

# **Beltrami County**

## ***Shoreland Management Ordinance***

**Effective**

**May 5, 1992**

**Amended: July 1, 1997, May 4, 2004, February 7, 2006 and December 12, 2006**

**BELTRAMI COUNTY *SHORELAND MANAGEMENT ORDINANCE***

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## PREAMBLE

### Statutory Authorization

**This *Shoreland Ordinance* is adopted pursuant to the authority conferred by the State of Minnesota in Minnesota Statutes, 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 Beltrami 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 Beltrami County, and will be accomplished through the enforcement of this *Ordinance* which shall be known and cited as the Beltrami County *Shoreland Management Ordinance*.**

**Pursuant to the authority granted under Minnesota Statutes Section 375.51, the County Board of Beltrami County ordains:**

## 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. 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 Beltrami County Environmental Services Director or his/her authorized 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.

**AUDITOR.** The County Auditor of Beltrami County, or his/her authorized representative.

**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 water body.
- (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 water body.

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 from the toe of the bluff to the top of the bluff.

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

**BOARD OF COUNTY COMMISSIONERS.** The Beltrami County Board of Commissioners.

**BOATHOUSE.** A structure designed and 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.** That line measured across the length or width of a lot at the point at which the principal structure may not extend without violating setback provisions.

**CAMPGROUND.** An area accessible by vehicle and containing campsites or camping spurs for tent and/or trailer camping.

**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.

**CITY.** An incorporated municipality.

**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 parks and campgrounds, 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 services.

**COMMISSIONER.** The Commissioner of the Department of Natural Resources.

**COMMON INTEREST COMMUNITY (CIC).** Contiguous or non-contiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate or occupying a part of the real estate pursuant to a proprietary lease by reason of their ownership or occupancy to pay for real estate taxes levied against insurance premiums payable with respect to maintenance of; or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

**CONDITIONAL USE.** A land use or development as defined by this *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. A

conditional use must be compatible with the surrounding neighborhood.

**CONDOMINIUM.** Any real estate which satisfies the requirements set forth in the provisions of Minnesota Statutes, Chapter 515A, known as the Uniform Condominium Act.

**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 of stock or membership certificates in such entity to occupy said residential units.

**COUNTY.** The County of Beltrami, Minnesota.

**COUNTY BOARD.** The Beltrami County Board of Commissioners.

**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.

**DRIVEWAY.** A road not more than 1,000 feet in length providing access to a residential dwelling.

**DUPLEX, TRIPLEX AND QUAD.** 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 permanent or temporary movable shelter, including camping and recreational vehicle sites.

**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, but not limited to, 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 and state agencies decide whether a proposed action is a major action with a potential for significant environmental effects and, in the case of a 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 them not only to evaluate 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.

**FEEDLOT.** A lot or building or group of lots or buildings intended for the confined feeding, breeding, raising, or holding of animals. This definition includes areas specifically designed for confinement in which manure may accumulate or any area where the concentration of animals is such that a vegetative cover cannot be maintained.

**FENCE.** A partition, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

**FILL.** Soil, sand, gravel, rock or any similar material that is deposited, placed, pushed or transported.

**FINAL PLAT.** A drawing or map of an approved subdivision meeting all requirements of this Ordinance, the Beltrami County Subdivision Controls Ordinance and Minnesota Statutes, Chapter 505.

**FLOOD PLAIN.** The areas adjoining a lake, watercourse, or wetland which have been or hereafter may be covered by a regional 100 year 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 non-riparian lots, the 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.

**HARDSHIP.** As defined in Minnesota Statutes, Chapter 394, 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 the 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 lowest ground level at the structure, and the highest point of the structure.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS).** 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, auditor's 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, not including land located below the ordinary high water level of a lake or stream listed in this *Ordinance*.

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

**LOT WIDTH.** The horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**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, including a manufactured home, 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.

**MOUND SYSTEM.** A sewage treatment system where the soil treatment area is built above the ground to overcome limits imposed by proximity to the water table, bedrock or poor soil characteristics.

**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, and 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 such use, structure or parcel 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.

**OWNER.** A person or persons in whom title to property is vested, a person occupying property, any vendee, receiver, executor, trustee, lessee, agent or any other person directly or indirectly in control of property subject to this Ordinance.

**PARKING AREA.** Any area designed or designated for the purpose of parking more than six vehicles.

**PATIO.** 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 no point extending more than three feet above ground, including attachments.

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

**PERSON.** An individual, firm, corporation, government or governmental division or agency, business trust, estate, trust, partnership, organization, unincorporated association, or two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

**PLANNED UNIT DEVELOPMENT (PUD).** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, 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, or any other common interest community, and conversions of structures and land uses to these uses.

**PLANNING COMMISSION.** The Beltrami County Planning Commission as duly appointed by the Beltrami County Board of Commissioners.

**ENVIRONMENTAL SERVICES DIRECTOR.** The Environmental Services Director of Beltrami County or his/her authorized agent or representative.

**PUBLIC WATERS.** Any waters defined in Minnesota Statutes, Chapter 103G as public waters.

**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 portable vehicular structure built on a chassis designed to be used as a temporary dwelling for travel, vacation or other recreational 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, recreational vehicles, or a combination thereof, either free of charge or for compensation.

**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. Developments of more than four such dwelling units or sites shall be considered Residential Planned Unit Developments.

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

**RIPARIAN LOT.** A lot or parcel, any part of which abuts a public water.

**RIVER LOT.** Any lot or parcel, any part of which abuts a watercourse identified in Section 201.5 - 201.7 of this *Ordinance*.

**SEMIPUBLIC 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.

**SEPARATE OWNERSHIP.** The dominion, title and proprietary right to property, or a subdivision thereof, held by a person, or two or more persons, together having a joint or common interest separate from those properties or lots adjacent to the property or lot in question. Separate ownership may not be found if common ownership to adjacent property or lots has been divested in order to circumvent the minimum lot size and/or other restrictions of this Ordinance.

**SEPTIC TANK.** Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building's 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 absorption 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, including the septic tank and soil absorption 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; trench; drain field; and mounds.

**SEWER SYSTEM.** Pipelines, conduits, pumping stations, force main and all other construction, devices, appliances, or appurtenances used for conducting sewage, industrial waste or other waste 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 the required 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.

**SHORELAND ALTERATIONS.** Grading and filling in shoreland areas or any alteration of the natural topography of a shoreland subject to the provisions of this *Ordinance*.

**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.

**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, that 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 development, investment, sale, rent or lease, including planned unit developments.

**SUBSTANDARD LOT.** Any lot that does not conform to the minimum lot area prescribed by this *Ordinance*.

**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 business operation. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

**TEMPORARY STRUCTURE.** Any structure which has been erected or placed on a lot in order to be utilized for any purpose for a period not to exceed six (6) months. Any structure which is not a temporary structure is considered a permanent structure and must comply with all provisions of this *Ordinance*.

**TOE OF THE BLUFF.** The lower point of a fifty (50) foot bluff segment with an average slope in excess of eight (8) percent.

**TOP OF THE BLUFF.** The higher point of a fifty (50) foot bluff segment with an average slope in excess of eight (8) percent.

**TOWNSHIP.** Any township, including those with the statutory authority of a municipality.

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

**VARIANCE.** Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship. Variances shall only be granted in compliance with Minnesota Statutes, Chapter 394.

**VEGETATION MANAGEMENT PLAN.** A plan or proposal which describes the existing natural vegetation on shoreland property within the appropriate shoreland area, including trees, shrubs, grasses and other plant species, and which documents the shoreland owner's management objectives with respect to the preservation or removal of the natural vegetation in such areas.

**WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY.** A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the 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, and specifically excludes satellite dishes.

**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, as amended.

## **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*.

## **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 sewage treatment systems; the grading and filling of any shoreland area; the cutting or removal of shoreland vegetation; the construction or placement of signs; and the subdivision of land may only be undertaken in full compliance with the terms of this *Ordinance* and other applicable regulations. Any deviation from the terms of this *Ordinance* must be authorized by a Variance from the Board of Adjustment.

## **Section 104. Enforcement**

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.

## **Section 105. Interpretation**

The interpretation and application the provisions of this *Ordinance* shall be held to be minimum requirements and shall be liberally construed in favor of Beltrami County, and the purposes and policies of this *Ordinance*, and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. Interpretation shall be made by the Environmental Services Director, subject to appeal to the County Board of Adjustment.

## **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 upon its passage and publication pursuant to statute.

## ARTICLE II

### SHORELAND CLASSIFICATION SYSTEM

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

The shoreland for the water bodies listed in sections 201.1 through 201.7 shall be as defined in Section 101 of this *Ordinance* and as shown on the Official Shoreland Management Map for Beltrami County. The public waters of Beltrami County have been classified as follows:

#### Section 201.1 Special Protection (SP)

Lake ID Number	Lake Name	Township
4-4	McDonald	Brook Lake
4-5	Schram	Brook Lake
4-6	Tank	Brook Lake
4-9	Preston	Brook Lake
4-13	No Name	Brook Lake
4-14	Popple	Moose Lake
4-15	Little Rice	Moose Lake
4-17	Chinaman	Birch
4-18	Ellis	Birch
4-19	Anderson	Birch
4-20	Gimmer	Birch
4-21	Baumgartner	Birch
4-22	Webster	Birch
4-23	Holland	Birch
4-25	Fields	Summit
4-29	Norman	Waskish
4-31	Big Rice	Moose Lake
4-33	Benjamin	Birch
4-44	Luck	Ten Lake
4-47	No Name	Ten Lake
4-50	Meadow	Sugar Bush
4-51	Flora	Sugar Bush
4-52	Jessie	Sugar Bush
4-55	Loon	Taylor
4-57	Nelson	Taylor



<b>4-59</b>	<b>Rice Pond</b>	<b>Taylor</b>
<b>4-60</b>	<b>Fagen</b>	<b>Taylor</b>
<b>4-61</b>	<b>Drury</b>	<b>Taylor</b>

**Section 201.1 Special Protection (SP)**

<b>Lake ID Number</b>	<b>Lake Name</b>	<b>Township</b>
<b>4-62</b>	<b>Bass</b>	<b>Taylor</b>
<b>4-64</b>	<b>Gull</b>	<b>Taylor</b>
<b>4-66</b>	<b>Hanson</b>	<b>Taylor</b>
<b>4-67</b>	<b>Dutchman</b>	<b>Taylor</b>
<b>4-68</b>	<b>Erickson</b>	<b>Taylor</b>
<b>4-70</b>	<b>Crandall</b>	<b>Hines</b>
<b>4-71</b>	<b>No Name</b>	<b>Hines</b>
<b>4-72</b>	<b>Flenner</b>	<b>Hines</b>
<b>4-73</b>	<b>Funk</b>	<b>Hines</b>
<b>4-75</b>	<b>Road Side</b>	<b>Sugar Bush</b>
<b>4-78</b>	<b>No Name</b>	<b>Taylor</b>
<b>4-80</b>	<b>No Name</b>	<b>Frohn</b>
<b>4-90</b>	<b>No Name</b>	<b>Frohn</b>
<b>4-93</b>	<b>No Name</b>	<b>Turtle River</b>
<b>4-94</b>	<b>Campbell</b>	<b>Turtle River</b>
<b>4-96</b>	<b>Grandpa</b>	<b>Turtle River</b>
<b>4-97</b>	<b>Buck</b>	<b>Turtle River</b>
<b>4-102</b>	<b>Lynn</b>	<b>Turtle River</b>
<b>4-105</b>	<b>Preacher</b>	<b>Turtle River</b>
<b>4-112</b>	<b>Moose</b>	<b>Turtle River</b>
<b>4-113</b>	<b>No Name</b>	<b>Port Hope</b>
<b>4-114</b>	<b>School</b>	<b>Port Hope</b>
<b>4-116</b>	<b>No Name</b>	<b>Port Hope</b>
<b>4-117</b>	<b>No Name</b>	<b>Port Hope</b>
<b>4-121</b>	<b>Rice</b>	<b>Hagali</b>
<b>4-123</b>	<b>Cranberry</b>	<b>Hagali</b>
<b>4-125</b>	<b>Loon</b>	<b>Hagali</b>
<b>4-126</b>	<b>No Name</b>	<b>Hagali</b>
<b>4-127</b>	<b>No Name</b>	<b>Hagali</b>
<b>4-133</b>	<b>Gnat</b>	<b>Turtle River</b>
<b>4-134</b>	<b>Three Island</b>	<b>Port Hope</b>
<b>4-136</b>	<b>Hagali</b>	<b>Hagali</b>
<b>4-141</b>	<b>Carr</b>	<b>Bemidji</b>
<b>4-144</b>	<b>Addition</b>	<b>Bemidji</b>
<b>4-145</b>	<b>No Name</b>	<b>Bemidji</b>
<b>4-146</b>	<b>No Name</b>	<b>Bemidji</b>
<b>4-147</b>	<b>Britten</b>	<b>Northern</b>
<b>4-150</b>	<b>Sumac</b>	<b>Northern</b>

<b>4-151</b>	<b>Alice</b>	<b>Northern</b>
<b>4-153</b>	<b>Lindgren</b>	<b>Turtle lake</b>
<b>4-154</b>	<b>Larson</b>	<b>Turtle Lake</b>
<b>Section 201.1 Special Protection (SP)</b>		
<b>Lake ID</b>		
<b>Number</b>	<b>Lake Name</b>	<b>Township</b>
<b>4-155</b>	<b>Little Turtle</b>	<b>Turtle Lake</b>
<b>4-156</b>	<b>Range Line</b>	<b>Turtle Lake</b>
<b>4-158</b>	<b>Rice</b>	<b>Turtle Lake</b>
<b>4-161</b>	<b>Bailey</b>	<b>Turtle Lake</b>
<b>4-162</b>	<b>Fox</b>	<b>Turtle Lake</b>
<b>4-164</b>	<b>Horseman</b>	<b>Turtle Lake</b>
<b>4-165</b>	<b>Crane</b>	<b>Turtle Lake</b>
<b>4-170</b>	<b>Little Rice</b>	<b>Nebish</b>
<b>4-171</b>	<b>Anderson</b>	<b>Nebish</b>
<b>4-174</b>	<b>Rice</b>	<b>Nebish</b>
<b>4-175</b>	<b>George</b>	<b>Durand</b>
<b>4-176</b>	<b>Swamp</b>	<b>Durand</b>
<b>4-185</b>	<b>No Name</b>	<b>Nebish</b>
<b>4-186</b>	<b>No Name</b>	<b>Nebish</b>
<b>4-191</b>	<b>Bass</b>	<b>Nebish</b>
<b>4-196</b>	<b>Campbell</b>	<b>Liberty</b>
<b>4-197</b>	<b>Little Puposky</b>	<b>Durand</b>
<b>4-198</b>	<b>Puposky</b>	<b>Durand</b>
<b>4-210</b>	<b>No Name</b>	<b>Grant Valley</b>
<b>4-211</b>	<b>Boot Lake</b>	<b>Grant Valley</b>
<b>4-213</b>	<b>Stone</b>	<b>Grant Valley</b>
<b>4-216</b>	<b>Grass</b>	<b>Eckles</b>
<b>4-218</b>	<b>No Name</b>	<b>Eckles</b>
<b>4-219</b>	<b>Meadow</b>	<b>Eckles</b>
<b>4-227</b>	<b>Long</b>	<b>Liberty</b>
<b>4-229</b>	<b>Erick</b>	<b>Liberty</b>
<b>4-231</b>	<b>Ragged</b>	<b>Liberty</b>
<b>4-232</b>	<b>No Name</b>	<b>Liberty</b>
<b>4-235</b>	<b>Peterson</b>	<b>Liberty</b>
<b>4-240</b>	<b>Muskrat</b>	<b>Maple Ridge</b>
<b>4-242</b>	<b>Gun</b>	<b>Maple Ridge</b>
<b>4-243</b>	<b>Bog</b>	<b>Maple Ridge</b>
<b>4-245</b>	<b>Wheelock</b>	<b>Maple Ridge</b>
<b>4-247</b>	<b>Braas</b>	<b>Maple Ridge</b>
<b>4-248</b>	<b>Fawn</b>	<b>Maple Ridge</b>
<b>4-249</b>	<b>Fahul</b>	<b>Maple Ridge</b>
<b>4-250</b>	<b>Rice</b>	<b>Alaska</b>

<b>4-267</b>	<b>Ten Mile</b>	<b>Alaska</b>
<b>4-280</b>	<b>No Name</b>	<b>Eckles</b>
<b>4-286</b>	<b>Manomin</b>	<b>Jones</b>
<b>Section 201.1 Special Protection (SP)</b>		
<b>Lake ID</b>		
<b>Number</b>	<b>Lake Name</b>	<b>Township</b>
<b>4-287</b>	<b>No Name</b>	<b>Jones</b>
<b>4-289</b>	<b>No Name</b>	<b>Lammers</b>
<b>4-290</b>	<b>No Name</b>	<b>Lammers</b>
<b>4-291</b>	<b>No Name</b>	<b>Lammers</b>
<b>4-292</b>	<b>No Name</b>	<b>Lammers</b>
<b>4-294</b>	<b>No Name</b>	<b>Buzzle</b>
<b>4-296</b>	<b>Tepee</b>	<b>Buzzle</b>
<b>4-300</b>	<b>Whitefish</b>	<b>Buzzle</b>
<b>4-301</b>	<b>Horseshoe</b>	<b>Buzzle</b>
<b>4-302</b>	<b>Henson</b>	<b>Buzzle</b>
<b>4-303</b>	<b>Spring</b>	<b>Buzzle</b>
<b>4-309</b>	<b>Whitefish</b>	<b>Roosevelt</b>
<b>4-331</b>	<b>Dellwater</b>	<b>Alaska</b>

**Section 201.1 Special Protection (SP) (Boundary lakes)**

<b>Lake ID</b>		
<b>Number</b>	<b>Lake Name &amp; County</b>	<b>Township</b>
<b>4-1</b>	<b>Burns (Itasca County)</b>	<b>Brook Lake</b>
<b>4-36</b>	<b>Drewery (Cass County)</b>	<b>Ten Lake</b>
<b>4-342</b>	<b>Moose (Clearwater County)</b>	<b>Jones</b>
<b>31-942</b>	<b>Rice (Itasca County)</b>	<b>Moose Lake</b>

**Section 201.2 Sensitive Area (SA)**

<b>Lake ID Number</b>	<b>Lake Name</b>	<b>Township</b>
4-2	Bullhead	Brook Lake
4-8	Little Moose	Moose Lake
4-12	Little Pimushe	Moose Lake
4-27	Borden	Hornet
4-39	Silver	Ten Lake
4-40	Blue Sky	Ten Lake
4-41	Ten	Ten Lake
4-48	Windigo	Ten Lake
4-54	Muskrat	Taylor
4-56	Carter	Taylor
4-65	No Name	Taylor
4-74	Smith	Hines
4-77	Flora	Sugar Bush
4-84	No Name	Frohn
4-86	Stocking	Frohn
4-87	School	Frohn
4-89	Ose	Frohn
4-91	Jaurkishi	Frohn
4-92	Gallagher	Turtle River
4-95	Little Sandy	Turtle River
4-100	No Name	Turtle River
4-106	Parkers	Turtle Lake
4-108	Lamon's	Turtle River
4-115	Pool	Port Hope
4-119	Peterson	Port Hope
4-124	Sandy	Hagali
4-129	No Name	O'Brien
4-131	No Name	Frohn
4-138	Jackson	Hagali
4-139	Bass	Hagali
4-149	Bakkum	Northern
4-157	Black	Turtle Lake
4-163	Des Moines	Turtle Lake
4-168	Polly Wog	Nebish
4-169	Marcus	Nebish
4-173	Long Slough	Durand
4-178	Strand	Durand
4-179	Upper Lindgren	Durand

<b>4-187</b>	<b>No Name</b>	<b>Nebish</b>
<b>4-190</b>	<b>Nebish</b>	<b>Nebish</b>
<b>4-192</b>	<b>Smythe</b>	<b>Nebish</b>

**Section 201.2 Sensitive Area (SA)**

<b>Lake ID Number</b>	<b>Lake Name</b>	<b>Township</b>
<b>4-202</b>	<b>No Name</b>	<b>Grant Valley</b>
<b>4-203</b>	<b>No Name</b>	<b>Grant Valley</b>
<b>4-204</b>	<b>Twin Lakes</b>	<b>Grant Valley</b>
<b>4-205</b>	<b>No Name</b>	<b>Grant Valley</b>
<b>4-206</b>	<b>No Name</b>	<b>Grant Valley</b>
<b>4-207</b>	<b>No Name</b>	<b>Grant Valley</b>
<b>4-208</b>	<b>Miss</b>	<b>Grant Valley</b>
<b>4-214</b>	<b>Miller</b>	<b>Grant Valley</b>
<b>4-215</b>	<b>Fern</b>	<b>Grant Valley</b>
<b>4-220</b>	<b>No Name</b>	<b>Eckles</b>
<b>4-222</b>	<b>No Name</b>	<b>Eckles</b>
<b>4-224</b>	<b>Harley</b>	<b>Eckles</b>
<b>4-228</b>	<b>Round</b>	<b>Liberty</b>
<b>4-233</b>	<b>Mud</b>	<b>Liberty</b>
<b>4-236</b>	<b>No Name</b>	<b>Liberty</b>
<b>4-237</b>	<b>Pony</b>	<b>Liberty</b>
<b>4-238</b>	<b>Ess</b>	<b>Liberty</b>
<b>4-239</b>	<b>No Name</b>	<b>Liberty</b>
<b>4-241</b>	<b>Grenn</b>	<b>Maple Ridge</b>
<b>4-244</b>	<b>Boston</b>	<b>Maple Ridge</b>
<b>4-246</b>	<b>Stray Horse</b>	<b>Maple Ridge</b>
<b>4-264</b>	<b>No Name</b>	<b>Alaska</b>
<b>4-282</b>	<b>Mina</b>	<b>Alaska</b>
<b>4-288</b>	<b>No Name</b>	<b>Lammers</b>
<b>4-295</b>	<b>Long</b>	<b>Buzzle</b>
<b>4-298</b>	<b>Little Buzzle</b>	<b>Buzzle</b>
<b>4-299</b>	<b>Funkley</b>	<b>Buzzle</b>
<b>4-304</b>	<b>Myrtle</b>	<b>Roosevelt</b>
<b>4-305</b>	<b>Steins</b>	<b>Roosevelt</b>
<b>4-306</b>	<b>Little Sandy</b>	<b>Roosevelt</b>
<b>4-307</b>	<b>Sandy</b>	<b>Roosevelt</b>
<b>4-326</b>	<b>Moose</b>	<b>Alaska</b>
<b>4-327</b>	<b>Barr</b>	<b>Alaska</b>
<b>4-329</b>	<b>Balm</b>	<b>Alaska</b>

**Section 201.2 Sensitive Area (SA) (Boundary lakes)**

<b>Lake ID Number</b>	<b>Lake Name &amp; County</b>	<b>Township</b>
<b>31-943</b>	<b>Coleman (Itasca County)</b>	<b>Birch</b>
<b>31-944</b>	<b>Damon (Itasca County)</b>	<b>Birch</b>

**Section 201.3 Natural Environment Lakes (NE)**

<b>Lake ID Number</b>	<b>Lake Name</b>	<b>Township</b>
<b>4-37</b>	<b>No Name</b>	<b>Ten Lake</b>
<b>4-43</b>	<b>Lost</b>	<b>Ten Lake</b>
<b>4-45</b>	<b>Little Lost</b>	<b>Ten Lake</b>
<b>4-46</b>	<b>Mission</b>	<b>Ten Lake</b>
<b>4-58</b>	<b>Carla</b>	<b>Taylor</b>
<b>4-98</b>	<b>Button</b>	<b>Turtle River</b>
<b>4-99</b>	<b>No Name</b>	<b>Turtle River</b>
<b>4-128</b>	<b>No Name</b>	<b>Hagali</b>
<b>4-167</b>	<b>Dark</b>	<b>Nebish</b>
<b>4-172</b>	<b>Silver</b>	<b>Nebish</b>
<b>4-177</b>	<b>Peterson</b>	<b>Durand</b>
<b>4-212</b>	<b>Steinbrook</b>	<b>Grant Valley</b>
<b>4-221</b>	<b>No Name</b>	<b>Eckles</b>
<b>4-223</b>	<b>No Name</b>	<b>Eckles</b>
<b>4-234</b>	<b>Wolf</b>	<b>Liberty</b>
<b>4-262</b>	<b>Crookston</b>	<b>Alaska</b>
<b>4-263</b>	<b>No Name</b>	<b>Alaska</b>
<b>4-308</b>	<b>Perch</b>	<b>Roosevelt</b>
<b>4-319</b>	<b>Alaska</b>	<b>Alaska</b>
<b>4-322</b>	<b>Sylvia</b>	<b>Alaska</b>

**Section 201.3 Natural Environment Lakes (Boundary Lakes)**

<b>Lake ID Number</b>	<b>Lake Name &amp; County</b>	<b>Township</b>
<b>4-344</b>	<b>Parks (Clearwater County)</b>	<b>Alaska</b>
<b>15-3</b>	<b>Pickerel (Clearwater County)</b>	<b>Alaska</b>

**Section 201.4 Recreational Development Lakes (RD)**

<b>Lake ID Number</b>	<b>Lake Name</b>	<b>Township</b>
4-3	Pug Hole	Brook Lake
4-7	Kitchi	Brook Lake
4-11	Moose	Moose Lake
4-16	Little Gilstad	Birch
4-24	Gilstad	Birch
4-32	Pimushe	Moose Lake
4-34	Rabideau	Birch
4-38	Andrusia	Ten Lake
4-49	Big	Sugar Bush
4-53	South Twin	Taylor
4-63	North Twin	Taylor
4-69	Blackduck	Hines
4-76	Long	Turtle River
4-85	Swenson	Frohn
4-110	Little Bass	Turtle River
4-111	Turtle River	Turtle River
4-120	Gull	Port Hope
4-122	Medicine	Hagali
4-132	Big Bass	Turtle River
4-135	Beltrami	Turtle Lake
4-137	Whitefish	Nebish
4-142	Marquette	Bemidji
4-152	Movil	Turtle Lake
4-159	Turtle	Turtle Lake
4-166	Julia	Turtle Lake
4-217	Grant	Grant Valley
4-230	Deer	Liberty
4-265	Island	Alaska
4-297	Buzzle	Buzzle

**Section 201.4 Recreational Development Lakes (RD)(Boundary Lakes)**

<b>Lake ID Number</b>	<b>Lake Name &amp; County</b>	<b>Township</b>
4-79	Wolf, Big (Hubbard & Cass Co.)	Frohn
4-343	Clearwater (Clearwater Co.)	Roosevelt
15-2	Haggerty (Clearwater Co.)	Roosevelt
29-71	Grace (Hubbard Co.)	Frohn
29-156	Plantaganet (Hubbard Co.)	Bemidji

**Section 201.5. General Development Lakes (GD)**

<b>Lake ID Number</b>	<b>Lake Name</b>	<b>Township</b>
<b>4-30</b>	<b>*Cass (Shared with Cass Co.)</b>	<b>Brook Lake Ten Lake</b>
<b>4-35</b>	<b>Red</b>	<b>Multiple Townships</b>
<b>4-42</b>	<b>Buck</b>	<b>Ten Lake</b>
<b>4-130</b>	<b>*Bemidji</b>	<b>Northern-Bemidji</b>
<b>4-140</b>	<b>*Irving</b>	<b>Bemidji</b>

**\*Also subject to MHB Ordinance No. 10.**

**Section 201.6. Remote River Segments (RR)**

<b><u>River</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
Roseau	Border of Beltrami and Lake of the Woods Counties	Border of Beltrami and Lake of the Woods Counties
North Branch Battle	East section line, Sec. 2, T152N, R31W	County Highway 23 bridge, west section line, Sec. 4, T152N, R31W
Clearwater	South section line, Sec. 5, T148N, R35W	Inlet of Clearwater Lake in Sec. 18, T149N, R35W
Turtle	West section line, Sec. 32, T148N, R31W	Inlet of Kitchi Lake in Sec. 6, T146N, R30W

**Section 201.7. Forested River Segments (FR)**

<b><u>River</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
North Branch Battle	County Highway 23 bridge, east section line, Sec. 5, T152N, R31W	Confluence with Battle River in Sec. 22, T152N, R32W
Battle	Confluence with North Branch Battle River in Sec. 22, T152N, R32W	Inlet of Lower Red Lake in Sec. 28, T152N, R32W
Blackduck	Outlet of Blackduck Lake in Sec. 4, T149N, R31W	Inlet of Lower Red Lake in Sec. 20, T151N, R32W
North Cormorant	Border of Beltrami and Koochiching Counties	Confluence with Blackduck River in Sec. 3, T151N, R32W
Clearwater	Border of Beltrami and Clearwater Counties	North section line, Sec. 8, T148N, R35W
Turtle	Outlet of Deer Lake in Sec. 5, T148N, R34W	East section line, Sec. 31, T148N, R31W
<b><u>River</u></b> Turtle	<b><u>From</u></b> Outlet of Kitchi Lake in Sec. 7, T146N, R30W	<b><u>To</u></b> Inlet of Cass Lake in Sec. 7, T146N, R30W



**Section 201.8. Tributary River Segments (Tr)**

<u>Tributary</u>	<u>From</u>	<u>To</u>
South Fork Roseau River	Sec. 4, T158N, R38W	Sec. 5 (at Border of Roseau County), T158, R38W
Unnamed to Moose River	Sec. 13, T157, R38W	Sec. 2 (at confluence with Moose River), T157N, R38W
Manomin Creek	Sec. 21, T154, R35W	Sec. 28 (at Basin 4-35), T154N, R34W
Tamarac River	Sec. 24 (at Border with Koochiching County) T154N, R30W	Sec. 8 (at Basin 4-35) T154N, R30W
Lost River	Sec. 13, T154N, R30W	Sec. 13, T154N, R30W
Unnamed to Tamarac River	Sec. 1, T154N, R30W	Sec. 11 (at confluence with Tamarac River) T154N, R30W
Shotley Brook	Sec. 21, T153N, R30W	Sec. 10 (at Basin 4-35) T153N, R31W
Sucker Creek	Sec. 32, T153N, R32W	Sec. 1 (at Basin 4-35) T152N, R33W
South Branch Battle River	Sec. 12 (at Border of Koochiching County) T151N, R30W	Sec. 22 (at confluence with North Branch Battle River) T152N, R32W
Unnamed to South Branch Battle River	Sec. 17, T152N, R31W	Sec. 18 (at confluence with South Branch Battle River) T152N, R32W
Unnamed to South Branch Battle River	Sec. 32, T152N, R30W Branch Battle River) T152N, R31W	Sec. 36 (at confluence with South
Unnamed to Blackduck River	Sec. 16, T150N, R32W	Sec. 20 (at confluence with Blackduck River) T151N, R32W
Unnamed to North Cormorant River	Sec. 19, T151N, R30W	Sec. 4 (at confluence with North Cormorant River) T151N, R31W
Meadow Creek	Sec. 10, T151N, R30W	Sec. 3 (at confluence with North Cormorant River) T151N, R31W
Unnamed to North Cormorant River	Sec. 27, T151N, R30W	Sec. 7 (at confluence with North Cormorant River) T151N, R30W
Squaw Creek	Sec. 13 (at CSAH 13) T151N, R32W	Sec. 10 (at confluence with Blackduck River) T151N, R32W
South Cormorant River	Sec. 24 (at Border with Itasca County) T150N, R30W	Sec. 26 (at confluence with Blackduck River) T151N, R32W

## Section 201.8. Tributary River Segments (Tr)

<u>Tributary</u>	<u>From</u>	<u>To</u>
Perry Creek	Sec. 25, T151N, R31W	Sec. 25 (at confluence with South Cormorant River) T151N, R32W
Prairie Creek	Sec. 9, T150N, R30W	Sec. 27 (at confluence with Perry Creek) T151N, R31W
Detling Creek	Sec. 10, T150N, R31W	Sec. 31 (at confluence with South Cormorant River) T151N, R31W
Sucker Creek	Sec. 8, T150N, R30W	Sec. 2 (at confluence with South Cormorant River) T150N, R31W
Spring Creek	Sec. 9, T149N, R30W	Sec. 18 (at confluence with South Cormorant River) T150N, R30W
Hagen Branch	Sec. 3, T149N, R30W	Sec. 19 (at confluence with Spring Creek) T150N, R30W
Unnamed to Spring Creek	Sec. 9, T149N, R30W	Sec. 9 (at confluence with Spring Creek) T149N, R30W
Unnamed to Spring Creek	Sec. 10, T149N, R30W	Sec. 9 (at confluence with Spring Creek) T149N, R30W
Unnamed to South Cormorant River	Sec. 36, T150N, R30W	Sec. 22 (at confluence with South Cormorant River) T150N, R30W
O'Brien Creek	Sec. 24 (at Basin 4-125) T149N, R32W	Sec. 35 (at confluence with Blackduck River) T151N, R32W
Darrigans Creek	Sec. 30 (at Basin 4-139) T149N, R32W	Sec. 14 (at confluence with O'Brien Creek) T150N, R32W
Unnamed to Darrigans Creek	Sec. 19 (at Basin 4-124) T149N, R32W	Sec. 18 (at confluence with Darrigans Creek) T149N, R32W
Unnamed to O'Brien Creek	Sec. 32, T150N, R31W	Sec. 24 (at confluence with O'Brien Creek) T150N, R32W
Unnamed to O'Brien Creek	Sec. 10 (at Basin 4-122) T149N, R32W	Sec. 11 (at confluence with O'Brien Creek) T149N, R32W
Unnamed to Blackduck River	Sec. 20, T150N, R31W	Sec. 1 (at confluence with Blackduck River) T150N, R32W
Unnamed to Blackduck River	Sec. 25, T150N, R31W	Sec. 22 (at confluence with Blackduck River) T150N, R31W
Unnamed to Unnamed	Sec. 26, T150N, R31W limit) T149N, R31W	Sec. 22, T150N, R31W R31W
Coburn Creek	Sec. 13 (at Blackduck corporate	Sec. 11 (at Basin 4-69) T149N,

## Section 201.8. Tributary River Segments (Tr)

<u>Tributary</u>	<u>From</u>	<u>To</u>
Hay Creek	Sec. 15 (at Basin 4-374) T149N, R33W	Sec. 19 (at Basin 4-35) T151N, R32W
Unnamed to Hay Creek	Sec. 18, T150N, R32W	Sec. 31 (at confluence with Hay Creek), T151N, R32W
Unnamed Tributary	Sec. 10, T150N, R33W	Sec. 23 (at Basin 4-35) T151N, R33W
Unnamed to Unnamed	Sec. 3, T150N, R33W	Sec. 23 (at confluence with unnamed tributary) T151N, R33W
Unnamed to Unnamed	Sec. 12, T150N, R33W	Sec. 1 (at confluence with unnamed tributary) T150N, R33W
Mud River	Sec. 34 (at Basin 4-178) T149N, R33W	Sec. 20 (at Basin 4-35) T151N, R33W
Unnamed to Lower Red Lake	Sec. 18, T150N, R33W	Sec. 24 (at Basin 4-35) T151N, R34W
Pike (Pine) Creek	Sec. 11, T149N, R34W	Sec. 21 (at Basin 4-35) T151N, R34W
Unnamed to Pike (Pine) Creek	Sec. 35 (at Basin 4-250) T150N, R34W	Sec. 35 (at Basin 4-249) T150N, R34W
Little Rock Creek	Sec. 22, T150N, R34W	Sec. 27 (at Basin 4-35) T151N, R35W
Unnamed to Little Rock Creek	Sec. 29 (at Basin 4-265) T150N, R34W	Sec. 6 (at confluence with Little Rock Creek) T150N, R34W
Big Rock Creek	Sec. 21 (at Basin 4-327) T150N, R35W	Sec. 30, T151N, R35W (at border of Beltrami and Clearwater Counties)
Shell Creek	Sec. 30 (at Basin 4-282) T150N, R34W	Sec. 3 (at confluence with Big Rock Creek) T150N, R35W
Sandy River	Sec. 25, T149N, R35W	Sec. 19 (at border of Beltrami and Clearwater Counties) T150N, R35W
Unnamed to Sandy River	Sec. 2, T148N, R35W	Sec. 3 (at confluence with Sandy River) T149N, R35W
Unnamed to Sandy River	Sec. 5, T149N, R34W	Sec. 2 (at confluence with Sandy River) T149N, R35W
Unnamed to Sandy River	Sec. 13 (at Basin 4-423) T149N, R35W	Sec. 11 (at confluence with Sandy River) T149N, R35W

## Section 201.8. Tributary River Segments (Tr)

<u>Tributary</u>	<u>From</u>	<u>To</u>
Unnamed to Clearwater River	Sec. 19 (at Basin 4-407) T149N, R35W	Sec. 18 (at border of Beltrami and Clearwater Counties) T149N, R35W
Unnamed to Clearwater River	Sec. 35 (at Basin 4-303) T148N, R35W	Sec. 20 (at confluence with Clearwater River) T148N, R35W
Mosquito (Oak) Creek	Sec. 24, T153N, R36W	Sec. 36 (at Basin 4-35) T153N, R36W
Unnamed to Mosquito (Oak) Creek	Sec. 19, T153N, R35W Oak Creek) T153N, R35W	Sec. 30 (at confluence with
Lydick Brook	Sec. 36 (at border of Beltrami and Cass Counties) T146N, R30W	Sec. 36 (at border of Beltrami and Cass Counties) T146N, R30W
Skimmerhorn Creek	Sec. 24 (at Basin 4-460) T149N, R30W	Sec. 36 (at border of Beltrami and Itasca Counties) T149N, R30W
Turtle River	Sec. 32 (at Basin 4-246) T149N, R34W	Sec. 5 (at Basin 4-230) T148N, R34W
Kitchi Creek	Sec. 1 (at Basin 4-1) T146N, R30W	Sec. 4 (at Basin 4-7) T146N, R30W
Sucker Creek	Sec. 22 (at Basin 4-11) T147N, R30W	Sec. 4 (at confluence with Kitchi Creek) T146N, R30W
North Branch Turtle River	Sec. 30 (at Basin 4-364) T149N, R30W	Sec. 23 (at confluence with Turtle River) T147N, R31W
Unnamed to North Branch Turtle River	Sec. 22 (at Basin 4-59) T148N, R31W Turtle River	Sec. 22 (at confluence of North Branch Turtle River) T148N, R31W
Unnamed to North Branch Turtle River	Sec. 3 (at Basin 4-66) T148N, R31W Branch Turtle River) T148N,	Sec. 14 (at confluence of North R31W
Everton Creek	Sec. 22 (at Basin 4-395) T149N, R30W	Sec. 32 (at Basin 4-24) T149N, R30W
Unnamed to Turtle River	Sec. 6 (at Basin 4-75) T147N, R31W	Sec. 32 (at confluence with Turtle River) T148N, R31W
Gull River	Sec. 1 (at Basin 4-120), T148N, R32W	Sec. 32, T148N, R31W (at confluence with Turtle River)
Unnamed to Turtle River	Sec. 18, T148N, R31W	Sec. 31 (at confluence with Turtle River) T148N, R31W
Unnamed to Turtle River Lake	Sec. 25 (at Basin 4-117) T148N, R32W	Sec. 3 (at Basin 4-111) T147N, R32W
Unnamed to Three Island Lake	Sec. 36 (at Basin 4-446) T149N, R33W	Sec. 24 (at Basin 4-134) T148N, R33W

**Section 201.8. Tributary River Segments (Tr)**

<u>Tributary</u>	<u>From</u>	<u>To</u>
Unnamed to Three Island Lake	Sec. 9 (at Basin 4-154) T148N, R33W	Sec. 23 (at Basin 4-134) T148N, R33W
Unnamed to Turtle River	Sec. 26 (at Basin 4-235) T148N, R34W	Sec. 13 (at confluence with Turtle River) T148N, R34W
Unnamed to Lake Andrusia	Sec. 13 (at Basin 4-96) T147N, R32W	Sec. 8 (at Basin 4-38) T146N, R31W
Unnamed to Lake Bemidji	Sec. 24 (at Basin 4-132) T147N, R33W	Sec. 23 (at Basin 4-130) T147N, R33W
Schoolcraft River	Sec. 31 (at Basin 29-156) T146N, R33W	Sec. 29 (at Basin 4-141) T146N, R33W
Unnamed to Mississippi River	Sec. 29 (at Basin 4-211) T146N, R34W	Sec. 28 (at confluence with Mississippi River) T146N, R34W
Little Mississippi River	Sec. 18 (at Basin 4-342) T146N, R35W	Sec. 25 (at confluence with Mississippi River) T146N, R35W
Grant Creek	Sec. 10 (at Basin 4-292) T147N, R35W	Sec. 32 (at corporate limits of Wilton) T147N, R34W
Grant Creek	Sec. 3 (at corporate limits of Wilton) T146N, R34W	Sec. 24 (at confluence with Little Mississippi River) T146N, R35W
Unnamed to Grant Creek	Sec. 4 (at Basin 4-217) T146N, R34W	Sec. 4 (at confluence with Grant Creek) T146N, R34W
Unnamed to Grant Creek	Sec. 36, T147N, R35W	Sec. 32 (at confluence with Grant Creek) T147N, R34W
Unnamed to Unnamed	Sec. 25, T147N, R35W	Sec. 31 (at confluence with unnamed tributary) T147N, R34W
Unnamed to Moose Lake	Sec. 6 (at border of Beltrami and Clearwater Counties) T146N, R35W	Sec. 18 (at Basin 4-342) T146N, R35W

All protected watercourses in Beltrami County shown on the Protected Waters Inventory map for Beltrami County, which is hereby adopted by reference, not given a classification in Sections 201.1 through 201.7 of this *Ordinance*, shall be considered 'tributary'.

## **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. Special Protection (SP)
2. Sensitive Area (SA)
3. Natural Environment (NE)
4. Recreational Development (RD)
5. General Development (GD)
6. Remote River (RR)
7. Forested River (FR)
8. Tributary (Tr)

#### **Section 302. Management Goals and Objectives**

1. The Special Protection (SP) management district is established in order to protect shorelands of waters that are particularly vulnerable to pollution; to maintain a minimal density of development, and to maintain high standards of quality for permitted development.
2. The Sensitive (SA) management district is established to properly manage areas which may be sensitive to development due to flooding, steep slopes, erosion, limiting soil conditions, the presence of wetlands, or other physical constraints.
3. 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.
4. The 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.
5. 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.
6. The Remote River (RR) management district is established to preserve wilderness and near wilderness settings along protected watercourses.

7. The Forested River (FR) management district is established to maintain existing levels of development densities while preserving the natural setting along protected watercourses.
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 Beltrami County Environmental Services Department, is hereby adopted by reference. Said map may be amended, from time to time, by approval of the County Board.

**ARTICLE IV**

**SHORELAND MANAGEMENT DISTRICT REQUIREMENTS**

**Section 401. Permitted, Conditional and Non-Permitted Uses**

The following table shows the permitted, conditional, and some non-permitted uses for each of the shoreland management districts. Uses identified as Permitted (P) in a particular management district are allowed provided that all of the requirements of this *Ordinance* are complied with and a permit, if applicable, has been obtained. Uses identified as Conditional (C) are allowed provided that the applicant meets certain predetermined conditions as prescribed in this *Ordinance*, and a Conditional Use Permit is obtained. Uses either identified as Non-permitted (N), or those uses which are not identified as either permitted or conditional uses in a particular management district, are not allowed.

**TABLE 1**

**USE BY MANAGEMENT DISTRICT**

**Management District**

**I. Single Multi-Family Residential Use**

	<u>GD</u>	<u>RD</u>	<u>NE</u>	<u>SA</u>	<u>SP</u>	<u>River Segments</u>
Single Family Homes	P	P	P	P	P	P
Manufactured Homes	P	P	P	P	P	P
Mobile Homes	P	P	P	P	P	P
Accessory Buildings	P	P	P	P	P	P
Decks, Stairways & Handicapped Access	P	P	P	P	P	P
Fences	P	P	P	P	P	P

**TABLE 1 (CONTINUED)**

**USE BY MANAGEMENT DISTRICT**

	<b>Management District</b>					<b>River</b>
	<b><u>GD</u></b>	<b><u>RD</u></b>	<b><u>NE</u></b>	<b><u>SA</u></b>	<b><u>SP</u></b>	<b><u>Segments</u></b>
Agricultural Uses	P	P	P	P	P	P
Forestry Use	P	P	P	P	P	P
Private Roads necessary for a permitted or conditional use	P	P	P	P	C	P
Driveways	P	P	P	P	P	P
Duplex, Triplex, Quads	P	P	N	N	N	N
Residential Planned Unit Development Uses	C	C	C	C	C	C
Water-Oriented Accessory Structures	P	P	P	C	N	P
Guest Cottages	P	P	P	C	N	P
<b>II. Water-Oriented Commercial-Recreational Use</b>						
	<b><u>GD</u></b>	<b><u>RD</u></b>	<b><u>NE</u></b>	<b><u>SA</u></b>	<b><u>SP</u></b>	<b><u>River Segments</u></b>
Commercial Planned Unit Developments	C	C	C	C	C	N
Hotels and Motels	C	C	N	N	N	N
Restaurants and Dinner Clubs	C	C	N	N	N	N
Drive Ins	C	C	N	N	N	N
Taverns	C	C	N	N	N	N
Retail Business	C	C	N	N	N	C
Novelty Shops	C	C	N	N	N	N
Service Facilities	C	C	N	N	N	N
Gas Station	C	C	N	N	N	N
Riding Stables	C	C	N	N	N	N
Marina	C	C	N	N	N	N
Sea Plane Base	C	C	N	N	N	N
Utility Transmission Power Line	C	C	C	C	C	C
Govt. Campground	C	C	C	N	N	C
Private Campground	C	C	C	N	N	C
Golf Courses	C	C	C	N	N	N
<b>III. Public Uses</b>						
Public Access Boat Ramp	C	C	C	C	C	C
Signs necessary for Public Health Safety and recreational Uses	P	P	P	P	P	P
New Public Roads	C	C	C	C	C	C
Mining	P	P	C	N	N	N
Extractive	C	C	C	N	N	N

All uses, whether permitted or conditional, with the exception of Agricultural and Forestry Uses, require a permit from the Environmental Services Department.



**ARTICLE V**

**HEIGHT AND PLACEMENT REGULATIONS**

Except as otherwise specifically provided for in this *Ordinance*, no new lot shall be created by plat, metes and bounds description or otherwise which does not meet the minimum dimensional requirements specified in this *Ordinance*. No lot area shall be 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 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 Special Protection Lake District (SP)**

<u>Riparian Lots</u>	<u>Non-Riparian Lots</u>
217,800 Sq. Ft. (5 acres)	217,800 Sq. Ft. (5 acres)

**\* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1 – 8 wetland.**

**Section 501.2. Sensitive Area District (SA)**

<u>Riparian Lots</u>	<u>Non-Riparian Lots</u>
130,680 Sq. Ft. (3 acres)	130,680 Sq. Ft. (3 acres)

**\* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1 – 8 wetland.**

**Section 501.3. Natural Environment Lake District (NE)**

<u>Riparian Lots</u>	<u>Non-Riparian Lots</u>
Single    87,120 Sq. Ft. (2 acres)	Single    87,120 Sq. Ft. (2 acres)

**\* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1 – 8 wetland.**

**Section 501.4. Recreational Development Lake District (RD)**

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	45,000 Sq. Ft.	Single	45,000 Sq. Ft.
Duplex	90,000 Sq. Ft.	Duplex	90,000 Sq. Ft.
Triplex	135,000 Sq. Ft.	Triplex	135,000 Sq. Ft.
Quad	180,000 Sq. Ft.	Quad	180,000 Sq. Ft.

**\* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1 – 8 wetland.**

**Section 501.5. General Development Lake District (GD)**

<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.

**\* Lot area must contain a minimum of 20,000 square feet of contiguous land that is not a Type 1 – 8 wetland for Riparian lots and a minimum of 40,000 square feet of land that is not Type 1 – 8 wetland for Non-Riparian lots.**

**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. Special Protection Lake District (SP)**

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	400 Ft.	Single	400 Ft.

**Section 502.2. Sensitive Area Lake District (SA)**

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	300 Ft.	Single	300 Ft.

**Section 502.3. Natural Environment Lakes (NE)**

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	200 Ft.	Single	200 Ft.

**Section 502.4. Recreational Development Lake District (RD)**

<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 502.5. General Development Lake District (GD)**

<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 502.6. River Segment and Tributary Districts**

	<u>Remote (RR)</u>	<u>Forested (FR)</u>	<u>Tributaries (Tr)</u>
Single	300	200	100
Duplex	450	300	150
Triplex	600	400	200
Quad	750	500	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. Special Protection Lake District (SP)**

Structure setback from ordinary high water level	150 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from side lot line	10 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 503.2. Sensitive Area Lake District (SA)**

Structure setback from ordinary high water level	150 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from side lot line	10 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 503.3. Natural Environment Lake District (NE)**

Structure setback from ordinary high water level	150 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from side lot line	10 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 503.4. Recreational Development Lake District (RD)**

Structure setback from ordinary high water level	100 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from side lot line	10 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 503.5. General Development Lake District (GD)**

Structure setback from ordinary high water level	75 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from side lot line	10 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	75 Ft.

**Section 503.6. Remote River Segment District (RR)**

Structure setback from ordinary high water level	200 Ft.
Structure setback from top of bluff	30 Ft.
Structure setback from side lot line	10 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 200 Ft.

**Section 503.7. Forested River Segment District (FR)**

Structure setback from ordinary high water level 150 Ft.  
Structure setback from top of bluff 30 Ft.  
Structure setback from side lot line 10 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 503.8. Tributary District (Tr)**

Structure setback from ordinary high water level 100 Ft.  
Structure setback from top of bluff 30 Ft.  
Structure setback from side lot line 10 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 504. Bluff Impact Zones**

Structures or facilities, except stairways and landings, must not be placed within bluff impact zones. All structures must be setback 30 feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

**Section 505. Height of Structures**

No structure, except churches and non-residential agricultural structures, shall exceed thirty-five (35) feet in height.

**Section 506. 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 unless such structure is constructed above a pre-existing garage. In such cases the maximum height shall be 25 feet.
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.

4. if sanitary facilities are to be provided to a guest cottage, such facilities must utilize the same treatment system as the principal structure.

## **Section 507. Design Criteria for Structures**

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

### **Section 507.1. 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:

- A. for lakes, by placing the lowest floor at a level at least three feet above the highest known water level; or 3 feet above the ordinary high water level, whichever is greater.
- B. 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 507.2. 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:

- A. 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.
- B. 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
- C. canopies or roofs are not allowed on stairways, lifts, or landings
- D. 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
- E. 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.

- F. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed as a permitted use 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 Rules 1341, are complied with.

### **Section 508. Significant Historic Sites**

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 509. Steep Slopes**

No construction of structures, sewage treatment systems, roads or driveways or other improvements may be undertaken on steep slopes within the jurisdiction of this *Ordinance* without the approval of a Vegetative Management Plan completed by the Beltrami Soil & Water Conservation District. The Beltrami County Environmental Services Department 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. Upon evaluation of the Beltrami Soil and Water Conservation District Report, the Planning Commission may place necessary conditions in order 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.

## **ARTICLE VI**

### **NONCONFORMITIES AND SUBSTANDARD LOTS OF RECORD**

Non-conformities in existence as of the date of enactment of this *Ordinance* shall not be allowed to continue, with the following exceptions.

### **Section 601. Nonconforming Structures**

Buildings or structures which were legally constructed prior to May 5, 1992, but that do not meet the provisions of this *Ordinance*, may continue in use.

### **Section 602. Deck Additions to Nonconforming Structures**

Deck additions are allowed to structures that do not meet the minimum setback from the ordinary high water level, with a building permit, provided:

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

2. a thorough evaluation of the property and structure reveals no reasonable location for a deck which meets or exceeds the setback from the ordinary high water level.
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.
4. the deck is constructed primarily of wood, and is not roofed or screened.

### **Section 603. Additions to Nonconforming Single-family Structures**

Structural additions are allowed to single-family structures that do not meet the minimum setback from the ordinary high water level, with a building permit, provided:

1. The structure was constructed prior to the adoption of the Shoreland Management Program Ordinance No. 6 (January 1, 1972) and the Mississippi Headwaters Zoning Ordinance No. 10 (December 2, 1980).
2. The structure must be at least ½ of the required setback.
3. The structure must comply with side yard and road right-of-way setbacks before and after renovation.
4. The new addition/additions must not go closer to the ordinary high water mark of the lake, stream or river than the existing structure, including the roof overhang.
5. The individual on site sewer treatment system must be brought into full compliance.
6. A Vegetative Management Plan must be developed:

To provide screening of structures, vehicles or other facilities as viewed from the water, assuming summer leaf-on condition is maintained. Maintaining and/or restoration of vegetation to comply with the 50% brush type vegetation and 25% Trees. Tree and brush must comply with the provision in Section 901, Vegetation Alterations.

7. A Storm Water Management Plan must be developed:

To minimize the extent of run off velocities and erosions potential to prevent soil erosion problems.

8. The structure and lot must otherwise comply with the provisions of this ordinance.



#### **Section 604. Nonconforming Use of Land**

The nonconforming use of land 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. uses which are declared to be public nuisance shall not continue.
3. when a nonconforming use of land is discontinued for more than six months, the new use of land must conform to the provisions of this *Ordinance*.

#### **Section 605. Development of Substandard Lots of Record**

Lots created and recorded in the office of the County Recorder on or after January 1, 1972 shall be allowed as building sites provided that:

- A. the lot was created in compliance with the official controls in effect at that time.
- B. the lot use is permitted in the shoreland management district.
- C. the sewage treatment and setback requirements of this *Ordinance* are complied with.
- D. a building permit is obtained from the Environmental Services Department.

A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a 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 compliant facilities cannot be provided.

## 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:

- A. 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.
- B. 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.
- C. Piers and docks are allowed, but shall be controlled by applicable State and local regulations.
- D. Each lot, except those in the Special Protection District, may have one water-oriented accessory structure not meeting the normal structure setback as specified in Article V of this *Ordinance*, provided that such structure complies with the following provisions:
  - 1. the structure or facility shall not exceed twelve and one-half (12 1/2) feet in height. Detached decks must not exceed eight (8) feet above ground at any point. The structure or facility shall not exceed 250 square feet.
  - 2. the setback of the structure or facility from the ordinary high water level must be at least the following distances for the respective lake classifications and river segments:

Special Protection	N/A
Sensitive Area	75 feet
Natural Environment	75 feet
Recreational Development	50 feet
General Development	50 feet
Remote River	100 feet
Forested River	75 feet
Tributary	50 feet

- 3. the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color assuming summer, leaf-on conditions.
- 4. the roof may be used as a deck with safety rails, but must not be enclosed as a storage area.

5. the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities, or be connected to such facilities.

## ARTICLE VIII

### SANITATION STANDARDS

#### **Section 801. Sewage Treatment Standards**

No premises may be used for human occupancy unless said premises are equipped with a method of sewage treatment which complies with "Individual Sewage Treatment System Standards", Minnesota Rules, Chapter 7080. No sanitation permit shall be issued unless the following standards are complied with.

- A. Publicly-owned sewer systems must be used where available.
- B. All private sewage treatment systems must meet the 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 Environmental Services Department.
- C. 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, septic tanks must be set back a minimum of (10) feet from any building intended for human occupancy. Any part of a drain field or mound systems must be set back a minimum of twenty (20) feet from any building intended for human occupancy, ten (10) feet from any lot line, fifty (50) feet from a well or other water supply (100 feet if a well is less than 50 feet in depth), and, where feasible, shall be placed down slope from said water supply.
- D. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Sections 802 and 803 of this *Ordinance*.
- E. Sewage treatment systems shall not be permitted in shoreland areas where any of the following conditions are present:
  1. low, swampy areas, or areas subject to recurrent flooding.
  2. areas where the highest known groundwater table is within three feet from the bottom of the sewage treatment system at any time.
  3. areas of exposed bedrock or shallow bedrock within three feet of the bottom of a sewage treatment system or any other geological formation which prohibits percolation of the effluent.

#### **Section 802. Registration of Sewage Treatment Systems**

No owner of a tract of land upon which a dwelling is located, or a tract of land upon which a structure having an on-site sewage treatment system is located, shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a Certificate of Sanitary System Compliance to the buyer prior to the sale in accordance with the following requirements:

- A. Time of sale shall mean when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.
- B. The Seller must obtain and provide a State Certificate of Compliance.
- C. The proposed purchaser shall not take occupancy of a dwelling or structure prior to the issuance of a Certificate of Compliance by the Beltrami County Environmental Services Director, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets forth the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the County Environmental Services Director and found to be adequate in his or her discretion, the occupancy may be permitted pending issuance of the Certificate of Compliance.
- D. A State Certificate of Compliance issued under this *Ordinance* shall be effective for five (5) years from the date of issuance for new systems or three (3) years for existing systems or until ownership of the property is transferred, whichever occurs first.

### **Section 803. Nonconforming Sewage Treatment Systems**

No person shall use, occupy, or maintain any premises containing a nonconforming sewage treatment system. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the size of the system or the setback of the sewage treatment system from the ordinary high water level. Subject to the requirements of Section 802 of this *Ordinance*, sewage treatment systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Chapter 103 in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems shall be considered nonconforming.

### **Section 804. Sewage Treatment Permit Requirements**

No person, firm or corporation shall repair, alter, install or extend any individual sewage treatment system without first obtaining a permit therefore from the Beltrami County Environmental Services Department for the specific installation, alteration, repair or extension to be performed. Installation, construction, or modification must be performed by a Minnesota Pollution Control Agency licensed sewage treatment installer. Said installer shall be responsible for obtaining a sanitary sewer permit prior to beginning any construction or modification. Permits shall be valid for a period not to exceed twelve(12) months from the date of issuance.

- A. Applications for permits shall be made in writing upon forms provided by the Beltrami County Environmental Services Department, and shall be signed by the applicant(s) and/or the licensed

contractor who will perform the work.

B. Each application for a sewage treatment system shall include:

1. a copy of the deed of the property on which the proposed repair, installation, alteration, or extension will occur.
2. a signed copy of the site evaluation report prepared by a state licensed site evaluator with their license number affixed to the copy.
3. a plan of the site to reasonable scale and accuracy showing: the location of any proposed and existing buildings, water supply, property lines, underground and overhead utility lines, names of neighbors to either side (with addresses) with the location of their existing water supply indicated and an arrow indicating the direction of North.
4. a signed copy of the system design prepared by a state licensed designer with their license number affixed to the copy a complete plan of the sewage treatment system showing the location, size and design of all parts of the system to be repaired, installed, altered, or extended.
5. the name and license number of the person, firm or corporation which will install the system.
6. any other pertinent information as requested by the Environmental Services Department.

### **Section 805. Revision to Approved Plan**

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

### **Section 806. Certification**

Any individual, firm, corporation, or other entity engaged in the diagnosis of soils through site evaluations, repair, construction, installation, modification or design of sewage treatment systems must be licensed by the Minnesota Pollution Control Agency. All MPCA licensed persons must register with the Beltrami County Environmental Services Department before engaging in such activities.

### **Section 807. Sewage Treatment System Inspection**

All individual sewage treatment system construction, alteration, repair and extensions require an inspection by a State licenses Inspector, with the exception of the repair or replacement of pumps, floats or electrical devices associated with the pump tank. The installation and construction of the individual sewage treatment system shall be in accordance with the site evaluation and design. Inspections shall be conducted at least once during the construction of the individual sewage treatment system. If any individual sewage treatment system component is covered before being inspected by a State licensed Inspector, it shall be uncovered upon the direction of the Inspector, unless acceptable photographs or video documentation is provided. Proposals to alter the construction shall be reviewed and the proposed change accepted by the Designer prior to construction.

A Certificate of Compliance or Notice of noncompliance shall be prepared by the Inspector following an on-site inspection or review of as-built plans, site evaluation and design report. A Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner by the Inspector. Originals of the as-built

plans, site evaluation report, and designer's worksheets shall be submitted to the Beltrami County Environmental Services Department.

The Beltrami County Environmental Services Director may conduct random inspections to determine compliance with this *Ordinance*. Random inspections may be made on newly permitted on site individual septic systems installations, modifications or repair to assure that permitted systems are being properly constructed and installed in compliance with what had been permitted by the issuance of permit by the Beltrami County Environmental Services Department.

### **Section 808. 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, Minnesota Rules Chapter 4725 and the Minnesota Pollution Control Agency.

## **ARTICLE IX**

### **GENERAL SHORELAND REQUIREMENTS**

#### **Section 901. Vegetative Alterations**

Intensive vegetative clearing within shore and bluff impact zones and on steep slopes is not allowed, with the following exceptions:

- A. Intensive vegetative clearing for forest land conversion to another use may be allowed as a conditional use, with a Conditional Use Permit, provided that such clearing is not undertaken in shore or bluff impact zones or on steep slopes. Such Conditional Use Permit shall only be issued upon the completion and approval of an erosion and sedimentation plan approved by the Beltrami Soil and Water Conservation District.
- B. In shore and bluff impact zones and on steep slopes, limited clearing of trees and brush and cutting pruning, and trimming of trees is allowed, without a permit, in order 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 areas, provided that:
  - 1. vegetation alterations shall in no case exceed 50% of the brush and 25% of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this section, trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.
  - 2. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
  - 3. along rivers, existing shading of water surfaces is preserved.
- C. Vegetative alterations necessary for the construction of structures, sewage treatment systems, or roads and parking areas regulated by Section 903 of this *Ordinance* are allowed without a separate permit.

- D. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- E. Harvesting of timber as regulated under Section 907 of this *Ordinance*.

**Section 902. Topographic Alterations/Grading and Filling**

Topographic alterations, including grading and filling, shall not be allowed without obtaining a permit

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, or driveways under validly issued permits for these facilities do not require the issuance of a separate permit. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of said permits.
- B. Excavation where the intended purpose is connection to a public water such as boat slips, canals, lagoons and harbors are allowed only with a Conditional Use Permit issued by the Beltrami County Planning Commission. Such Conditional Use Permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.
- C. Extractive uses are not allowed without the issuance of a Conditional Use Permit by the Planning Commission. A Conditional Use Permit shall be issued with the following conditions:
  - 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 Statute are satisfied.
- D. No permit shall be issued under this section unless the following conditions are complied with:
  - 1. grading or filling in any type 1, 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, 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 Environmental Services Department.
  - 2. alterations must be conducted in a manner that ensures that only the smallest amount of bare

- ground is exposed for the shortest time possible.
3. 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.
  4. methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
  5. altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Beltrami Soil and Water Conservation District.
  6. fill or excavated material must not be placed in a manner that creates an unstable slope;
  7. excavated materials shall not be placed in such a manner as to create finished slopes of 30 percent or greater. Plans to place fill or excavated material on steep slopes must be approved by a registered engineer or the Beltrami Soil and Water Conservation District to ensure continued slope stability.
  8. fill or excavated material must not be placed in bluff impact zones.
  9. any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Chapter 103G.
  10. alterations of topography may only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
  11. 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.

### **Section 903. Placement and Design of Roads, Driveways and Parking Areas**

- A. No public or private roads or parking areas may be constructed without a Conditional Use Permit issued by the Planning Commission. Public and private roads 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 to the Environmental Services Department by the Beltrami Soil and Water Conservation District that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the technical guides of the Beltrami Soil and Water Conservation District, or other technical materials.
- B. Roads, driveways, 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.
- C. 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. Private watercraft access ramps require a Conditional Use Permit. No private watercraft access ramps are allowed if fill would need to be placed in a type 1 through 8 wetland. No private watercraft access ramps will be allowed on lakes where there is an existing public access.
- D. Private access across wetlands are allowed with a permit, provided that the following conditions are met:



1. Access across wetland areas must be by means of a constructed board walk.
2. Access must not exceed six (6) feet in width.

#### **Section 904. Stormwater Management Standards**

No new proposed drainage ways for stormwater runoff shall be constructed without a Conditional Use Permit issued by the Planning Commission. The issuance of such permit shall be subject to the following conditions:

- A. 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.
- B. 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.
- C. 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.
- D. When constructed facilities are used for stormwater management, documentation must be provided by the Beltrami Soil and Water Conservation District (SWCD) that they are designed and installed consistent with the field office technical guide of the Beltrami SWCD.
- E. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- F. 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**

No surface water-oriented commercial, industrial, public or semipublic uses shall be allowed on lots or parcels with public waters frontage without a conditional use permit issued by the Planning Commission. The issuance of such permit shall be subject to the following conditions:

- A. In addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this *Ordinance*, the uses 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.
- 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 sign shall be erected or placed in shoreland area without a sign permit issued by the Environmental Services Department.
  - 2. 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 Beltrami County Sheriff;
  - 3. signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general 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;
  - 4. 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; and
- D. Uses without water oriented needs must be placed on lots without water frontage or be placed at double the normal setback.

**Section 906. Special Provisions for Agricultural Uses**

Agricultural practices and associated uses are allowed under the following circumstances:

- A. Agricultural practices and associated uses conducted consistent with the provisions of Agriculture and Water Quality "Best Management Practices for Minnesota", shall be allowed without a permit. A copy of this document is on file at the Environmental Services Department.
- B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are allowed, without a permit, provided that steep slopes and shore and bluff impact zones are maintained in permanent vegetation or, are operated under a Conservation Plan approved by the Beltrami Soil and Water Conservation District.
- C. Animal feedlots are allowed, without a permit, provided that they meet the following standards:
  - 1. new feedlots must not be located in the shoreland area of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public

- water basins;
2. modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones; and,
  3. feedlots must comply with Minnesota Pollution Control Agency Rules Chapter 7020.

### **Section 907. Special Provisions for Forest Management**

Forest management activities are allowed under the following circumstances:

- A. 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". A copy of this document is on file at the Environmental Services Department.

### **Section 908. Special Provisions for Extractive Uses**

Extractive uses shall require a Conditional Use Permit from the Planning Commission and shall be subject to all requirements of this *Ordinance*.

#### **Section 908.1. Information Requirements**

In addition to the information required on the Conditional Use Permit application, the following information shall be provided, in writing, by the person requesting the permit:

- A. Maps of existing conditions, proposed operations and proposed end use of the site. Maps shall include the site and all areas within one-half (1/2) mile of the site. All maps shall be drawn at a scale of one inch to one hundred feet. Such maps shall include the following information:
  1. Map of existing conditions shall include: contour lines at five (5) foot intervals, soil conditions, vegetation, drainage and permanent water areas, structures, wells and existing and proposed roads.
  2. Map of proposed operations shall include: Location of materials to be extracted, structures to be erected or constructed, location of tailing deposits showing their maximum height, location of machinery to be used, location of material storage showing its maximum height, location of vehicle parking, location of explosives storage, location of erosion and sediment control structures.
  3. Map of End Use of Excavation Site shall include: Final grade of proposed site showing elevations and contour lines at five (5) foot intervals, location and species of vegetation to be replanted, location and nature of any structures to be erected.
- B. A soil erosion and sediment control plan.

- C. A plan for noise and dust control.
- D. A full description of all phases of the proposed operation, including the expected duration of the excavation operation.
- E. Any other information deemed necessary by the Planning Commission in order to make an informed decision.

## **Section 908.2. Performance Standards**

- A. Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance which prevents seeding on adjoining property. All equipment used for excavation operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
- B. The excavation operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the site. The excavation operation shall not adversely affect the quality of surface or subsurface water resources. Surface water originating outside and passing through the site shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site. The excavation operator shall perform any water treatment necessary to comply with this provision.
- C. Any excavation operation within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:
  - 1. Where man-made or artificial collections of water occur that are one and one-half (1 1/2) feet or more in depth, existing for any period of at least one (1) month, all access to such man-made or artificial collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.
  - 2. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.
- D. The location of the intersection of excavation access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety.
- E. To minimize problems of dust and noise, and to shield excavation operations from public view, a screening barrier shall be maintained between the site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the excavation site and any public road within five hundred (500) feet of any excavations or processing operations. The screening barrier shall be planted with a species of fast growing trees such as Jack Pine and/or other native species. Existing trees and ground cover along public road frontage shall be preserved, maintained, and supplemented for the depth of the road side setback except where traffic safety requires cutting

and trimming.

- F. Excavation operations shall not be conducted closer than fifty (50) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, or highway. Excavation operations shall not be conducted closer than five hundred (500) feet from the ordinary high water level of any classified lake, river, or stream.
- G. All buildings, structures and plants used for the production of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants shall not become dangerously dilapidated.
- H. All equipment used for excavation operations shall be constructed, maintained and operated in such a manner as to conform to Minnesota Pollution Control Agency Rules, Chapter 7011 which govern air quality/dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the excavation operations site. All access roads from the excavation operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.
- I. All excavation sites shall be rehabilitated immediately after excavation operations cease. Rehabilitation shall be completed within one (1) year. The following standards shall apply:
  - 1. Within a period of three (3) months after the termination of an excavation operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a conditional use permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the excavation operator last operating such buildings, structures and plants.
  - 2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography and substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slopes shall exceed eighteen (18) percent in grade.
  - 3. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of six (6) inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. Such plantings shall adequately retard soil erosion. Excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet and if banks are sloped to the waterline at a slope no greater than three (3) feet horizontal to one (1) foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which excavation operations have been conducted. The finished plan shall restore the excavation site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after excavation operations cease.

## ARTICLE X

### SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

#### Section 1001. Subdivisions and Planned Unit Developments

No subdivision of a lot, tract or parcel into two or more lots, and no planned unit development may be established, except in compliance with the following provisions.

##### A. Land Suitability

1. 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 Beltrami 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 Beltrami County.
2. Sufficient information must be submitted by the applicant to enable Beltrami County to make a determination of land suitability. The information shall include at least the following:
  - a. topographic contours at ten foot intervals from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics.
  - b. 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.
  - c. information regarding adequacy of domestic water supply.
  - d. extent of anticipated vegetation and topographic alterations.
  - e. near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation.
  - f. proposed methods for controlling stormwater runoff and erosion both during, and after, construction activities.
  - g. location of 100 year floodplain areas and floodway districts from existing adopted maps or data;
  - h. 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.
  - i. a completed Beltrami Environmental Questionnaire shall be filed.
3. The Beltrami 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 Section 1106 of this *Ordinance*.

## B. 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. Subdivisions of property into four or more lots, tracts or parcels less than five (5) acres in size, must be platted in accordance with the provisions of this *Ordinance*. Subdivisions of property into two or three lots, tracts or parcels may be accomplished by a registered land survey. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the enactment of these controls unless the lot was created as part of an approved subdivision. The platting process, described in this section, 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 Beltrami County Board of Commissioners.

1. Prior to the submission of a preliminary plat to the Beltrami County Environmental Services Director under the provisions of this *Ordinance*, the subdivider shall meet with the Beltrami County Environmental Services Director or authorized representative to present, conceptually, the proposed subdivision and to determine the requirements to be met. The subdivider 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 subdivider.
2. After the preapplication meeting, the subdivider shall submit fifteen (15) copies of a preliminary plat to the Environmental Services Director along with the required fees at least ten (10) days prior to the next regularly scheduled meeting of the Planning Commission at which the plat is to be reviewed. In addition to the requirements of Section 1001A.2., 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.
3. The Beltrami 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 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.

4. The subdivider shall file two (2) copies of the final plat, at a minimum scale of two hundred (200) feet to the inch, with the Environmental Services Director 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 Beltrami County Planning Commission.

The Beltrami County Planning Commission shall check the final plat to ensure that 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 the subdivider will be given an opportunity to appear. The Environmental Services Director 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 Environmental Services Director 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. 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.

### C. Consistency with other Controls

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 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.

D. Dedications

1. 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.
2. The County Board of Commissioners may require that easements for drainage ways or ponding areas of widths sufficient to accommodate anticipated storm water runoff be provided.
3. The County Board of Commissioners may require that easements for public utilities be provided.

E. Controlled Access on Recreational Lots

A riparian lot which is intended to be used as a controlled 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:

1. Access lots must meet the minimum width and area requirements for residential lots and be suitable for access. In addition, the access lot shall have a minimum width of 200 feet at the water line, and shall extend a minimum of 400 feet back from the ordinary high water level or to the back limits of the development, whichever is greater. If docking, mooring or over-water storage of watercraft is allowed 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 beyond six, consistent with the following table:

<u>Ratio of Lake Size (in Acres) to Shore Length (in 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

2. A minimum of a twenty-five (25) foot sideyard area on both sides of the private access lot shall be maintained with vegetative cover and screening abutting lots.
3. The ownership and the responsibility for the maintenance and upkeep of a private access lot shall be vested in an incorporated association of the dwelling unit owners and their successors in interest who have

access privileges over and upon such lots. The non-riparian dwelling units and lots shall be subjected to restrictive conditions and covenants for the equitable proration and assessment of the cost of maintenance and upkeep of the private access lot. Covenants 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.

4. 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*.
5. No watercraft access lot may provide access rights for more than twenty-five (25) non-riparian lots.

#### F. Lot Size

1. Newly created lots shall be of size and shape to satisfy all requirements of Article V of this *Ordinance*.
2. 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.

#### G. Streets

1. The design of all streets shall be considered in relation to existing and planned streets, to 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.
2. 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.
3. 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.

4. All streets, roads and easements intended for vehicular traffic, and all platted streets and roads within a subdivision shall meet the following minimum standards:
  - a. The right-of-way shall be a minimum of sixty-six (66) feet in width, and shall have a minimum of twenty-two (22) feet of road top.
  - b. The road shall have a surface so that such road is serviceable.
  - c. The slope of the road must be seeded in order to prevent erosion. Drainage and topography shall meet the requirements of the Beltrami SWCD.

#### H. 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.

#### I. 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*.

#### J. Sanitary Sewerage

1. 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.
2. 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, and appendices, are complied with, and all other provisions of this *Ordinance* are met.

## **Section 1002. Planned Unit Developments**

Planned Unit Developments (PUDs) shall not be allowed without the issuance of a Conditional Use Permit by the Planning Commission, with the following exception:

The expansion to an existing commercial PUD involving six or fewer new dwelling units or sites after the date of enactment of this *Ordinance* shall be allowed as a permitted use, with the issuance of a building permit, provided that the total project density does not exceed the allowable densities prescribed in this Section.

### A. PUD Review Process

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

1. 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 including the location of existing and proposed sewage treatment and water supply systems; proposed land alterations; 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.
2. 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 1002 of this *Ordinance*.
3. Deed restrictions, covenants, permanent easements or other instruments that:
  - a. Properly address future vegetative and topographic alterations; construction of additional buildings; beaching of watercraft; and construction of commercial buildings in residential PUDs.
  - b. Ensures 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.
4. 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.
5. A completed Beltrami County Environmental Questionnaire.
6. Any additional documents as requested by the Beltrami County Planning Commission that are necessary to explain how the PUD will be designed and will function.

B. 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 this Section:

1. 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:
  - a. General Development lakes (GD) 200 ft., additional tiers 267 ft.
  - b. General Development Mississippi Headwaters lakes (GD) 300 ft.
  - c. Recreational Development lakes (RD) 300 ft.
  - d. Natural Environment lakes (NE) 435 ft.
  - e. Sensitive Area lakes (SA) 435 ft.
  - f. Special Protection lakes (SP) 544 ft.
  - g. Rivers and Tributaries (RR, FR, Tr) 300 ft.
  
2. 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.

C. Residential and Commercial PUD Base Density Evaluation

The procedures for determining the allowable base 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.

1. To determine the allowable base density for Residential Planned Unit Developments:
  - a. The suitable area within each tier is divided by the single residential lot size standard for the applicable management district.
  - b. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, base density, and suitability analyses herein and the maintenance and design criteria prescribed in this Section.
  
2. To determine the allowable density for Commercial Planned Unit Developments:
  - a. The average inside living area size of dwelling units or sites is computed, including both existing and proposed units and sites. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space.
  - b. 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) <u>Tributaries</u>	GD Lakes (except 1st Tier), RD Lakes, Forested/Transition <u>River Segments</u>	NE Lakes, Sensitive Area, Special Protection Lakes, <u>Remote River Segments</u>
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.

- c. 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.
- d. 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.
- e. 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 1002 (E).

**D. Residential PUD Density Increase Multiplier**

1. Increases to the dwelling unit base densities as determined in Section 1002.C.1 are allowed, provided that the dimensional standards prescribed in Article V are met or exceeded, and the design criteria of Section 1002.E are satisfied. The allowable density increase presented in Item 2, below, will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent greater than the minimum setback.

2. The allowable dwelling unit density increases for residential planned unit developments is as follows:

<u>Density Evaluation Tiers</u>	<u>Maximum Percent Density Increase</u>
First	50
Second	0
Third	0
Fourth	0
Fifth	0

3. The Residential Density multiplier shall not apply to the following lake classifications:
  - a. Natural Environment
  - b. Sensitive Area
  - c. Special Protection

E. PUD Maintenance and Design Criteria

1. 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.
2. 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:
  - a. Commercial uses shall be prohibited in residential planned unit developments.
  - b. Vegetative and topographic alterations, except for routine maintenance, shall be prohibited.
  - c. Construction of additional buildings or the storage of vehicles and/or other materials is prohibited.
  - d. Uncontrolled beaching of watercraft shall be prohibited.
3. All residential planned unit developments must have a property owners association with the following features:
  - a. Membership shall be mandatory for each dwelling unit or site owner.
  - b. Each member must pay a pro-rata share of the expenses of the association, and unpaid assessments may become liens on units or sites.
  - c. Assessments must be adjustable to accommodate changing conditions.
  - d. The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
4. All planned unit developments must contain open space meeting all of the following criteria:

- a. At least 50 percent of the total project area must be preserved as open space.
  - b. 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.
  - c. Open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
  - d. 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, or the general public.
  - e. Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems.
  - f. Open space must not include commercial facilities or uses.
  - g. 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.
  - h. 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.
5. Erosion control and stormwater management plans must be developed and the PUD must:
- a. 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 Beltrami Soil and Water Conservation District may be required if warranted by project size and/or the physical characteristics of the site.
  - b. Be designed and constructed to effectively manage reasonably expected quantities 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 a stormwater management plan approved by the Beltrami Soil and Water Conservation District and consistent with Sections 901 and 902 of this *Ordinance*.
6. Centralization and design of facilities and structures must be done according to the following standards:
- a. 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.
  - b. 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 1002.D.1 for residential planned unit developments with density increases.

- c. 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, and 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.
- d. 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, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- e. Accessory structures and facilities must meet the required principal structure setback, and must be centralized.

#### F. Conversions to PUDs

No resorts or other land uses and/or facilities may be converted to residential planned unit developments without obtaining a conditional use permit from the Planning Commission. A Conditional Use Permit may only be granted under the following conditions:

1. Proposed conversions must initially be evaluated using the same procedures as contained in Section 1002 for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
2. Deficiencies involving 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.
3. 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:
  - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
  - b. Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water.
  - c. 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.
4. Existing dwelling unit or dwelling site densities that exceed standards prescribed in this *Ordinance* may

be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts shall 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 deemed necessary by the Planning Commission.

## ARTICLE XI

### ADMINISTRATION

#### Section 1101. Environmental Services Director

The position of Environmental Services Director is hereby established within the Environmental Services Department. The Environmental Services Director shall be appointed by the County Board of Commissioners. The Environmental Services Director shall receive such compensation as the County Board may, from time to time, determine. The Environmental Services Director 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.
- K. Conduct other such activities as the County Board may, from time to time, request.

## **Section 1102. Planning Commission**

There is hereby created a Planning Commission consisting of seven (7) members. The members of the Planning Commission shall be appointed by the County Board of Commissioners, consistent with Minnesota Statutes, Chapter 394 and as prescribed in the Planning Commission bylaws as adopted by the Beltrami County Board of Commissioners. At least two of the members of the Planning Commission shall be residents of the portion of the County outside of the corporate limits of municipalities. No more than one voting member of the Planning Commission shall be an officer or employee of the County. No voting member of the Planning Commission shall have received, during the last two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County for urban and urban related purposes. The term of office and removal of any member for nonperformance of duty or misconduct in office as well as filling vacancies on the Planning Commission shall be as specified in the Planning Commission bylaws.

- A. The Planning Commission shall elect a chair and secretary from among its members and cooperate with the Environmental Services Director and other employees of the County in carrying out the provisions of this *Ordinance*.
- B. The meetings of the Planning Commission shall be as specified in the Planning Commission bylaws, and at any such times as the Planning Commission Chair deems necessary and appropriate.
- C. The Planning Commission shall serve at the pleasure of the County Board of Commissioners, and shall:
  - 1. Assist the County Board in the formulation of goals, policies and programs for the future development of shoreland areas of Beltrami 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, conduct public hearings in accordance with the provisions of this *Ordinance* and make final decisions subject to appeal to District Court. Such appeals shall be made within thirty (30) days after receipt of a written notice of the decision made by the Planning Commission.
  - 4. Review applications for zoning amendments, conduct public hearings in accordance with the provisions of this *Ordinance* and make recommendations to the County Board.
  - 5. Review subdivision proposals for compliance with the provisions of this *Ordinance*, conduct public hearings and forward final plat along with recommendation to the County Board of Commissioners;
  - 6. Perform other such duties as required or requested by the County Board of Commissioners to further the goals, policies, and intent of this *Ordinance*.

### **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 six members and shall be appointed by the County Board consistent with Minnesota Statutes, Chapter 394. No member of the Board of Adjustment may be an elected official nor an employee of Beltrami County. At least one member of the Board of Adjustment shall be from the unincorporated area of the County. The Board of Adjustment members shall be appointed for terms coinciding with terms of membership on the County Planning Commission.

- A. The Board of Adjustment shall elect a Chair and a Vice-Chair from among its members, and shall appoint a secretary which need not be a member of the Board of Adjustment. It shall adopt rules for the transaction of its business and shall keep a permanent public record of its transaction, findings, and determinations.
- B. The meetings of the Board of Adjustment shall be held as specified in the Board of Adjustment bylaws, and at other such times as the Board of Adjustment Chair deems 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 Environmental Services Director.
  - 3. To interpret any management district boundary on the Official Shoreland Management Map.
    - 3. 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 a written notice of the decision made by the Board of Adjustment.

### **Section 1104. Permits**

No owner, contractor, subcontractor, builder or other person shall take any action regulated by this *Ordinance* without the necessary permits being first obtained.

- A. Applications for building or sanitation permits shall be made to the Environmental Services Director on forms to be provided by the County. Each permit application shall be accompanied by such information required by this *Ordinance*, and other information deemed necessary by the Environmental Services Director for proper review.
- B. All building and sanitation permit applications shall be examined and processed within thirty (30) days of receipt of such application unless a time limit for such processing is extended.
- C. All building and sanitation permits shall expire one year from the date of approval unless an extension for extenuating circumstances is granted by the Board of Adjustment. All such permits shall be non-

transferable.

- D. After the appropriate fee has been paid, and if the proposed activity does not conflict with any portion of this *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.
- E. No permit shall be issued unless accompanied by a Certificate of Sanitary System Compliance, pursuant to Section 802 of this *Ordinance*.
- F. An appeal of an administrative decision made in the enforcement of this *Ordinance* may be made by filling out and submitting to the Environmental Services Director an Application for Appeal, which is available at the Environmental Services Department. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Environmental Services Director.
- G. Any violation of the terms and conditions of a permit issued pursuant to this *Ordinance*, or of the violation of any provision of this *Ordinance* relating to the subject matter of the permit, shall result in the immediate revocation of such permit. The revocation of a permit may be appealed to the Board of Adjustment, in the same manner as the appeal of the denial of the issuance of a permit.

#### **Section 1105. Certificate of Completion**

- A. A Certificate of Completion shall be obtained from the Environmental Services Director before any building hereafter erected or structurally altered is occupied or used or the use of any such building is altered.
- B. Application for a Certificate of Completion for a new building or for an existing building which has been altered shall be made to the Environmental Services Director as part of the application process for a permit in Section 1104.
- C. Every Certificate of Completion shall state that the building or the proposed use of a building or land complies with all provisions of the law and this Ordinance. A record of all Certificates of Completion shall be kept on file in the Environmental Services Department and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

#### **Section 1106. Conditional Use Permits**

- A. Any use designated as a conditional use in this *Ordinance* shall be permitted only upon application to the Environmental Services Director, review and approval of the Planning Commission, and the issuance of a Conditional Use Permit. The applicant for a Conditional Use Permit shall complete and submit to the Environmental Services Director an Application for Conditional Use Permit. When such permit application is submitted the appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
  - 1. In order to secure information upon which to base the Planning Commission recommendation, the

applicant may be required to furnish, in addition to the information required for the building or other permit, the following:

- a. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope and vegetative cover.
- b. The location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover.
- c. Plans of buildings, sewage treatment facilities, water supply systems and arrangements of operations.
- d. Specifications for areas of proposed grading, filling, lagooning, dredging, and other topographic alterations.
- e. Other information necessary to determine if the proposal meets the requirements and intent of this *Ordinance*.
- f. A Beltrami County Environmental Questionnaire
- g. Any other information required by this *Ordinance*.

2. In considering the granting of any Conditional Use Permit, the Environmental Services Director and Planning Commission shall conduct a thorough site evaluation. The Planning Commission shall then evaluate the following:

- a. The maintenance of the public health, safety and welfare.
- b. The prevention and control of water pollution, including sedimentation and nutrient loading.
- c. Existing topography and drainage features and vegetative cover on the site.
- d. The location of the site with respect to floodplains and floodways of rivers or tributaries.
- e. The erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover.
- f. The location of the site with respect to existing and proposed access roads.
- g. Its compatibility with adjacent land uses.
- h. The need for the proposed use for a shoreland location.
- i. The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system.
- j. The visibility of structures and other facilities as viewed from public waters.
- k. Adequacy of the site for water supply and on-site sewage treatment systems.
- l. The types, uses, and numbers of watercraft the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.
- m. Any other requirements or conditions prescribed in this *Ordinance*.

3. In evaluating each conditional use application, the Planning Commission may request the expert assistance of the Beltrami Soil and Water Conservation District to assist in the evaluation and consideration of such application.

D. 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:

- a. Type and extent of shore cover.

- b. Increased yards and setbacks.
  - c. Specified sewage treatment and water supply facilities.
  - d. Landscaping and vegetative screening.
  - e. Periods and/or hours of operation.
  - f. Deed restrictions.
  - g. Location of piers, docks, parking, and signs.
  - h. Type of construction.
  - i. Any other reasonable requirements necessary to fulfill the purposes and intent of this *Ordinance*.
- E. No Conditional Use Permit shall be issued unless accompanied by a Certificate of Sanitary System Compliance, pursuant to Section 802 of this *Ordinance*.
- F. The Planning Commission shall make the final determination approving or denying applications for Conditional Use Permits. An appeal of any Planning Commission decision may be made by the applicant to the County Board of Commissioners within thirty (30) days of receipt of the notice of the decision by the Planning Commission. An appeal of any County Board decision may be made by the applicant to the District Court within thirty (30) days of receipt of the notice of the decision by the County Board.
- G. Any violation of the terms and conditions of a Conditional Use permit issued pursuant to this *Ordinance*, or of the violation of any provision of this *Ordinance* relating to the subject matter of the Conditional Use permit, shall result in the immediate revocation of such Conditional Use permit. The revocation of a Conditional Use Permit may be appealed to the Board of Adjustment, in the same manner as the appeal of the denial of the issuance of a permit.
- H. No Conditional Use Permit fee shall be required of any Beltrami County unit of government.

**Section 1107. Variances**

- A. Any person requesting relief from the strict application of the official controls prescribed in this Ordinance may complete and submit to the Environmental Services Director an Application for Variance form, copies of which are available at the Environmental Services Department. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment. Such variance request shall be considered by the Board of Adjustment, and may be granted provided that:
- 1. The condition causing the demonstrated hardship is unique to the property and was not caused by the actions of the applicant(s).
  - 2. The variance is necessary in order to secure for the applicant those rights enjoyed by other property owners in the same area or district.
  - 3. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to the property values in the vicinity.
  - 4. The granting of the variance will not be contrary to management policies of the area or management district.
  - 5. The property owner or owners would have no reasonable use of the land without the variance.
  - 6. The existing sewage treatment system, if applicable, is upgraded to current standards before any additional development is approved.
  - 7. No variance shall be granted without demonstrated hardship.

8. No variance shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than a proven hardship.
  9. No variance may be granted that would allow a prohibited use.
  10. Variances may be granted only in accordance with Minnesota Statutes, Chapter 394.
  11. All variances shall sunset within 18 months from the date of their issuance.
- B. Upon submission of a variance application to the Environmental Services Director, a thorough site investigation shall be conducted by the Environmental Services Director and the Board of Adjustment. The Planning Director shall make a recommendation, in writing, to the Board of Adjustment. The Board of Adjustment shall make the final decision after conducting a public hearing in accordance with Minnesota Statutes 394.26 and the provisions of this *Ordinance*. No variance shall be approved unless all of the provisions of Section 1106A are complied with.
- C. In granting a request for a variance the Board of Adjustment may attach such conditions as it deems necessary to carry out the purposes and intent of this *Ordinance*.
- D. All decisions made by the Board of Adjustment approving or denying variance requests are final except that any aggrieved person, department, agency, Board or Commission shall have the right to appeal, pursuant to Minnesota Statutes Chapter 394, to the District Court in which the subject property is located within thirty (30) days after receipt of a written notice made by the Board of Adjustment.
- E. Any violation of the terms and conditions of a variance issued pursuant to this *Ordinance*, or of the violation of any provision of this *Ordinance* relating to the subject matter of the variance, shall result in the immediate revocation of such variance. The revocation of a variance may be appealed to the Board of Adjustment, in the same manner as the appeal of the denial of the issuance of a variance.

### **Section 1108. 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 Environmental Services Director. Such application shall be filled out and submitted to the Environmental Services Director 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 Minnesota Statutes, Chapter 394.
- 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 1109. 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 Beltrami County and notification of all property owners within the following distances from the affected property when such notice is applicable: In the case of variances, 500 ft.; In the case of conditional uses, one quarter mile or ten nearest properties, whichever provides notice to the most property owners; In the case of final plat considerations and amendments to 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.

### **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, 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 Beltrami County Attorney to institute such action.
- B. Any person 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.

### **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 Beltrami County Board of Commissioners. The schedule of fees shall be posted in the Environmental Services Department, and may be altered or amended only by resolution of the County Board of Commissioners.

ADOPTED BY THE BELTRAMI COUNTY BOARD OF COMMISSIONERS THIS 7<sup>TH</sup> DAY OF FEBRUARY 2006.

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Joe Vene, Chair  
County Board of Commissioners

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ATTEST: Tony Murphy  
County Administrator

ADOPTED BY THE BELTRAMI COUNTY BOARD OF COMMISSIONERS THIS 12<sup>TH</sup> DAY OF DECEMBER 2006.

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Joe Vene, Chair  
County Board of Commissioners

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ATTEST: Tony Murphy  
County Administrator