns and barns for livestock
3. Agricultural feedlots
4. Parks and historic sites
5. Residential planned unit developments
6. Condominiums as residential planned unit developments
7. Cooperative housing as residential planned unit developments
8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
9. Commercial planned unit developments
10. Campgrounds as commercial planned unit developments
11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
12. Hotels, motels and resorts, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
14. Retail businesses such as gift and novelty shops
15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
16. Extractive uses

A 148911

Section 408. Tributary Management District

- A. Permitted Uses
 - 1. Single family residential
 - 2. Accessory buildings
 - 3. Forestry
 - 4. Pasture and cropland
 - 5. Mining
- B. Uses Requiring a Conditional Use Permit
 - 1. Duplex, triplex and quads
 - 2. Stables, horse barns and barns for livestock
 - 3. Agricultural feedlots
 - 4. Parks and historic sites
 - 5. Residential planned unit developments
 - 6. Condominiums as residential planned unit developments
 - 7. Cooperative housing as residential planned unit developments
 - 8. Mobile home parks, as residential planned unit developments, provided that the requirements of 401(B)3 are met
 - 9. Commercial planned unit developments
 - 10. Campgrounds as commercial planned unit developments
 - 11. Recreational vehicle camping areas, as commercial planned unit developments, provided that the requirements of 401(B)5 are met
 - 12. Hotels, motels and resorts, as commercial planned unit development, provided that the requirements of 401(B)5 are met
 - 13. Restaurants, drive-ins, dinner clubs, taverns and private clubs
 - 14. Retail businesses such as gift and novelty shops
 - 15. Churches; chapels; temples; synagogues; including Sunday School, convents and parish houses meeting the requirements of this district
 - 16. Extractive uses.

A 148911

**ARTICLE V
HEIGHT AND PLACEMENT REGULATIONS**

Except as otherwise specifically provided for in this Ordinance, no new lot shall be created, by plat or by metes and bounds description, which does not meet the following minimum dimensional requirements as specified in this Ordinance. No lot area shall be so reduced or diminished so that the yards or other open spaces are smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with the area regulations in this Ordinance. The area of any lot shall not be reduced below the minimum standards specified herein.

Section 501. Lot Area Requirements

Following are the area requirements for all lots created after the date of enactment of this Ordinance.

Section 501.1. Natural Environment Lakes

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	80,000 Sq.Ft.	Single	80,000 Sq.Ft.
Duplex	120,000 Sq.Ft.	Duplex	160,000 Sq.Ft.
Triplex	160,000 Sq.Ft.	Triplex	240,000 Sq.Ft.
Quad	200,000 Sq.Ft.	Quad	320,000 Sq.Ft.

Section 501.2. Recreational Development Lakes

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	40,000 Sq.Ft.	Single	40,000 Sq.Ft.
Duplex	80,000 Sq.Ft.	Duplex	80,000 Sq.Ft.
Triplex	120,000 Sq.Ft.	Triplex	120,000 Sq.Ft.
Quad	160,000 Sq.Ft.	Quad	160,000 Sq.Ft.

Section 501.3. General Development Lakes

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	20,000 Sq.Ft.	Single	40,000 Sq.Ft.
Duplex	40,000 Sq.Ft.	Duplex	80,000 Sq.Ft.
Triplex	60,000 Sq.Ft.	Triplex	120,000 Sq.Ft.
Quad	80,000 Sq.Ft.	Quad	160,000 Sq. Ft.

Section 501.4. River Segments

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	20,000 Sq.Ft.	Single	40,000 Sq.Ft.
Duplex	40,000 Sq.Ft.	Duplex	80,000 Sq.Ft.
Triplex	60,000 Sq.Ft.	Triplex	120,000 Sq.Ft.
Quad	80,000 Sq.Ft.	Quad	160,000 Sq.Ft.

A 148911

Section 502. Lot Width Requirements

Following are the minimum width requirements, measured at both the building line and at the ordinary high water level, for all lots created after the date of enactment of this Ordinance

Section 502.1. Natural Environment Lakes

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	200 Ft.	Single	200 Ft.
Duplex	300 Ft.	Duplex	400 Ft.
Triplex	400 Ft.	Triplex	600 Ft.
Quad	500 Ft.	Quad	800 Ft.

Section 502.2. Recreational Development Lakes

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	150 Ft.	Single	150 Ft.
Duplex	225 Ft.	Duplex	265 Ft.
Triplex	300 Ft.	Triplex	375 Ft.
Quad	375 Ft.	Quad	490 Ft.

Section 502.3. General Development Lakes

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>
Single	100 Ft.	Single	150 Ft.
Duplex	180 Ft.	Duplex	265 Ft.
Triplex	260 Ft.	Triplex	375 Ft.
Quad	340 Ft.	Quad	490 Ft.

Section 502.4. River Segments and Tributaries

	<u>Remote</u>	<u>Forested</u>	<u>Agricultural</u>	<u>Transitional</u>	<u>Tributaries</u>
Single	300	200	150	250	100
Duplex	450	300	225	375	150
Triplex	600	400	300	500	200
Quad	750	500	375	625	250

Section 503. Setback Provisions

Structures constructed, or placed, after the date of enactment of this Ordinance shall meet the setbacks prescribed in this section.

Section 503.1. Natural Environment Lakes

Structure setback from ordinary high water level	150 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State, or County Highway Right-of-Way	50 Ft.

A 148911

Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	150 Ft.

Section 503.2. Recreational Development Lakes

Structure setback from ordinary high water level	100 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	100 Ft.

Section 503.3. General Development Lakes

Structure setback from ordinary high water level	75 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	100 Ft.

Section 503.4. Remote River Segments

Structure setback from ordinary high water level	200 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	150 Ft.

Section 503.5. Forested River Segments

Structure setback from ordinary high water level	150 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	100 Ft.

Section 503.6. Agricultural River Segments

Structure setback from ordinary high water level	100 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.

A 148911

Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	100 Ft.

Section 503.7. Transitional River Segments

Structure setback from ordinary high water level	150 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	100 Ft.

Section 503.8. Tributaries

Structure setback from ordinary high water level	100 Ft.
Structure setback from side lot line	20 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right-of-Way	50 Ft.
Structure setback from Right-of-Way of other roads	20 Ft.
Sewage treatment system setback from ordinary high water level	100 Ft.

Section 503.9. Exception for Side yard Setbacks

Side yard structure setbacks can be reduced to 20% of the lot width at the ordinary high water level as an alternative to the standard prescribed in Sections 503.1 through 503.8.

Section 504. Bluff Impact Zones

Structures or facilities, except stairways and landings, must not be placed within bluff impact zones.

Section 505. Height of Structures

No structures, except for churches and non-residential agricultural structures, shall exceed twenty-five (25) feet in height. Guest cottages shall not exceed fifteen (15) feet in height.

Section 506. Uses Without Water-Oriented Needs

Uses without water-oriented needs are encouraged to locate on lots or parcels without public water frontage, or, if located on lots or parcels with public water frontage, must either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

A 148911

Section 507. Guest Cottages

One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimension requirements prescribed in Sections 501 and 502 of this Ordinance, provided the following minimum standards are met:

1. for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal unit;
2. a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height;
3. a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

Section 508. Design Criteria for Structures

Structures must be placed, and lots developed, in accordance with the following design criteria.

Section 508.1. High Water Elevations

Structures must be placed in accordance with any floodplain regulations applicable to the site. Where such controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

1. for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
2. for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Statewide Floodplain Management Rules parts 6120.5000 to 6120.6200. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

Section 508.2. Stairways, Lifts and Landings

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts and landings must meet the following design requirements:

1. stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
2. landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;

3. canopies or roofs are not allowed on stairways, lifts or landings;
4. stairways, lifts or landings may be either constructed above the ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion;
5. stairways, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and
6. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of this section, and the requirements of the State Building Code, Minnesota Regulations 1340, are complied with.

Section 509. Significant Historic Site

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Section 510. Steep Slopes

The Office of Environmental Services must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for the construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.

A 148911

**ARTICLE VI
NONCONFORMITIES AND NONCONFORMING LOTS OF RECORD**

All legally established nonconformities existing as of the date of enactment of this Ordinance may continue provided that they are managed in accordance with applicable state statutes and the following standards.

Section 601. Nonconforming Use of Land

The nonconforming lawful use of land where no structure exists as of the effective date of this Ordinance may continue provided:

1. the nonconforming use of land shall in no way be expanded or extended either on the same or adjoining property;
2. if the nonconforming use of land is discontinued for a period of twelve months, the new use of such land must be in conformity with the provisions of this Ordinance;
3. uses which are declared to be public nuisances shall not be allowed to continue as legal nonconforming uses.

Section 602. Extension of Nonconforming Uses

A nonconforming use may be extended throughout a building or structure, provided no structural alterations or changes are made therein, except those required by statute or by ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued use of the building or structure for the duration of its natural life.

Section 603. Change of a Nonconforming Use

A nonconforming use may be changed to a different nonconforming use, or to a conditional use, only upon approval of a conditional use permit by the County Board. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use. If a nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or land shall be in conformance with the terms of this Ordinance.

Section 604. Nonconforming Structures

Buildings or structures which were legally constructed prior to the adoption of this Ordinance, but that do not meet the provisions of this Ordinance, may continue in use. Additions or alterations to nonconforming structures are allowed, provided that any such additions or alterations are in full compliance with the provisions herein. Any addition or alteration to the outside dimensions of a nonconforming structure, which does not comply with the dimensional requirements of this Ordinance, must be authorized by a variance pursuant to Article XI of this Ordinance.

Section 605. Deck Additions to Nonconforming Structures

Deck additions are allowed to structures that do not meet the minimum setback from the ordinary high water level or to those structures that minimally meet setback requirements, without a variance, provided:

1. the structure existed on the date the structure setbacks were established;

D
148011

2. a thorough evaluation of the property and structure reveals no reasonable location for a deck which meets or exceeds the existing setback from the ordinary high water level of the structure;
3. the deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level, or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
4. the deck is constructed primarily of wood, and is not roofed or screened.

Section 606. Damage to Nonconforming Structures

The restoration or reconstruction of any nonconforming building or structure which is damaged by fire, collapse, explosion or acts of God or public enemy, to the extent of 50 percent of its market value, must meet the requirements of this Ordinance.

Section 607. Nonconforming Lots of Record

All lots of record in the office of the County Recorder, as of the effective date of this ordinance, that do not meet the minimum requirements specified for lot area and lot width may be allowed as building sites without variances from the lot size requirements provided that:

1. the use is permitted in the shoreland district;
2. the lot has been in separate ownership from abutting lands at all times since it became substandard;
3. the lot was created compliant with official controls in effect at that time; and
4. the sewage treatment and setback requirements of this Ordinance are met.

A variance from setback requirements must be obtained before any use, sewage treatment system, or land use permit is issued for a nonconforming lot that does not meet setback requirements. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the minimum lot width and lot area requirements specified in this Ordinance, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so that they equal one or more parcels of land, each meeting the lot area and lot width requirements as much as possible.

Section 608. Nonconforming Sewage Treatment Systems

A sewage treatment system that does not meet the requirements specified in Article VIII of this Ordinance must be upgraded, at a minimum, at any time that a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the setback of the sewage treatment system from the ordinary high water level.

The Clearwater County Board of Commissioners has, by formal resolution, notified the Commissioner of its program to identify nonconforming sewage treatment systems. Clearwater County will require upgrading or replacement of any nonconforming system identified through this program within two years of identification by the Office of Environmental Services.

**ARTICLE VII
ACCESSORY USES AND STRUCTURES**

Section 701. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

1. All accessory buildings, including carports and breezeways, attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of the Ordinance applicable to the principal building.
2. All detached accessory buildings or structures shall be located on the side or rear yards. They shall comply with all yard requirements applicable to the principal building within the management district.
3. Piers and docks are allowed, but shall be controlled by applicable State and local regulations.
4. Water-oriented accessory structures including, but not limited to, boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks, are prohibited. These structures are allowed provided that they are not water-oriented, meaning that they must meet all yard requirements applicable to the principal structure within the management district.

A 148911

**ARTICLE VIII
SANITATION STANDARDS**

Section 801. Sewage Treatment Standards

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

1. Publicly-owned sewer systems must be used where available.
2. All private sewage treatment systems must meet or exceed Minnesota Pollution Control Agency's standards for individual sewage treatment contained in the document titled, "Individual Sewage Treatment System Standards, Chapter 7080", which is hereby adopted by reference and declared to be a part of this Ordinance. A copy of this document is on file at the Office of Environmental Services, Clearwater County Courthouse.
3. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the minimum standards specified in Section 503 of this Ordinance. Additionally, systems must be setback a minimum of twenty (20) feet from any building intended for human occupancy, ten (10) feet from any lot line and, where feasible, shall be placed down slope from water supply wells. Sewage Treatment Systems must meet setbacks from water supply wells in accordance with the Water Well Construction Code of the Minnesota Department of Health.
4. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Section 608 of this Ordinance.

Section 802. Sewage Treatment Permit Requirements

No person, firm or corporation shall install, alter, repair or extend any individual sewage treatment system without first obtaining a permit therefore from the Clearwater County Office of Environmental Services for the specific installation, alteration, repair or extension to be performed. If the installation, construction, or modification is performed by a licensed sewage treatment installer, said installer shall be responsible for obtaining a permit.

1. Applications for permits shall be made in writing upon forms provided by the Office of Environmental Services, and shall be signed by the applicant.
2. Each application for a sewage treatment system shall include:
 - a. a correct legal description of the property on which the proposed installation, alteration, repair or extension will occur;
 - b. a plan of the site of reasonable scale and accuracy showing: the location of any proposed and existing buildings, water supply, property lines, underground and overhead utility lines, and an arrow indicating the direction of North;
 - c. a complete plan of the sewage treatment system showing the location, size and design of all parts of the system to be installed, altered, repaired or extended;
 - d. the name of the person, firm or corporation which will install the system;
 - e. any other pertinent information as requested by the Office of Environmental Services.

Section 803. Revision to Approved Plan

In the event that necessity requires a modification to an approved plan, the installer shall, before commencing or resuming construction of the system, contact the Environmental Services Office and submit to the Office of Environmental Services a revised plan including the proposed modification.

Section 804. Sewage Treatment System Inspection

The Environmental Services Officer shall cause such inspection or inspections which are necessary to determine compliance with this Ordinance. No part of the system shall be covered until it has been inspected and approved. It shall be the responsibility of the licensed installer to notify the Office of Environmental Services whether the installation, modification, or construction of the sewage treatment system is ready for inspection, and it shall be the duty of the Environmental Services Officer to make inspections within three regular working days, excluding Saturday, Sunday, and all holidays, after such notice has been given. The owner or occupant of the property shall give the Environmental Services Officer or his designated inspector access to the property at reasonable times for the purpose of making said inspections. Following final inspection of the system, the county shall require the installer to sign an Affidavit of Installation, stating that the sewage treatment system has been installed in compliance with MPCA regulations. If the system is backfilled before a final inspection is made, the system shall be unearthed for final inspection.

The Environmental Services Officer may assign the responsibilities for the administration of these provisions to a qualified inspector.

Section 805. Water Supply Standards

All public or private supplies of water for domestic purposes must meet or exceed the standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

Private wells must be located, constructed, maintained and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.

A 148911

**ARTICLE IX
GENERAL SHORELAND REQUIREMENTS**

Section 901. Vegetative Alterations

Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by Section 906 and 907 of this Ordinance, is allowed subject to the following standards:

1. Intensive vegetative clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetative clearing for forest land conversion to another use outside of these areas is allowed as a conditional use provided an erosion control and sedimentation plan is developed and approved by the Clearwater Soil and Water Conservation district in which the property is located.
2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting and pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, lifts and landings, picnic areas, access paths, livestock watering areas and beach and watercraft access areas, provided that:
 - a. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. along rivers, existing shading of water surfaces is preserved; and
 - c. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
3. Vegetative alterations necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 903 of this Ordinance are exempt from the vegetative alteration standards prescribed in this Section.

Section 902. Topographic Alterations/Grading and Filling

1. Grading and filling and excavation necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways.
2. Public roads and parking areas must meet the requirements prescribed in Section 903 of this Ordinance.
3. Notwithstanding Items 1. and 2. above, a grading and filling permit will be required for:
 - a. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b. the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
4. The following considerations and conditions must be adhered to for the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - a. grading and filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and noteworthiness,

A 148911

- including special qualities such as historic significance, and critical habitat for endangered plants and animals. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant will be so advised by the Office of Environmental Services;
- b. alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible;
 - c. mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetative cover must be established as soon as possible;
 - d. methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e. altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Clearwater Soil and Water Conservation District and the United States Natural Resource Conservation Service;
 - f. fill or excavated materials must not be placed in a manner that creates an unstable slope;
 - g. plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
 - h. fill or excavated material must not be placed in bluff impact zones;
 - i. any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources; under Minnesota Statutes, Section 103G;
 - j. alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k. placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
6. Excavating where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, requires a grading and filling permit from the Office of Environmental Services. Such grading and filling permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.

Section 903. Placement and Design of Roads, Driveways, Recreational Trails and Parking Areas

1. Public and private roads, recreational trails and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Clearwater Soil and Water Conservation District, or other applicable technical materials.

2. Roads, driveways, recreational trails and parking areas must meet structure setbacks 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, but must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided that the vegetative screening and erosion control conditions of this Section are met. For private facilities, the grading and filling provisions prescribed in Section 902 of this Ordinance must be met.

Section 904. Stormwater Management Standards

1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
4. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Clearwater Soil and Water Conservation District.
5. Newly constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
6. Impervious surface coverage of lots must not exceed 25 percent of the lot area.

Section 905. Special Provisions for Commercial, Industrial, Public and Semipublic Uses

1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - a. in addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this ordinance, the use must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - b. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and,
 - c. 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. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Clearwater County Sheriff;

A 148911

- (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 general type 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 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lighting, such lights shall be shielded or directed to prevent illumination out across public waters; and
 - (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 out across public waters. This section does not preclude the use of navigational lighting.
2. Uses without water-oriented needs must be located on lots or parcels without public water frontage; or, if located on lots with public water frontage, must either be set back double the normal setback from the ordinary high water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Section 906. Special Provisions for Agricultural Uses

- 1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Clearwater Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified agency or individual. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level, or half of the structure setback from the ordinary high water level within the particular management district, whichever is greater.
- 2. Animal feedlots must meet the following standards:
 - a. new animal feedlots may not be located within shoreland areas; and,
 - b. existing feedlots must comply with Minnesota Pollution Control Agency Feedlot Rules (MN Rules Chap. 7020).

Section 907. Special Provisions for Forest Management

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment - Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota".

Section 908. Special Provisions for Extractive Uses

- 1. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. The plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

2. Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public waters and from bluffs.
3. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51, shall be a permitted use provided the provisions of the specified Sections of State Statutes are satisfied.

A 148911

ARTICLE X
SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

Section 1001. Applicability

All plats, replats or modifications thereof shall be submitted to the Clearwater County Planning Commission in the manner set forth in this Ordinance, and shall be in conformity therewith, and with such regulations as may be established by resolution of the Clearwater County Board of Commissioners. Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Ordinance shall be prepared, presented for approval, modified as required, and recorded as herein prescribed. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with the provisions of Section 1011 of this Ordinance and Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for such lots created after these official controls were enacted unless the lots were approved as part of a formal subdivision.

Section 1002. Land Suitability

- A. Each lot created through the subdivision process, including planned unit developments authorized under the provisions of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Clearwater County will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of Clearwater County.
- B. Sufficient information must be submitted by the applicant to enable Clearwater County to make a determination of land suitability. The information shall include at least the following:
 - 1. topographic contours at ten foot intervals or less from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics;
 - 2. the surface water features required by Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources;
 - 3. adequate soils information to determine suitability for building and on-site sewage capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - 4. information regarding adequacy of domestic water supply;
 - 5. extent of anticipated vegetation and topographic alterations;
 - 6. near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation;
 - 7. proposed methods for controlling stormwater runoff and erosion both during, and after, construction activities;
 - 8. location of 100 year floodplain areas and floodway districts from existing adopted maps or data; and
 - 9. a line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of bluff, and from the public waters.

A 148911

- C. The Clearwater County Board of Commissioners shall make its decision, in writing, specifying the facts upon which the suitability determination is made. If a determination is made that the land is not suitable for development the applicant will be notified, in writing, regarding the particular facts leading to such determination. The applicant will be afforded the opportunity to appeal such determination in accordance with the procedure for appeal specified in Article XI of this Ordinance.

Section 1003. Consistency with other Controls

- A. Subdivisions, and lots created within subdivisions, must conform to all of the official controls prescribed in this Ordinance. A subdivision will not be approved where a variance from the official controls will later be needed in order to use a lot for its intended purpose. A subdivision will not be approved unless domestic water supply is available and a sewage treatment system in full compliance with Section 801 of this Ordinance can be provided for every lot. Each lot in a subdivision shall meet the minimum lot size and dimensional requirements prescribed in Article V of this Ordinance. Each lot shall also include a minimum contiguous lawn area that is free of limiting factors, sufficient for the construction of two standard sewage treatment systems. Subdivisions which include lots that would require holding tanks shall not be approved.
- B. Subdivisions of duplexes, triplexes and quads on Natural Environment Lakes must also meet the following standards:
 - 1. each building must be set back at least 200 feet from the ordinary high water level;
 - 2. each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - 3. watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - 4. no more than twenty-five (25) percent of the shoreline of a lake shall be in duplex, triplex or quad developments.

Section 1004. Dedications

- A. The County Board of Commissioners may require that suitable sites within a subdivision be dedicated or reserved for future public use such as: parks, public access or open space as needed by the particular subdivision.
- B. The County Board of Commissioners may require that easements for drainage ways of widths sufficient to accommodate anticipated storm water runoff be provided.
- C. The County Board of Commissioners may require that easements for public utilities be provided.

Section 1005. Controlled Access on Recreational Lots

A riparian lot which is intended to be used as a private access to public waters for non-riparian lots and/or dwelling units in any existing or proposed subdivision, outlot development or planned unit development shall require a conditional use permit, and shall comply with the following provisions:

- A. Access lots must meet the minimum width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- B. If docking, mooring, or over-water storage of watercraft is intended at a controlled access lot, then the width of the lot must be increased by the percent of the minimum lot width requirement for riparian residential lots for each watercraft provided for beyond six, consistent with the following table:

<u>Ratio of Lake Size (acres) to Shore Length (miles)</u>	<u>Required Increase in Frontage (%)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
More than 400	5

- C. A minimum of twenty-five (25) foot sideyard area on both sides of the private access lot shall be maintained with vegetative cover and screening abutting lots.
- D. Private access lots must be jointly owned by an association of all owners of lots or units who are provided riparian access rights on the access lot. Covenants or other equally effective legal instruments must be developed which specify which lot owners have authority to utilize the access lot, and activities that are allowed on such lots. Further, the covenants shall limit the total number of vehicles parked and watercraft moored, docked, beached or otherwise situated to be visible to users of the public water to a maximum of one of each per lot served. Covenants must require centralization of all facilities and activities in the most suitable locations on the lot to minimize topographic and vegetative alterations. They must also require all buildings, parking areas and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
- E. The construction of any facility including: docks, roadways, launching facilities, playground, parking facility, or sports and game facility on any private access lot shall require the issuance of a Conditional Use Permit. The application for such permit shall be made by the corporation charged with the maintenance and upkeep of the lot. All facilities, with the exception of docks, must meet the setback provisions specified in Article V of this Ordinance.

Section 1006. Lot Size

- A. Newly created lots shall be of size and shape to satisfy all requirements of Article V of this Ordinance.
- B. The shape of individual lots may render parts unusable for the installation of private sewage disposal systems or to provide adequate separation distance between them and watercourses or water wells. Therefore, any portion of a lot that is less than thirty (30) feet in width shall not be used in computing the minimum lot area.

Section 1007. Public and Private Streets

- A. The design of all streets shall be considered in relation to existing and planned streets, to the reasonable circulation of traffic, and to the proposed uses of the area to be served. Topographic conditions shall be considered, including the heaving capacity and erosion potential of the soil. Streets shall be designed to facilitate snowplowing and fire protection.
- B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins undivided land susceptible to being subdivided, then the new street shall be carried to the boundaries of such undivided land.
- C. A street terminated within a plat by a cul-de-sac shall not exceed six hundred (600) feet in length to the vehicular turn-around.
- D. When new streets are extensions of existing streets, the new streets shall be at the same or greater width than such existing streets, but in no case may a new street be less than the minimum width required by this Section,

A 148911

- E. All streets, roads and easements intended for vehicular traffic, and all platted streets and roads within a subdivision shall meet the Minnesota Department of Transportation County State Aid Standards including, but not limited to:
1. The right-of-way shall be a minimum of sixty-six (66) feet in width, and shall have a minimum of twenty-six (26) feet of road top.
 2. The road shall have a surface so that such road is a serviceable all weather road.
 3. The slope of the road must be seeded in order to prevent erosion. Drainage and topography shall meet the requirements of the Clearwater SWCD.
 4. In the case of special circumstances or proven hardship a private easement for vehicular traffic may be allowed provided:
 - a. A 66 foot right-of-way is provided.
 - b. The traveled portion of the easement is graded and is a serviceable road.
 5. The purchaser of any lot abutting a private street shall be notified by the seller, in writing, that it is a private street and that it is not required to be maintained by the township or by Clearwater County.
 6. If, in the event a private street is petitioned to be public, the lot owners within the development shall be responsible for the cost of constructing the road to required specifications. This requirement shall be given by the seller, in writing, to the purchaser of any lot within the subdivision, and shall be affixed to the final plat.

Section 1008. Storm Drainage

Storm drainage facilities, where required, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and the prevention of excess runoff onto adjacent property.

Section 1009. Water Supply Facilities

Where there is an existing public water supply system on or near the proposed subdivision, the County Board, along with the local municipality, shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system. Where there is no public water supply system, individual water supply systems will be permitted in accordance with Minnesota Department of Health Standards for water quality. Such water supply systems must be located in accordance with Minnesota Department of Health Standards and the requirements of this Ordinance.

Section 1010. Sanitary Sewerage

- A. In areas having a public sanitary sewer system on or near the proposed subdivision. The County Board, along with the local municipality, will determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system.
- B. In areas not served by a public sewer system, on-site sewage treatment systems will be allowed provided that all requirements of the Minnesota Pollution Control Agency "Individual Sewage Treatment System Standards", Chapter 7080, appendices, and future amendments are complied with.
- C. Sewage treatment systems shall be constructed to meet the requirements of the Minnesota Department of Health, and shall meet the standards prescribed in Article V and Article VIII of this Ordinance.

A 148911

Section 1011. Platting Requirements

No land platted under the jurisdiction of this Ordinance may be recorded or sold until the subdivision process described in this Article is completed. This process consists of: a preapplication meeting between the applicant and the Planning Commission; the submission and review of preliminary and final plats by the Planning Commission; submission of proposed plats to the Commissioner of Natural Resources; and the approval of the final plat by the Clearwater County Board of Commissioners.

- A. Prior to the submission of a preliminary plat to the Clearwater County Planning Commission under the provisions of this Ordinance, the subdivider shall meet with the Clearwater County Planning Commission or its authorized representative to introduce himself/herself as a potential subdivider, and to learn what shall be expected of him/her in such a capacity. (S)he shall also present a sketch of the proposed subdivision containing: proposed lots and roads and the physical features of the property. The sketch plan shall be signed and dated by the applicant.
- B. After the preapplication meeting the subdivider shall submit five (5) copies of a preliminary plat to the Zoning Administrator along with the required fees at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission at which the plat is to be reviewed. The preliminary plat shall show: present property lines; natural and man made features; the proposed location of streets, alleys, lots and existing public facilities; the name of the subdivider; the name of the proposed subdivision; contours with intervals of ten (10) feet; an arrow indicating the direction north; and the appropriate scale.
- C. The Clearwater County Planning Commission shall review the preliminary plat from the standpoint of the public health, safety and welfare. The Planning Commission shall conduct a public hearing on the proposed plat as required by law within thirty (30) days, unless they provide for an extension.

The Planning Commission shall provide, in writing, its approval, conditional approval or disapproval of the proposed subdivision. If the Planning Commission approves the preliminary plat, such approval shall mean the acceptance of the design as the basis for preparation of the final plat. If said preliminary plat is disapproved, the grounds for any such disapproval shall be set forth in the minutes of the proceedings of the hearing and shall be reported to the subdivider. If disapproved, applicants may resubmit the preliminary plat after appropriate changes are made.

- D. The subdivider shall file three (3) copies of the final plat, at a minimum scale of two hundred (200) feet to the inch, with the Zoning Administrator at least ten (10) days before the next regularly scheduled meeting of the Planning Commission. These copies shall conform substantially to the preliminary plat, as approved by the Planning Commission.

The final plat shall include: the boundary lines of the area being subdivided with accurate distances and bearings; the date, scale, arrow indicating the direction north, and the subdivision name; the lot lines of all adjoining properties and the lines of adjoining streets and alleys indicating their width and their name; the boundaries of properties intended to be dedicated for public use; all dimensions given to the nearest one hundredth (1/100) of a foot for all lots, streets, alleys, and easements; the radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded curves; the location of all survey monuments and benchmarks; the certificate of the surveyor attesting to the accuracy of the survey and the correct

location of all monuments and benchmarks; and certificates of approval for endorsement by the Clearwater County Planning Commission.

The Clearwater County Planning Commission shall check the final plat to ensure that it is in substantial agreement with the preliminary plat as approved. The subdivider will be notified of the time and place of the Planning Commission meeting at which (s)he will be given an opportunity to appear. The Zoning Administrator shall forward a copy of the plat to the Commissioner of Natural Resources at least ten (10) days before a hearing is conducted by the Planning Commission. Such hearing shall be conducted in accordance with MS 394.26 to consider the recommendation to the County Board concerning final plat approval.

The Planning Commission shall act upon the final plat within sixty (60) days after receipt of the final plat. Following the recommendation of approval or disapproval of the final plat by the Planning Commission, the Zoning Administrator shall notify the subdivider of the recommendation made by the Planning Commission. If approval of the final plat is recommended, such plat shall be considered within thirty (30) days by the County Board of Commissioners. The County Board of Commissioners shall make a determination within 90 days of their first consideration of the plat. If disapproval is recommended, the subdivider may opt to withdraw the plat from consideration by the County Board and resubmit said plat to the Planning Commission after appropriate changes have been made.

The County Board of Commissioners may either approve or disapprove the final plat based upon the recommendation of the Planning Commission and any other information that the Board deems appropriate.

Plat approval shall be null and void if the plat is not filed with the County Recorder within thirty (30) days after the date of approval, unless an application for extension has been made to the County Board of Commissioners, and such extension is granted.

Section 1012. Planned Unit Development Review

Planned unit developments (PUD's) are allowed as conditional uses for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in those management districts where specifically identified in Article IV. Planned unit developments shall be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or fewer new dwelling units or sites since the date of enactment of this Ordinance is allowed as a permitted use provided that the total project density does not exceed the allowable densities as prescribed in this Section. Approval shall not occur until the environmental review process (EAW/EIS) has been completed, when required by MN Rules, Chapter 4410.

An applicant for a PUD shall submit the following documents prior to final action being taken on the application request:

- A. A site plan and/or plat for the project showing: the boundary of the proposed development; surface water features and other natural and man made features; existing and proposed structures and other facilities, proposed land alterations; the location of existing and proposed sewage treatment and water supply systems; and topographic contours at a minimum of ten-foot intervals. A PUD that combines commercial and residential structures shall indicate and distinguish which buildings and portions of a project are commercial, residential or a combination of the two.

- B. For residential planned unit developments a property owners' association agreement with mandatory membership, all in accordance with the maintenance and administrative requirements prescribed in Section 1015 of this Ordinance.
- C. Deed restrictions, covenants, permanent easements or other instruments that:
 - 1. properly address future vegetative and topographic alterations; construction of additional buildings; beaching of watercraft; and construction of commercial buildings in residential PUD's; and,
 - 2. ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in the maintenance and administrative requirements of this Section.
- D. For commercial planned unit developments and for commercial structures within a residential planned unit development, a master plan/drawing describing the proposed project and the floor plan for all commercial structures to be occupied.
- E. Any additional documents as requested by the Clearwater County Planning Commission that are necessary to explain how the PUD will be designed and will function.

Section 1013. PUD Site Suitability Evaluation

Proposed new, or expansions to existing, planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in Section 1014.

- A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

1. General Development lakes - first tier	200 ft.
2. General Development lakes - other tiers	267 ft.
3. Recreational Development lakes	267 ft.
4. Natural Environment lakes	400 ft.
5. Rivers and Tributaries	300 ft.
- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

Section 1014. Residential and Commercial PUD Density Evaluation

The procedures for determining the allowable density of residential and commercial planned unit developments are as follows. Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water.

- A. To determine the allowable density for Residential Planned Unit Developments:
 - 1. the suitable area within each tier is divided by the single residential lot size standard for the applicable management district.
 - 2. proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in Section 1015.
- B. To determine the allowable density for Commercial Planned Unit Developments:

A 148911

1. the average inside living area size of dwelling units or sites is computed. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;
2. the appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification:

COMMERCIAL PLANNED UNIT DEVELOPMENT*
Floor Area Ratio by Public Waters Classification

Average Unit Floor Area (sq. ft.)	GD Lakes (1st Tier) Agricultural River Segments, Tributaries	GD Lakes (except 1st Tier), RD Lakes, Forested/Transition, River Segments	NE Lakes, Remote River Segments
200 or less	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500 or more	.150	.075	.038

**For recreational camping areas, use the ratios listed for the average floor area of 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, shall use the ratio listed for the average floor area of 1,000 square feet.*

3. the suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites;
 4. the total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;
 5. proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 1015.
- C. Density Increase Multipliers:
1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Article V are met or exceeded and the design criteria in Section 1015 are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

A 148911

2. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increases within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

Section 1015. PUD Maintenance and Design Criteria

- A. Before final approval of a planned unit development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.
- B. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - 1. commercial uses shall be prohibited in residential planned unit developments;
 - 2. vegetative and topographic alterations, except for routine maintenance, shall be prohibited;
 - 3. construction of additional buildings or the storage of vehicles and/or other materials is prohibited;
 - 4. uncontrolled beaching of watercraft shall be prohibited.
- C. All residential planned unit developments must have a property owners association with the following features:
 - 1. membership shall be mandatory for each dwelling unit or site owner;
 - 2. each member must pay a pro-rata share of the expenses of the association, and unpaid assessments may become liens on units or sites;
 - 3. assessments must be adjustable to accommodate changing conditions; and
 - 4. the association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- D. All planned unit developments must contain open space meeting all of the following criteria:
 - 1. at least 50 percent of the total project area must be preserved as open space;
 - 2. dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are developed areas and shall not be included in the computation of open space;
 - 3. open space may include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - 4. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - 5. open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems;
 - 6. open space must not include commercial facilities or uses;
 - 7. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

A 148911

8. the shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least 50 percent of the shore impact zone of existing developments and at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least 50 percent of the shore impact zone must be preserved in its natural state.
- E. Erosion control and stormwater management plans must be developed and the PUD must:
1. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the Clearwater Soil and Water Conservation District may be required if warranted by project size and/or the physical characteristics of the site;
 2. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial planned unit developments 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan consistent with Section 904 of this Ordinance.
- F. Centralization and design of facilities and structures must be done according to the following standards:
1. planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Articles V and VIII of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 2. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level; elevation above the surface water features; and maximum height. Setbacks from the Ordinary High Water Level must be increased in accordance with Section 1014 C. for developments with density increases;
 3. shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 4. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

A 148911

5. accessory structures and facilities must meet the required principal structure setback, and must be centralized.

Section 1016. Conversions to PUD's

Resorts or other land uses and/or facilities may be converted to residential planned unit developments provided all of the following standards are met:

- A. Proposed conversions must be initially evaluated using the same procedures as for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
- B. Deficiencies involving structure aesthetics or color, water supply and sewage treatment, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the Conditional Use Permit.
- C. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 1. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 2. remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and
 3. if existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.
- D. Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 1014 of this Ordinance may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

A 148911

**ARTICLE XI
ADMINISTRATION**

Section 1101. Zoning Administrator

The position of Zoning Administrator is hereby established within the Office of Environmental Services. The Zoning Administrator shall be appointed by the County Board of Commissioners and shall serve at its pleasure. The Zoning Administrator shall receive such compensation as the County Board may, from time to time, determine. The Zoning Administrator shall:

- A. Act as Inspector for the County;
- B. Inspect all construction and development to ensure that the standards of this Ordinance are complied with;
- C. Enforce and administer the provisions of this Ordinance;
- D. Issue permits for permitted uses and/or activities which comply with the provisions of this Ordinance;
- E. Receive applications for conditional use permits and forward, along with recommendations, to the Planning Commission;
- F. Receive applications for variance requests and forward, along with recommendations, to the Board of Adjustment;
- G. Receive applications for zoning amendments and forward, along with recommendations, to the Planning Commission;
- H. Maintain all records relating to the application for and deliberations relating to the issuance or denial of permits;
- I. Develop and maintain a public information bureau relating to shoreland management;
- J. Maintain the County Shoreland Management Map as described in Article II.

Section 1102. Planning Commission

There is hereby created a Planning Commission consisting of nine (9) members. The members of the Planning Commission shall be appointed by the County Board of Commissioners, consistent with M.S. Chapter 394 and as prescribed in the Planning Commission By-laws as adopted by the Clearwater County Board of Commissioners.

- A. The Planning Commission shall be advisory in nature, and shall serve at the pleasure of the County Board of Commissioners. In this advisory role the Planning Commission shall:
 - 1. assist the County Board in the formulation of goals, policies and programs for the future developments of shoreland areas of Clearwater County;
 - 2. assist the County Board in the preparation of development controls designed to promote development consistent with adopted goals and policies;
 - 3. review applications for conditional use permits and Ordinance amendments, conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations to the County Board;
 - 4. review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plats along with recommendations to the County Board of Commissioners;
 - 5. any other such duties as required or requested by the County Board of Commissioners to further goals and policies in furtherance of the intent of this Ordinance.

P 148911

Section 1103. Board of Adjustment

There is hereby established a Board of Adjustment vested with the authority as is hereinafter provided, and as provided in Minnesota Statutes Chapter 394. The Board of Adjustment shall consist of seven (7) members appointed by the County Board, one of which shall be a member of the Clearwater County Planning Commission. No member of the Board of Adjustment may be an elected official or an employee of Clearwater County. The Board members shall be appointed for terms coinciding with terms of membership on the County Planning Commission.

- A. The Board of Adjustment shall elect a Chairperson and a Vice Chairperson from among its members. It shall adopt rules or bylaws, for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Board of Adjustment shall cause all such records of its proceedings, findings and determinations to be filed in the Office of Environmental Services, Clearwater County Courthouse.
- B. The meeting of the Board of Adjustment shall be held as specified in the rules or bylaws and at other such times as the Chairperson of the Board shall deem necessary and appropriate.
- C. The Board of Adjustment shall have the exclusive power concerning the following:
 - 1. to grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criterion prescribed in Section 1106 of this Ordinance;
 - 2. to hear and decide any appeal from an order, requirement, decision, or determination made by the Zoning Administrator;
 - 3. to interpret any management district boundary on the Official Shoreland Management Map;
 - 4. All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board or Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.

Section 1104. Permits

Permits shall be required for the following permitted uses: Building construction/alteration, sewage treatment systems, and grading and filling.

All contractors, subcontractors, builders or other persons having charge of the erection, alteration, moving, change or remodeling of the exterior of any building or structure that will change the outside dimension of such building shall apply for a land use permit from the Clearwater County Zoning Administrator before beginning or undertaking such work. After the appropriate fee has been paid, and if the proposed work does not conflict with any portion of the Clearwater County Shoreland Management Ordinance, the permit shall be granted. If the permit is not granted, the reasons for such denial will be provided, in writing, to the applicant.

- A. Application for a permit shall be made to the Zoning Administrator on blank forms to be provided by the County. Each application for a permit to construct, alter, move or change a building shall be accompanied by a plan, drawn to scale, showing: the dimensions of the lot to be built upon; and the size and location of the buildings and accessory building. Applications for permits shall contain other such information as may be deemed necessary for the proper enforcement of this Ordinance.

- B. Permits for the installation of sewage treatment systems or grading and filling in shoreland areas must also be obtained from the Zoning Administrator before such installation or shoreland alteration has begun.
- C. All buildings, sanitary, excavation and related permits shall expire one year from the date of approval unless a written extension for extenuating circumstances is granted by the Zoning Administrator. Such extension shall not exceed a period of twelve months. No more than one extension may be granted for any permit.

Section 1105. Conditional Use Permits

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application to the Zoning Administrator, review and recommendation of the Planning Commission, and approval and issuance of a Conditional Use Permit by the Clearwater County Board of Commissioners. The applicant for a conditional use permit shall fill out and submit to the Zoning Administrator an application for Conditional Use Permit. When such application is submitted the appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Zoning Administrator and the Planning Commission prior to consideration of the permit.

- A. In considering the granting of any conditional use permit the Planning Commission and County Board of Commissioners shall evaluate the effect of the proposed use upon:
 - 1. the maintenance of the public health, safety and welfare;
 - 2. the prevention and control of water pollution, including sedimentation and nutrient loading;
 - 3. existing topography and drainage features and vegetative cover on the site;
 - 4. the location of the site with respect to floodplains and floodways of rivers or tributaries;
 - 5. the erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
 - 6. the location of the site with respect to existing and proposed access roads;
 - 7. its compatibility with adjacent land uses;
 - 8. the need for the proposed use for a shoreland location;
 - 9. the amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;
 - 10. the visibility of structures and other facilities as viewed from public waters;
 - 11. adequacy of the site for water supply and on-site sewage treatment systems;
 - 12. the types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.
- B. Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance that it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:
 - 1. type and extent of shore cover;
 - 2. increased yards and setbacks;
 - 3. specified sewage treatment and water supply facilities;
 - 4. landscaping and vegetative screening;
 - 5. periods and/or hours of operation;
 - 6. operational control sureties;
 - 7. deed restrictions;
 - 8. location of piers, docks, parking, and signs;
 - 9. type of construction;

A 148911

10. any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
- C. An applicant for a Conditional Use Permit may be required to furnish the Planning Commission, in addition to the information required for the building or other permit, the following:
1. a plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;
 2. location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
 3. plans of buildings, sewage treatment facilities, water supply systems, and arrangement of operations;
 4. specifications for areas of proposed grading, filling, lagooning, dredging, or other topographic alterations;
 5. other pertinent information necessary to determine if the proposal meets the requirements and intent of this Ordinance.
- D. The Planning Commission and the County Board, in evaluating each conditional use application may request the Clearwater Soil and Water Conservation District to make available expert assistance to assist in the evaluation and consideration of such application.

Section 1106. Variances and Appeals

- A. The Clearwater County Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official controls including restrictions placed on nonconformities. All such Variances shall be granted in accordance with M.S. Chapter 394. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases where 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. The Board of Adjustment shall consider the criteria set forth below when passing upon a variance request:
1. Has the applicant demonstrated a hardship? Hardship means that the property cannot be put to a reasonable use under conditions allowed by the Zoning Ordinance. Economic considerations alone do not constitute a hardship.
 2. Are there exceptional circumstances unique to this property which were not created by the land owner?
 3. Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance?
 4. Can the variance be granted without altering the essential character of the surrounding area?

The Board of Adjustment must make an affirmative finding on all of the four criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above has been satisfied. A variance shall not be granted for a use that is not permitted under this ordinance.

The Board may impose conditions upon a variance that relate to the purposes and objectives of this ordinance. If conditions are imposed, the variance shall not be effective until the conditions are fully complied with. A conditional variance shall be in effect only as long as the condition is complied with. If a condition is not complied with, the variance may be revoked and the County may pursue the enforcement remedies set forth in Section 1109 herein.

A 148911

- B. An applicant desiring a variance shall fill out and submit to the Clearwater County Zoning Administrator an Application for Consideration of Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment.
- C. The Zoning Administrator shall make a recommendation, in writing, to the Board of Adjustment who shall make the final decision after conducting a public hearing in accordance with M.S. 394.26 and the provisions of this Ordinance.
- D. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, which is available from the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Zoning Administrator.

Section 1107. Amendments

The procedure for amendments to this Ordinance shall be as follows:

- A. An amendment may be initiated by a property owner, the Planning Commission or the County Board of Commissioners. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Zoning Administrator. Such application shall be filled out and submitted to the Zoning Administrator together with the appropriate fee;
- B. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request;
- C. A public hearing on the amendment request shall be conducted by the Planning Commission within sixty (60) days following such initial meeting. The Public Hearing shall be conducted in accordance with M.S.394.26;
- D. The Planning Commission shall make a recommendation to the County Board of Commissioners after the proceedings of this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the County Board of Commissioners;
- E. The County Board shall consider the recommendation of the Planning Commission within thirty (30) days after the public hearing is conducted.

Section 1108. Public Notice and Hearing Requirements

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and final plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the Official newspaper of Clearwater County and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of variances, 500 feet; In the case of conditional uses, one quarter mile or the ten nearest properties, whichever provides notice to the most property owners; In the case of final plat approvals and amendments of official controls which affect specific properties, one half mile.
- B. The Commissioner of Natural Resources must also receive at least ten (10) days notification of hearings to be conducted concerning applications for conditional use permits; variances, amendments or final plat approvals. Notice of hearings to consider subdivisions must include copies of the proposed final plat.
- C. The Commissioner must also receive a copy of approved conditional use permits, variances, zoning amendments and final plats postmarked within ten (10) days of final action.

A 148911

Section 1109. Access to Private Property

The Zoning Administrator or his or her agent shall have the right, at all reasonable times, to enter upon private property for the purpose of administration or enforcement of this Ordinance. This includes the right to conduct investigations, sampling, test borings and other actions necessary for the enforcement of this Ordinance.

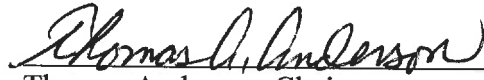
Section 1110. Enforcement and Penalties

- A. In the event of violation or threatened violation of this Ordinance, the County Board of Commissioners, in addition to other remedies including prosecution under Section 1110B of this Ordinance, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Clearwater County Attorney to institute such action.
- B. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provisions, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines provided by law. Each day that the violation continues shall constitute a separate offense.
- C. In the event that a violation of this Ordinance results in required staff time for the preparation of suggested remedial action, the cost of such staff time shall be recovered from the violator. Such payment shall be due within thirty (30) days of notification from the County. If such payment is not received within the specified time, such costs shall be certified to the County Auditor and shall be added to the property taxes of the violator.

Section 1111. Fees

In order to defray the administrative costs associated with the processing of applications for building and related permits, conditional use permits, variance requests, amendments and subdivision plat approval, a schedule of fees has been adopted by the Clearwater County Board of Commissioners. The schedule of fees shall be posted in the Office of Environmental Services, and may be altered or amended only by resolution of the County Board of Commissioners.


Passed this 18th day of April, 2006 by the Board of County Commissioners, Clearwater County, Minnesota.


Thomas Anderson, Chairman
County Board of Commissioners

Board of Commissioners

District 1: Keith Larson
District 2: Dean Newland
District 3: Kenneth Solberg
District 4: John A. Nelson
District 5: Thomas Anderson

ATTEST:


Emily Carpenter, Board Coordinator

A 148911