

BELTRAMI COUNTY ORDINANCE

NO. 10 UPPER MISSISSIPPI RIVER CONSERVATION ORDINANCE

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Beltrami County Ordinance No. 10

Beltrami County Upper Mississippi River Conservation Ordinance

Revised April 20, 1982

OFFICIAL COPY

Commissioner Bjella offered the following resolution and moved its adoption:

Section 1 -- Policy and Authorization

An ordinance for controlling shoreland development in order to protect the Upper Mississippi River and its adjacent lands in Beltrami County, Minnesota, under the authority contained in M.S.A. 471.59, and in furtherance of policies contained in Minnesota Statutes Chapters 104,105, 115, 116, 394, 396, the Mississippi Headwaters Board joint powers agreement and the Mississippi Headwaters Board management plan for the Mississippi River and certain headwaters lakes referred to in this ordinance. This management plan shall hereinafter be referred to as the "Upper Mississippi River Management Plan".

The County Board of Commissioners of Beltrami County, Minnesota does ordain:

Section 2 -- Title

This ordinance shall be known, cited and referred to as the Beltrami County Upper Mississippi River Conservation Ordinance; except as referred to herein, where it shall be identified as, "this ordinance".

Section 3 -- Purpose

This ordinance is adopted to achieve the policy of Section 1 and to:

1. To comply with the Mississippi Headwaters Board joint powers agreement and in furtherance of the policy statement contained herein.
2. In furtherance of the objectives and policies contained in the Upper Mississippi River Management Plan for protection of the Mississippi River and adjacent lands and certain headwaters lakes.
3. Designate zoning districts along the Mississippi River which are contained within the Upper Mississippi River Management Plan.
4. Regulate the area of lot, length of lot, width of lot at the water line, setback of structures, sanitary waste treatment systems, structure height, and to protect the existing quality of Mississippi River shoreline, its vegetation soils, water quality, flood plain areas and geology.
5. Regulate alterations of the shoreland vegetation and topography.
6. Maintain property values and prevent uncontrolled or poorly planned development.
7. Prevent pollution and overcrowding.
8. Protect and conserve the historic, recreational, archaeological, cultural, fish and wildlife resources of the Mississippi River and adjacent lands.
9. Provide for wise use and management of the Mississippi River, its adjacent lands and resources.
10. Promote the general health and welfare.

Section 4 -- General Provisions

1. Jurisdiction

- a. The jurisdiction of this ordinance shall include all lands contained within the Mississippi River and headwaters lakes zoning district(s) within the jurisdiction of Beltrami County as identified in this ordinance and on map(s) 6 through 17 contained in the Upper Mississippi River Management Plan. The above specified maps are hereby adopted as a part of this ordinance.
- b. The jurisdiction of this ordinance shall not include lands within incorporated areas on the date of adoption of this ordinance.
- c. When land within the zoning district(s) is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all subdivision platting, building permits, construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of these rules that applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

2. Compliance

- a. The use of the Mississippi River shorelands, the size and shape of the lot, the type, the dimensions and location of structures on the lot, the installation and maintenance of water supply and waste treatment facilities, the filling, grading, lagooning or dredging of any Mississippi River shoreland area, the cutting of shoreland vegetation and the subdivision of lots as prescribed in the Beltrami County. Minnesota Subdivision Controls Ordinance shall all be in full compliance with the terms of this ordinance, said subdivision controls ordinance, 6MCAR 4.8040 as promulgated by the Minnesota Pollution Control Agency and Minnesota Department of Health regulations. Said regulations are hereby adopted and made a part of this ordinance by reference.

3. Abrogation and Greater Restrictions

- a. This ordinance supersedes all provisions which are less restrictive of any Beltrami County, Minnesota zoning ordinance that applies to Mississippi River shoreland or flood plain areas or shoreland areas of the headwaters lakes designated in this ordinance.
- b. This ordinance does not prohibit local governments from adopting or continuing in force, by ordinance, regulations of the Mississippi River or headwaters lakes and its adjacent lands, which are more restrictive than those required by this ordinance.
- c. It is not otherwise intended, nor shall it be construed by this ordinance, to repeal, abrogate or impair any existing deed restrictions or ordinances thereof other than zoning to the extent specified in 3 (a). above. However, when this ordinance imposes greater restrictions the provisions of this ordinance shall apply.
- d. Local governments may adopt additional specific permit procedures or conditions or other requirements for compliance so long as they are at least as restrictive as those required by this ordinance.

4. Severability

- a. The provisions of this ordinance shall be severable, and the

invalidity of any paragraph, subparagraph or subdivision or any other part thereof shall not make void any paragraph, subparagraph, or subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this ordinance or the application of this ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said judgment.

5. Definitions

For the purpose of this ordinance for Beltrami County, Minnesota, certain words and terms used herein shall be defined as follows:

The word " shall " is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

"Agricultural Use" means use and management of land for production of crops or raising of livestock and poultry. This use shall include all needed structures and facilities and maintenance and cleaning of ditches.

"Board of Adjustment" means a citizen board appointed by the Beltrami County Board of Commissioners to hear and decide on variance appeals and administrative decisions made by the Zoning Administrator.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Campground" means an area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

"Clear cutting" means the removal of an entire stand of vegetation.

"Commissioner" means the Commissioner of the Minnesota Department of Natural Resources.

"Conditional Use" means a use of land which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after a public hearing to which certain conditions are attached which shall eliminate or minimize the incompatibility with permitted uses of the district.

"Essential Services" means underground or overhead gas, electrical steam or water distribution systems; collection, communication supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

"Flood Plain" means the areas adjoining a watercourse which have been or hereafter may be covered by a regional flood.

"Forestry" means the management, including growing or harvesting of a forest, woodland or plantation, including the construction, alteration or maintenance of woodsroads and landings and the related research and educational activities.

"Hardship" means, as used in connection with a variance under this ordinance, the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance.

"Lot" means a parcel of land designated by metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no

more than one principal structure equipped with sanitary facilities.

"Mining Operation" means the removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, granite, petroleum products or other minerals or materials for commercial, industrial, or governmental purposes.

"Mississippi Headwaters Board" means a board composed of one county commissioner from Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrisson counties, formed as a joint powers board pursuant to M.S.A. 471.59.

"Mobile Home" means living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A mobile home will be defined by reference to the latest publication of the United States of America Standards Institute Standards for Mobile Homes.

"Nonconforming Use" means any use of land established before the effective date of this county ordinance which does not conform to the use restrictions of the particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Ordinary High Water Mark" means a mark delineating the highest mark level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the streambank of the following water bodies that have permanent flow or open water; the main channel, adjoining side channels, backwaters, and sloughs.

"Open Space Recreational Uses" means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.

"Planned Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Planned Unit Development" means a variety of land uses planned and developed as a unit.

"Planning Commission" means a group of citizens appointed by the Beltrami County Board of Commissioners to act as a citizen advisory in planning matters for Beltrami County to hear and decide on Conditional Use requests, as required by M.S. 394.30.

"Primitive Campsites" means an area that consists of individual remote campsites accessible only by foot or water.

"Resort" means a private recreational development which includes several structures intended for habitation, on a temporary basis, for relaxation or recreational purposes.

"Selective Cutting" means the removal of single scattered trees.

"Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

"Sewage Treatment System" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.

"Single Family Dwelling" means a detached building containing one dwelling unit, including modular homes assembled on the site and placed on a permanent foundation, but not including mobile homes.

"Structure" means any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than ten acres each, contiguous in area and which are under common ownership or control.

"Substandard Use" means any use existing prior to the date of enactment or amendment of a county or local ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.

"Travel Trailer or Camper" means a unit eight (8) feet wide and less than thirty-five (35) feet in length, designed for short-term occupancy and designed to be pulled behind a vehicle, upon the frame of a truck, or self-propelled units.

"Variance" means any modification or variation of official controls where it is determined that by reason of exceptional circumstances the strict enforcement of the official controls will cause unnecessary hardship.

"Water Management of Flood Control Structure" means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term water management or flood control structure does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion.

"Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, commonly referred to as bog, swamp, or marsh: identified as class 3,4, or 5 in the public waters classification system or as reclassified based on the U.S. Fish and Wildlife Service classification system.

"Zoning District" means the lands identified on maps for the application of zoning standards which are contained in the Mississippi Headwaters Board plan for the interlocal management of lands adjacent to the Upper Mississippi River, within its jurisdiction.

Section 5 -- Designation of Zoning District Boundaries

1. In order to protect and manage the Mississippi River and its shoreland, the Mississippi River in Beltrami County, Minnesota has been classified as 1 or 2. The uses and classifications of the River and its shoreland are hereby designated by zoning districts, the boundaries of which are identified on the zoning maps 6 through 17. Certain headwaters lakes are also regulated by this ordinance. These maps are designated as the Beltrami County official zoning maps, which are made a part of this ordinance and are on file with the Beltrami County authority.

2. Final determination of the exact location of the zoning district and its boundaries shall be made by the Beltrami County zoning authority or the Board of Adjustment.

Section 6 -- Classifications. Headwaters Lakes Standards

Zoning Classifications (by river segment)	Classification *
Description	
from Lake Itasca to river mile 47	1
from river mile 47 to Bemidji	2
from outlet of Lake Bemidji to Allen's Bay	2

from outlet of Cass Lake to Lake Winnibigoshish 2
 from outlet of Lake Winnibigoshish to Bass Brook Township 2
 from Grand Rapids to Itasca/Aitkin County line 2
 from Itasca/Aitkin County line to City of Aitkin 2
 from City of Aitkin to slack pool above Brainerd dam 2
 slack pool above Brainerd dam from Little Falls to southern Boundary of Morrison County 2

*Does not include incorporated areas or headwaters lakes.

b. Minimum Zoning Standards for Headwaters Lakes**

(1). For Lakes Irving, Bemidji, Stump, Cass, and Winnibigoshish, which are presently classified as GD (General Development) lakes under existing shoreland ordinances, the following minimum zoning standards shall apply:

Shoreland Zoning District Depth 1300 ft.
 Minimum lot size 30,000 sq. ft.
 Building setback (from OHWM) 100 ft.
 Sewage system setback (from OHWM) 75 ft.
 Vegetative cutting regulations Same as county shoreland ordinance
 Minimum lot width at the building line and water line (OHWM) 100 ft.

(2). For lakes Wolf, Andrusia, and Little Winnibigoshish, which are presently classified as RD or RD-2 lakes under existing shoreland ordinances, the existing standard shall apply where more protective than the above standards, except that the shoreland zoning district depth shall be 1300 feet.

** The above zoning standards do not apply to incorporated areas.

(3). The above classifications and minimum zoning standards shall apply only to those Mississippi River or headwaters lakes zoning districts designated in this ordinance that are within the jurisdiction of Beltrami County.

Section 7 -- Minimum Dimensional Standards

1. The following chart establishes the minimum standards for lot size, lot width, building setback, and other requirements for each zoning classification/district for the Mississippi River:

Description	DIMENSIONAL STANDARDS*	
	River Classification 1	River Classification 2
Lot Size	10ac.	5 ac.
Building Setback (from O.H.W.M.)	200 ft.	150 ft.
Lot Width at Building Line	330 ft.	330 ft.
Lot Width at Water Line (O.H.W.M.)	330 ft.	330 ft.
Sewage System	150 ft.	125 ft.
Maximum Residential Structure Height	35 ft.	35 ft.

*These dimensional standards would apply only to future development. (Existing developments would be "grandfathered-in".)

2. Buildings used for agricultural purposes are exempt from maximum structure height restrictions.

3. Substandard Lots
 Lots of record in the office of the County Recorder prior to the effective

date of this ordinance, December 2, 1980, which do not meet the minimum dimensional requirements of this ordinance and individual platted lots of record that were recorded prior to December 2, 1980, shall be permitted as building sites provided such use is permitted within the zoning district, the lot meets the land suitability requirements of this ordinance, all sanitary requirements are complied with, and the dimensions meet the requirements of County Shoreland Management Ordinance No. 6.

4. Structure Setback from Roads

The structure setback from highways, roads, streets, and alleys shall be subject to the minimum setback requirements of the Beltrami County zoning ordinance.

Section 8 -- Uses Within the Zoning District (s)

1. The purpose of regulating uses within the zoning district is to maintain the existing environmental quality of the Mississippi River and its shoreland and to prohibit new uses which are incompatible with the purpose of this ordinance and the Upper Mississippi River Management Plan.

2. Permitted, Conditional, and Nonpermitted Uses

- a. In the following of uses: P means permitted
 C means conditional
 N means nonpermitted.

Certain of the following uses are subject to the Minimum Dimensional Standards and Sanitary Provisions of this ordinance. All of the following uses are subject to the Begetative Cutting Provisions of this ordinance.

b. PERMITTED, CONDITIONAL AND NONPERMITTED USES

Use*	River Classification	
	1	2
Single family residential	P	P
Mobile Homes	C	C
Related essential services	P	P
Agricultural uses	P	P
Forestry Uses	P	P
Private roads and minor public streets	C	P
Underground mining	N	C
Public roads	C	C
Utility transmission, power lines	C	C
Signs necessary for public health, safety and recreational uses	P	P
Other signs not visible from the river	C	C
Government campgrounds, recreational developments	C	C
Private campgrounds, recreational developments	C	C
Planned Cluster	N	C
Planned Unit	N	C
Public access with boat launches	C	C
Permanent docks	C	C
Temporary docks	P	P
Public access with trail-type access	P	P
Boathouses	N	C
Travel Trailers and Campers	C	C

*Uses not listed in the table above as permitted or conditional will be considered as nonpermitted. Note Section 14, (2) (a) and (b) regarding non-conforming uses and substandard uses.

Change "Government campgrounds recreational developments" to read "Government campgrounds, open-space recreational uses".
"Private campgrounds, recreational developments" to read "Private campgrounds, open-space recreational uses".
"Planned Cluster" to read "Planned Cluster Development".
"Planned Unit" to read "Planned Unit Development".

- c. Mobile homes shall be subject to the following conditions:
 - 1.) All minimum dimensional standards and sanitary provisions of this ordinance that apply to single family residential structures and uses.
 - 2.) Mobile homes shall have their wheels and running gear removed and shall be placed on a permanent foundation.
 - 3.) Mobile homes shall be at least 35' in length.
 - 4.) All other conditions that may be required by the Beltrami County zoning ordinance or subdivision regulations.
- d. Travel Trailers or Campers:
 - 1.) Shall be subject to all minimum dimensional standards and sanitary provisions of this ordinance that apply to single family residential structures and uses.
 - 2.) Shall not be used for the purpose of permanent occupancy.
 - 3.) Shall be subject to all additional conditions that may be required by the Beltrami County zoning ordinance or subdivision regulations.

Section 9 -- Sanitary Provisions

The sanitary provisions standards set forth in Minnesota Regulations Cons. 72 of the Statewide Standards and Criteria for Management of Shoreland Area of Minnesota shall apply, except that the provisions of Cons. 72 (b) (4) are superseded by the setback provisions for sewage systems in Section 6 of this ordinance and Minnesota Pollution Control Agency regulations 6 MCAR 4.8040, which are hereby adopted by reference, where more protective.

Section 10 -- Vegetative Management Provisions

1. General Provisions :

The removal of natural vegetation shall be limited to prevent erosion into public waters, to consume nutrients in the soil, to provide wildlife habitat and a corridor for movement, and to preserve the scenic and aesthetic character of the shoreland.

Forest management shall be permitted but limited to generally accepted forest management practices designed to promote and manage a healthy forested area. Emphasis shall be placed on the maintenance, development, and improvement of riverfront forests subject to the regulations set forth in this section.

2. Vegetative Cutting Provisions :

- a. On lands within the building setback distance of the ordinary high-water mark of the Mississippi River the following standards shall apply:
 - (1) Clearcutting, except for any authorized public services such as roads and utilities, shall not be permitted unless approved

as part of a specific management plan and subject to the requirements of Section 9 (2) (c) of this ordinance.

- (2) Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is done in such a manner as to maintain as much forest cover as is reasonably possible.
- (3) The vegetative cutting provisions of Section 9 (2) (a) (1) and (2) shall not be deemed to prevent:
 - (aa) The removal of diseased or insect infested trees, or of dead, dying, rotten, or damaged trees that present safety hazards.
 - (bb) Pruning of understory vegetation, shrubs, plants, brushes, grasses, or harvesting of crops, or cutting of suppressed trees or trees less than four inches in diameter at breast height.
- b. Clearcutting anywhere within the Mississippi River zoning district boundaries of this ordinance shall be subject to the following standards and criteria:
 - (1) Clearcutting shall be conducted only in such a manner as to minimize damage to soils, slopes, or other watershed conditions that are fragile and subject to erosion, sedimentation, or other injury.
 - (2) Clearcutting shall be conducted only in such a manner as to maintain as much forest cover as reasonably possible and cutting boundaries shall follow topographic terrain, roads, and forest type changes where feasible. Skidding shall be conducted in such a manner as to minimize erosion and sedimentation.
 - (3) The size of clearcut areas shall be kept at the minimum necessary.
 - (4) Where feasible, all clearcuts shall be conducted between September 15 and May 15, or when conditions are such that damage is minimized.
 - (5) Where erosion problems exist, erosion control measures shall be taken. If replanting is necessary for proper regeneration, it shall be performed in the same spring or the following spring. Replanting of long-lived species shall be promoted.
 - (6) Consideration shall be given to methods for improvement of wildlife habitat.
 - (7) Proper site preparation shall be completed, including slash disposal, so as to minimize fire danger, improve reproduction, reduce soil damage, reduce danger from insects and diseases, and improve wildlife habit and aesthetic characteristics.
 - (8) In no instance shall clearcutting violate the regulations for the shoreland alterations set forth in the model ordinance for the management of shoreland areas, Minnesota Reg. Cons. 77, Section 4.31.
- c. On lands within the building setback distance of the ordinary high water mark of the Mississippi River that are being managed primarily for forestry purposes the following standards shall apply:
 - (1) The vegetation management goals for such lands shall be for the maintenance and regeneration of aesthetically pleasing and healthy forest vegetation through the application of generally accepted silvicultural techniques.

- (2) Vegetation consisting of a variety of cover types and of naturally associating different species shall be encouraged.
 - (3) Forest type conversions shall favor long-lived species that are naturally suited to that particular site.
 - (4) Management of long-lived species along the riverfront shall be directed at promotion of large sized trees by using rotations based on biological age rather than economic age.
 - (5) Cutting, including clearcutting, may be allowed only after the preparation and approval of a specific management plan for such lands being managed for forestry purposes and subject to the following standards and criteria:
 - (aa) Cutting shall be subject to the standards and criteria set forth in Section 9 (2) (b) of this ordinance.
 - (bb) A specific written management plan shall be prepared by a professional forester and submitted for review and approval to the designated appropriate county official.
 - (cc) The management plan shall contain a description of the proposed cutting operation and a summary of how the operation will comply with the standards set forth in this section and Section 9 (2) (b) of this ordinance, including the following information:
 - * How the proposed vegetation management plan will protect or enhance the scenic and aesthetic character of the river shoreland.
 - * Description of property, including both a legal description and a general description.
 - * The general description shall include a description of the location, size, topography, soils, and access to the vegetation management area.
 - * A map of the proposed vegetation management area including proposed cuts, roads, and other associated operations.
 - * A timber type analysis including type, acres, age, site analysis, condition, and recommendations for management of timber, fish and wildlife habitat, recreation, and water protection.
 - * The name, address and phone number of the person or persons who will be in charge of the proposed vegetation management project.
 - * Any additional information that the designated county official may require for proper review of the management plan.
- d. On lands within the headwaters lakes specified in this ordinance the following standards shall apply:
 - (1) The regulations for shoreland alterations set forth in the model ordinance for the management of shoreland areas, Minnesota Reg. Cons. 77, Section 4.31, or any county shoreland regulations for those lakes which are more protective, shall apply.

Section 11 -- Grading, Filling, Alterations in the Beds of Public Waters in the Zoning District

1. Any grading or filling work done within the Mississippi River zoning district(s) controlled by this ordinance shall require a permit and shall comply with the following:
 2. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the Mississippi River zoning district(s):

3. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the Beltrami County, Minnesota zoning authority. A grading and filling permit may be issued only if the conditions of subsection 4, 5 a-d are met.
4. Grading and filling of the natural topography that is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, tree clearing, and the destruction of natural amenities.
5. Grading and filling of the natural topography shall also meet the following standards:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible.
 - b. Temporary ground cover such as mulch is used and permanent ground cover, such as sod, is planted.
 - c. Methods to prevent erosion and to trap sediment are employed.
 - d. Fill is stabilized to accepted engineering standards.
6. Excavation of material from, filling in, construction of any permanent structures or navigational obstructions, or any work that will change or diminish the course, current, or cross-section of the Mississippi River, headwaters lakes, or wetlands is prohibited unless authorized by a permit from the Commissioner of Natural Resources pursuant to Minnesota Statutes Section 105.42.
7. Drainage or filling in of wetlands is not allowed with the land use district(s) controlled by this ordinance.

Section 12 -- Utility Transmission Lines and Related Facilities

1. It is essential to regulate utility transmission crossings of lands within the jurisdiction of the local authority within the Mississippi River zoning district(s) in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such utility crossings. These standards and criteria considerations concerning such a proposed crossing.
2. For each of the standards listed, the applicant shall indicate how he is satisfying the consideration where applicable, or if he is not, why not. In dealing with route design considerations the applicant must, where applicable, also supply data on relevant site conditions. The county zoning authority may issue a conditional use permit only if the applicant shows he has, to the extent feasible, satisfied these standards.
3. The applicant shall submit both a preferred route and at least one alternate route for the proposed utility transmission crossing to the county zoning authority.
4. In general, avoid the Mississippi River land zoning district(s), whenever practicable, but if there is no feasible alternative, the standards listed below shall apply:
5. No conditional use permit shall be required for high voltage lines regulated by the Environmental Quality Board pursuant to Minnesota Statutes Section 116 C. 61, as amended.
 - a. All utility crossings (transmission and distribution) of the Mississippi River on state lands within the zoning district(s) which are under the control of the Commissioner of Natural Resources, require a permit from the Commissioner pursuant to Minnesota Statutes, Sections

84.415 or 105.42. In reviewing permit applications for such crossings, primary consideration should be given to crossings that are proposed to be located with or adjacent to existing public facilities, such as roads and utilities.

b. Utility transmission crossings of lands under the jurisdiction of the county zoning authority within Mississippi River zoning district(s) require a conditional use permit from the county zoning authority. (Transmission means electric, power, telephone and telegraph lines, cables, or conduits which are used to transport large blocks of power between two points -- with respect to electric power, generally 69 kilovolts or more -- or main or pipeline crossings for gas, liquids, or solids in suspension which are used to transport large amounts of gas, liquids or solids in suspension between two points.) Distribution means lines, cables, or conduits, or mains or pipelines used to distribute power, water, gas, or other essential services to the utility company's customers. A conditional use permit is not required for essential services.

(1) Route Design -- Criteria for Utility Transmission Crossings

- (aa) Avoid steep slopes where the combination of slope, soil, vegetation, and right-of-way clearing will be detrimental.
- (bb) Avoid intrusions into open exposures of water.
- (cc) Avoid routing along ridge crests or high points of topographic elevation.
- (dd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques. This is applicable where the right-of-way is visible from the river.

With regard to location:

- (ee) Avoid entering areas within 200 feet of the Mississippi River. Consideration shall be given to soil, slope and vegetation characteristics and transmission design. This setback shall not apply to crossings of the Mississippi River in cases where placement of transmission structures outside the 200 foot setback would result in considerably higher or more conspicuous structures.

Avoid routing or siting utility transmission lines with river classification zone #1.

With regard to vegetation:

- (ff) Avoid wetlands, except in situations where a route crossing wetlands may be the least environmentally damaging alternative.
- (gg) Avoid passing through commercial or managed forests, then utilize open areas in order to minimize destruction of forest resources.

With regard to soil characteristics:

- (hh) Avoid areas where a combination of soil, vegetation, and slope characteristics and right-of-way clearing will cause soil erosion or slippage or create sedimentation problems during or after construction.
- (ii) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing public waters:

- (jj) Utility crossings of public waters requires a permit from the Commissioner pursuant to Minnesota Statutes, Section 84.415 or 105.42.
- (kk) Avoid open space recreation areas whenever practicable.

(2) Structure Design

With regard to locating the utility overhead or underground:

(aa) A critical evaluation of all factors shall be made in determining the preferred design but consideration must be given to underground placement and other measures to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible.

Economic considerations alone shall not be the major determinant.

(bb) If overhead design is necessary, the crossing should be screened from view as much as practicable.

With regard to the appearance of the structures:

(cc) They shall be made as compatible as practicable with the natural area as design limitations allow with regard to height and width, materials used, and color. The height of structures should be proportional to the length of the conductor span.

With regard to the width of the right-of-way:

(dd) The cleared portion of the right-of-way should be kept to a minimum so as to maximize the screening benefit of natural vegetation while meeting design clearance requirements.

(3) Construction Methods

(aa) If necessary, construction in wetlands shall be conducted during winter months when feasible and the necessary mitigative measures taken to minimize damage to vegetation and prevent erosion and sedimentation.

(bb) Construct at times when local fish and wildlife are not spawning or nesting.

(cc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

(4) Safety Considerations

Applicants must adhere to applicable federal and state safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

(5) Right-of-Way Maintenance

(aa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

(bb) Where vegetation has been removed, suitable vegetation consisting of native grasses, herbs, shrubs, and trees, should be planted and maintained on the right-of-way if natural revegetation has not occurred within two years after construction.

(cc) Chemical control of vegetation is discouraged but where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state and federal agencies with authority over the use.

Section 13 -- Public Roads, River Crossings

1. It is essential to regulate the construction of new public roads and reconstruction of existing public roads within the Mississippi River Zoning District in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. These standards provide a basic framework of considerations for review of proposed road construction.
2. A permit as established in Minnesota Statutes Section 105.42, is required from the Commissioner of Natural Resources for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water.
3. In addition to road construction or reconstruction standards required by state and federal authorities, a conditional use permit from the Beltrami County, Minnesota zoning authority shall be required.
4. Public roads as defined herein and subject to the standards and criteria in this section of this ordinance include township, county, county-state-aid-highways, municipal roads and highways which serve, or are designed to serve, traffic between communities or other traffic areas.
5. A conditional use permit is not required for minor public streets which are intended to serve as access to abutting properties.
6. For each consideration listed below, the applicant shall indicate how he is satisfying the consideration where applicable, or if he is not, why not. In dealing with route design considerations, the applicant must, where applicable, also supply data on relevant site conditions. The county zoning authority shall issue a conditional use permit if the applicant shows he has satisfied to the extent feasible, these considerations:
 - a. Route Design
 - (1) Avoid steep slopes.
 - (2) Avoid intrusion into stream valleys and open exposures of water.
 - (3) Avoid scenic intrusion by avoiding ridge crests and high points.
 - With regard to location;
 - (4) Avoid new public road routing within 200 feet of Mississippi River.
 - With regard to vegetation:
 - (5) Avoid wetlands.
 - (6) Run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of forest areas.
 - With regard to soil characteristics:
 - (7) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.
 - (8) Avoid areas of plastic soils which would be subject to extensive slippage.
 - (9) Avoid areas with high water tables, especially if construction requires excavation.
 - With regard to crossing of public waters:
 - (10) A permit from the Commissioner of Natural Resources is required as established in Minnesota Statutes Section 105.42 for a road or railroad crossing, or reconstruction, removal, or abandonment of any existing road or railroad crossing, of a public water.
 - With regard to open space recreation areas:
 - (11) Avoid them whenever practicable.
- b. Construction Methods
 - (1) Construct new roads so they rest as "lightly" on the land" as feasible, avoiding cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape.

- (2) Reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect to the natural beauty and environment of the river.
 - (3) Effective erosion and sedimentation control programs shall be conducted during all clearing construction, or reconstruction operations in order to prevent the degradation of the river and its adjacent lands.
 - (4) Avoid wetlands. But, if necessary and if approved by a permit from the Commissioner of Natural Resources as required by Minnesota Statutes Section 105, construct across wetlands in such a manner which minimizes damage to vegetation, and in a manner so as to minimize erosion and sedimentation.
 - (5) Construct bridges and place culverts in a manner which does not impair natural drainage.
 - (6) Construct at times when local fish and wildlife are not spawning or nesting.
- c. Safety Considerations
Applicants must adhere to applicable federal and state safety regulations with regard to new road construction or reconstruction of an existing road.
- d. Right-of-Way Maintenance
- (1) If possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way.
 - (2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees should be planted and maintained on the roadside right-of-way.
 - (3) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over their use.

Section 14 -- Subdivision

1. No land shall be subdivided which is determined by the Beltrami County local authorities, or upon recommendation by the Commissioner of Natural Resources to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community.
2. The provisions otherwise set forth in this ordinance and in other applicable local ordinances shall apply to all plats, except Planned Cluster Development.
3. Copies of all proposed plats within the Mississippi River and headwaters lakes zoning districts shall be submitted to the Commissioner of Natural Resources for review at least thirty (30) days prior to the approval or disapproval of such plats by the governing body so as to enable the Commissioner to advise the governing body on the suitability of the land for such subdivision.
4. For planned cluster developments the following standards will apply, in addition to any applicable provisions of the Beltrami County Zoning Ordinance.
 - a. A planned cluster development may be allowed only when the proposed

clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development.

b. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this ordinance for planned cluster developments provided:

(1) Preliminary plans are reviewed by the Mississippi Headwaters Board as provided in Section 15 of this ordinance and are approved by the Commissioner of Natural Resources prior to their enactment by Beltrami County.

(2) Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.

(3) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other methods.

(4) There is not more than one centralized boat launching facility for each cluster.

(5) The density of such planned cluster development shall not exceed two dwelling units per five (5) acres within the Mississippi River Zoning Districts.

Section 15 -- Administration

1. Authority

- a. The provisions of this ordinance shall be administered by the designated Beltrami County authority.
- b. The Board of Adjustment of Beltrami County, Minnesota shall act upon all questions as they arise in the administration of this ordinance; to hear and decide appeals and applications for variances; and to review any order, requirements, decisions, or determination made by the Zoning Authority, who is charged with enforcing this ordinance in the manner prescribed by Minnesota Statutes Chapter 394, as amended.

c. Permit fees and inspection fees as may be established by resolution of Beltrami County, Minnesota shall be collected by the Zoning Authority for deposit with Beltrami County and credited to the appropriate fund.

2. Nonconforming Uses, Substandard Uses

- a. Nonconforming uses.
Uses permitted by this ordinance but which are in existence prior to the effective date of this ordinance shall be nonconforming uses... Such uses may be continued but shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use of the activity as stipulated in the most current permit issued prior to the adoption of this ordinance.
- b. Such use shall not be changed to another nonconforming use or be reestablished if discontinued for a continuous twelve (12) month period. The County Assessor shall notify the Zoning Officer in writing of instances of nonconforming uses which have been discontinued for a continuous twelve-month period.
- c. If a nonconforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure or use of the site shall conform to this ordinance.

- d. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

3. Substandard Uses

All uses in existence prior to the effective date of enactment or amendment of this ordinance which are permitted or conditional uses within the Mississippi River zoning district(s), but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses, and shall be allowed to continue provided that: any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

Where a setback pattern from the ordinary high-water mark has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply to lots which do not meet the minimum lot width requirements of this ordinance.

4. Conditional Uses

- a. Prior to the granting of a conditional use permit by the Beltrami County planning commission the applicant must show how he/she has met the standards and criteria contained in this ordinance.
- b. The applicant for a conditional use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment may be requested by the board to demonstrate the nature and extent of the effect.

5. Variances

- a. The grant of a variance requires the presence of all the following conditions.
 - (1) The strict enforcement of county zoning controls will result in unnecessary hardship. "Hardship" as used in connection with granting of a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.
 - (2) Granting of the variance is not contrary to the purpose and intent of the zoning provision contained within the Upper Mississippi River Management Plan, its standards and criteria, and is consistent with the policies adopted by the Mississippi Headwaters Board.
 - (3) There are exceptional circumstances unique to the subject property which were not created by the landowner.
 - (4) Granting of the variance will not allow any use which is neither a permitted or conditional use within the zoning district established in the Upper Mississippi River Management Plan, in which the subject property is located.
 - (5) Granting of the variance will not alter the essential character of the zoning district(s) established in the Upper Mississippi River Management Plan.
- b. The applicant for a variance which, in the opinion of the board of adjustment, may result in a material adverse effect on the environment may be requested by the board of adjustment to demonstrate the nature and extent of the effect.
- c. All variances to the requirements of this ordinance must be reviewed with Section 15 of this ordinance.

6. Inconsistent Plats

- a. Inconsistent Plats;
Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
- b. All inconsistent plats approved by the Beltrami County authority must be reviewed in accordance with Section 18 of this ordinance.

7. Amendments

- a. This ordinance may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this section. Amendments to this ordinance must be reviewed by the Mississippi Headwaters Board as specified in Section 15 of this ordinance.
- b. Requests for amendments of this ordinance shall be initiated by a petition of the owner or owners of the actual property; or by action of Beltrami County, Minnesota.
- c. An application for an amendment shall be filed with the county zoning authority.
- d. Upon receipt of the application and other requested materials, the Beltrami County authority shall conduct a public hearing in the manner prescribed by Minnesota Statutes.
- e. Following the public hearing, the county authority shall make a report of its recommendations on the proposed amendment and shall file a copy with Beltrami County within sixty (60) days after the hearing. Mississippi Headwaters Board review must be obtained as specified in Section 18 before the proposed amendment becomes effective.
- f. To defray the administrative costs of processing requests for an amendment to this ordinance, a fee not exceeding administrative costs shall be paid by the petitioners, such fee shall be determined by the Beltrami County Board of Commissioners.

Section 16 -- Review and Certification Procedures

1. Applicability

- a. In order to ensure the standards here are not nullified by unjustified exceptions and particular cases, and to promote uniformity in the treatment of applications for such exceptions, review and certification procedures hereby established for certain decisions consist of those which (1) directly affect the use of land within the Mississippi Headwaters Board designated zoning district boundary or (2) includes one of the following types of action:
 - (1) Adopting or amending an ordinance regulating the use of land, including rezoning particular tracts of land.
 - (2) Granting a variance from a provision of the local land use ordinance which relates to the zoning dimension provisions of the Mississippi Headwaters Board plan or any zoning dimension provisions established in this plan.
 - (3) Approving a plat which is inconsistent with the local land use ordinance adopted under the Mississippi Headwaters Board plan.
- b. The land use ordinance or amendment must comply with the policy of the joint powers board agreement and the management plan prepared pursuant to the authority contained in M.S.A. 471.59.
- c. No such local action shall be effective until the Mississippi Headwaters Board has reviewed and certified such actions.

2. Procedures

- a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under the local ordinance shall be received by the MHB at least fifteen (15) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
- b. The local authority shall notify the MHB of its final decision on the proposed action within ten (10) days of the decision.
- c. The MHB shall no later than thirty (30) days from the time they receive notice of the final decision communicate to the local authority either:
 1. Certification of approval, with or without conditions; or,
 2. Notice of non-approval.
- d. The action becomes effective when, and only when, either:
 1. The final decision taken by the county has previously received certification of approval from the MHB; or,
 2. The county receives certification of approval after its final decision; or,
 3. Thirty (30) days have elapsed from the day the MHB received notice of the final decision and the county has received from the MHB neither certification of approval nor notice of non-approval; or,
 4. The MHB certifies their approval after conducting a public hearing.
- e. In the case of notice of non-approval of an ordinance or a variance or an inconsistent plat, either the applicant or the chief executive officer of the county may, within thirty (30) days of said notice, file with the MHB a demand for hearing. If the demand for hearing is not made within the thirty (30) days, the notice of non-approval becomes final. Also,
 1. The hearing shall be held in the county seat of the county to which the action applies within sixty (60) days of the demand for it, but not before two (2) weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statute 105.44, subdivisions 5 and 6 (1971) as amended.
 2. Within thirty (30) days after the hearing, the MHB shall either certify their approval of the proposed action or deny it. Their decision shall be based upon findings of fact made on substantial evidence found in the hearing record.
- f. Copies of all plats within the zoning district boundaries shall be forwarded to the Commissioner within ten (10) days of approval by the respective county.
 1. The counties shall notify the Mississippi Headwaters Board within ten (10) days regarding the final action taken on these applications.
 2. Copies of all final plats within the zoning district boundaries shall be forwarded to the Commissioner within ten (10) days of approval by the respective county.

Section 17 -- Enforcement

1. It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
2. In the event of a violation or a threatened violation of this ordinance, Beltrami County or the Mississippi Headwaters Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
3. Any taxpayer or taxpayer of Beltrami County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.
4. This ordinance shall have full force and effect from and after its passage, approval, and publication by law.

Amendment to # 10
Adopted 10/3/89

Mississippi Headwaters Conservation Ordinance
Proposed Standards for Conditional Uses

Section 4 - General Provisions
5. Definitions

Add:

"Accessory Structure" means any structure or improvement subordinate to a principal use.

"Modern Campground" means an area accessible by vehicle; containing camp sites or camping spurs for tents, travel trailers, campers; with sewer and water to individual sites.

"Permanent Docks" means a dock constructed on wood pilings or rock crib.

"Primitive Campgrounds" means an area accessible by water or foot only; containing campsites for tent camping only; with well and vault privy facilities provided.

"Recreational Camping Vehicle Park Campground" means an area accessible by vehicle; containing sites for travel trailers or recreational camping vehicles; with central water supply and central on-site sewer treatment facilities connected to each site.

"Semi-Modern Campground" means an area accessible by vehicle; containing camp sites for tents, travel trailers, and campers; without centralized water or sewer facilities connected to each site.

"Sign" means any name, identification, display, illustration or device situated to be in the public view and directing attention to a product, business, message, person or institution.

Section 8 - Uses Within the Zoning District (s)

2. b. Permitted, Conditional and NonPermitted Uses

River Classification

	1	2
Single Family Residential	P	P
Mobile Homes	C	C
Related Essential Services	P	P
Agricultural Uses	P	P
Forestry Uses	P	P
Private Roads and minor public streets	C	C
Underground mining	N	N
Public Roads	C	C
Utility Transmission, power lines	C	C
Signs necessary for public health, safety and recreational use	P	P
Other signs not visible from river	C	C
Government Campgrounds, Open Space	C	C
Recreational Uses		
Private Campgrounds, Open Space	C	C
Recreational Uses	C	C
Planned Cluster Developments	N	N

Planned Unit Developments

Resort	N	C N
Public Access with Boat Launch	C	G
Permanent Docks	C	C
Temporary Docks	C	C
Public Access with Trail Access	P	P
<u>Boathouses</u>	P	P
Travel Trailers and Campers	N	C N
	C	C

Section 11 - Grading, Filling, Alterations in the Beds of Public Waters in the Zoning District

- 5. e. Fill or excavated material is not placed in a manner that creates an unstable slope.
- f. Plans to place fill or excavated material on steep slopes is reviewed by a qualified professional for continued slope stability and in no case may create finished slopes of 30 percent or greater.
- g. Fill or excavated materials are not placed in bluff impact zones.

Section 13 - Public Roads, River Crossings

- 5. A conditional use permit is not required for roads which are intended to serve as access to abutting privately-held properties.

Section 14 - Campgrounds and Resorts

I. Campgrounds.

- 1. Expansion of a campground by more than 2 units from the number regularly in use prior to January 1, 1989, requires a conditional use permit and is subject to the following standards:
 - 2. Site plans for all proposed campgrounds shall be submitted to the _____ County Planning Commission. All proposed plans shall contain the following information and shall be drawn at a scale of not less than one inch = 200 feet.
 1. Name of the campground.
 2. Legal description of the property affected.
 3. Names and addresses of applicant, owner, surveyor, and designer of the plan.
 4. Graphic scale.
 5. Arrow depicting north on the plan.
 6. Date of preparation.
 7. Total acreage of property.
 8. Square footage for each proposed site.
 9. Existing soil conditions and topographic contours.
 10. Roads and proposed roads showing right of way widths.
 11. Proposed location and type of on-site sanitary treatment facilities and domestic water supply.
 12. Recreational and accessory facilities, existing or to be constructed, by type and location, including, but not limited to, lodges, sheds, swimming pools, tennis courts, laundries, convenience stores, boat storage and fish cleaning houses.
 13. All streams, creeks, ponds, wetlands, and swamps.
 14. Existing or proposed marinas, harbors and/or any ducting facilities.

3. Campgrounds must comply with the following density and length of stay requirements.

Modern Campground: 8 units per acre; 4,000 square feet each site; minimum width 40 feet each lot; a unit may not remain at an individual site for longer than 14 consecutive days;

Semi-Modern Campground: 8 units per acre; 4,000 square feet each site; minimum width 40 feet each lot; a unit may not remain at an individual site for longer than 14 consecutive days;

Primitive Campground: 8 units per acre; 4,000 square feet each site; minimum width 40 feet for each site; a unit may not remain at an individual site for longer than 14 consecutive days;

Recreational Vehicle Park Campground: 4 units per acre; 8,000 square feet each site; minimum width 80 feet each lot; a recreational camping vehicle may not be parked at an individual site for more than 180 days in each calendar year.

4. No accessory structures shall be permitted in any site.

5. Interior campground roads shall meet the following requirements: All roads shall have a 50 foot minimum right of way. Interior roads with one way traffic can be no less than 15 feet in width. Interior roads with two-way traffic must be at least twenty-four (24) feet in width for traveled portions.

6. Campsites shall be set back from the ordinary high water mark as required by Sections 6 and 7 of this ordinance.

7. Campgrounds shall have an approved on-site sewage treatment system which conforms to all standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

8. Adequate vegetative screening for campgrounds shall be maintained consistent with provisions of Section 10 of this ordinance.

9. Campgrounds shall be licensed by and shall meet all standards proscribed by the Minnesota Department of Health. In the event of conflict between those regulations and the regulations of this ordinance, the more restrictive standards shall apply.

10. When reviewing an application for a conditional use permit for any campground, the county planning commission shall evaluate the effect of the proposed campground with regard to the following criteria:

- A. Maintenance of safe and healthful conditions.
- B. Prevention and control of water pollution, including sedimentation.
- C. Existing topographic and drainage features and vegetative cover on the proposed site.
- D. The location of the site with respect to the flood plains and the flood ways of the Mississippi River.
- E. The erosion potential of the site and based upon the degree and direction of slope, soil type, and vegetative cover.
- F. The location of the site with respect to existing or future township, county, state or federal roads.
- G. The compatibility with uses on adjacent lands.

11. Resorts

1. Expansion of a resort by more than 2 units from the number regularly in use prior to January 1, 1989, requires a conditional use permit and is subject to the following standards:

2. A site plan for all proposed resorts and resort expansions shall be submitted to the _____ County Planning Commission including:

1. Name of the resort.
 2. Legal description of the property affected.
 3. Name and address of applicant, owner, surveyor, and designer of the plan.
 4. Graphic scale.
 5. Arrow indicating north in the plan.
 6. Date of preparation.
 7. Total acreage of the property, including boundaries.
 8. Total dimension of dedicated property.
 9. Existing soil conditions and topographic contours.
 10. Roads and proposed roads showing right of way widths.
 11. Proposed location and type of on-site sanitary treatment facilities and domestic water supply.
 12. Recreational and accessory facilities, existing or to be constructed, by type and location, including, but not limited to, lodges, sheds, swimming pools, tennis courts, laundries, convenience stores, boat storage and fish cleaning houses.
 13. All streams, creeks, ponds, wetlands, and swamps.
 14. Existing or proposed marinas, harbors, and/or any docking facilities.
3. Density and setback standards set forth in Section 6, Headwaters Lakes, and Section 7, Mississippi River, of this ordinance must be met.
4. Resorts shall have an approved on-site sewage treatment system which conforms to all standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.
5. Adequate vegetative screening for resorts shall be maintained consistent with provisions of Section 10 of this ordinance.
6. Resorts shall be licensed and shall meet all standards of the Minnesota Department of Health. In the event of conflict between those regulations and the regulations of this ordinance, the more restrictive standards shall apply.
7. When reviewing an application for a conditional use permit for any resort, the county planning commission shall evaluate the effect of the proposed resort or resort expansion with regard to the following criteria:
- A. Maintenance of safe and healthful conditions.
 - B. Prevention and control of water pollution, including sedimentation.
 - C. Existing topographic and drainage features and vegetative cover on the proposed site.
 - D. The location of the site with respect to the flood plains and the flood ways of the Mississippi River.

- E. The erosion potential of the site based upon the degree and direction of slope, soil type and vegetative cover.
- F. The location of the site with respect to existing or future township, county, state or federal roads.
- G. The compatibility with uses on adjacent lands.

Section 15 Docks, Public Accesses and Signs

1. Permanent Docks. When reviewing an application for a conditional use permit for a permanent dock, the county planning commission shall evaluate the effect of the proposed dock with regard to the following criteria:

- a. Required maintenance will be low, structural damage due to freeze-up and break-up will be low.
- b. Long fetches will subject seasonal docks to damaging storm waves;
- c. Bottom conditions such as bedrock or extremely gradual offshore slope will preclude use of seasonal dock stringers;
- d. The number of users requires additional stability.

2. Piling docks are preferred in all cases unless depth to bedrock is too shallow to allow driving of piles; in which case, rock cribs may be allowed.

3. The dock shall extend waterward only to a navigable depth generally considered to be no greater than four (4) feet. In no case shall the dock extend more than 50 feet waterward from the ordinary high water mark.

4. The dock shall not exceed six (6) feet in width.

5. Proper permits shall be obtained from the Commissioner of Natural Resources.

11. Public Access with Boat Launches

1. When reviewing an application for conditional use permit for any public access with a boat launch, the county planning commission shall evaluate the proposed public access with regard to criteria established by the Minnesota Department of Natural Resources

2. Conditional uses shall be issued for public accesses with boat launches if they comply with the following standards:

- A. Site can support ramp without pilings, dredgings or special site preparations.
- B. Access shall be constructed only of gravel, natural rock, concrete, steel matting, or other durable organic material.
- C. Boat launch shall be no more than six (6) inches thick, twenty-four (24) feet wide, extending twenty (20) feet waterward to a water depth not to exceed four (4) feet, with no more than 30 cubic yards of fill and 60 cubic yards of excavation required.
- D. Boat launch site is not a posted fish spawning site.
- E. All soils disturbed during construction shall be stabilized by seeding or sodding in the same construction season and meet the

standards for excavation, grading, and filling set forth in Section 11 of this ordinance.

III. Signs Not Visible from the River.

1. When reviewing an application for a conditional use permit for any sign not visible from the river, the county planning commission shall evaluate the sign's effect on the aesthetics of the river shoreline and the sign's compliance with the following limitations and restrictions:
2. Signs necessary for public health and safety are permitted.
3. All other signs require a conditional use permit unless the sign is less than six (6) feet square and either (a) displays the name of a home, or (b) is a temporary sign advertising the availability of property.
4. All signs, except those permitted under paragraph 1, shall be of size, shape and location so as not to be unduly prominent in their surroundings and shall not be visible from the river in the leaves-on season.
5. The following signs are prohibited in River Classification Zones 1 and 2:
 - A. Signs which interfere with visibility of drivers or obstruct traffic signs.
 - B. Signs illuminated by flashing lights;
 - C. Lights directed towards a neighboring residence;
 - D. Lights directed towards the water except emergency warning lights or marina lights.
 - E. Signs composed of any conspicuous animated parts.
 - F. Signs mounted on a dock or float.

6. When reviewing an application for a conditional use permit for a sign, the county planning commission shall evaluate the proposed sign with regard to the following conditions:

- A. The signs relationship to a permitted use within the Headwaters area.
- B. The aesthetics of the sign in relationship to the surrounding area.
- C. Assurances of continuing maintenance and upkeep of the sign.
- D. Similarity to other signs in the area.

(Renumber remaining sections:)

Section 16 - Subdivision

Section 17 - Administration

Section 18 - Review and Certification

Section 19 - Enforcement