

ORDINANCE # 2005-01

LAND USE ORDINANCE

FOR

CASS COUNTY, MINNESOTA

EFFECTIVE DATE:

MAY 27, 2005

LAND USE ORDINANCE FOR CASS COUNTY, MINNESOTA

TABLE OF CONTENTS

100 TITLE	6
200 PURPOSE, AUTHORITY, AND JURISDICTION	6
201 PURPOSE	6
202 AUTHORITY	6
203 REPEALOR	6
204 JURISDICTION	7
205 COUNTY COMPREHENSIVE PLAN.....	7
300 GENERAL	7
301 APPLICATION OF THIS ORDINANCE	7
301.1 <i>Interpretation</i>	7
301.2 <i>Conflicting Regulations</i>	7
301.3 <i>Severability</i>	8
301.4 <i>Abrogation and Greater Restrictions</i>	8
302 RULES OF CONSTRUCTION.....	8
303 ISTS UPGRADE ON CONVEYANCE OF PROPERTY	8
304 VESTED RIGHTS.....	9
400 DEFINITIONS	10
500 ADMINISTRATION	28
501 PERMITS REQUIRED.....	28
501.1 <i>Responsibility to Obtain Other Permits</i>	28
501.2 <i>Payment of Delinquent Taxes and Fees</i>	28
502 EXISTING VIOLATIONS	29
503 FINANCIAL ASSURANCE	29
504 NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES	29
504.1 <i>Notices of Public Hearing</i>	29
504.2 <i>Notices of Approval</i>	29
505 FEES	29
505.1 <i>Schedule</i>	29
505.2 <i>Payment</i>	29
505.3 <i>Refunds</i>	30
600 ENFORCEMENT	30
601 PROSECUTION	30
602 DUTY TO ENFORCE	30
603 CEASE AND DESIST ORDERS.....	30
604 ADMINISTRATIVE FEES AND RESTORATION.....	31
700 PLANNING COMMISSION	31
701 ESTABLISHMENT AND MEMBERSHIP	31
702 TERMS OF OFFICE	31
703 DUTIES AND RESPONSIBILITIES	31
704 CONDITIONAL USE PERMITS.....	32
704.1 <i>Purpose and Process</i>	32
704.2 <i>Conditional Use Review</i>	33
704.3 <i>Conditions Attached</i>	33
705 LAND USE RECLASSIFICATION PROCEDURES.....	34
705.1 <i>Land Use Reclassification Requests</i>	34
705.2 <i>Reclassification Criteria</i>	34
705.3 <i>Initiation of Requests</i>	35

705.4 Notice and Hearing.....	35
705.5 Re-submission of Previously Denied Petitions	36
706 ORDINANCE AMENDMENT PROCEDURES	36
800 BOARD OF ADJUSTMENT	36
801 AUTHORITY.....	36
802 ESTABLISHMENT AND MEMBERSHIP	36
803 TERMS OF OFFICE	37
804 DUTIES AND RESPONSIBILITIES	37
805 VARIANCES.....	37
805.1 Application and Notices.....	37
805.2 Variance Criteria.....	38
805.3 Findings of Fact.....	38
805.4 Conditions.....	39
806 APPEALS.....	39
806.1 Appeals of Variances	39
806.2 Appeals of Administrative Decisions	39
807 RECORDS.....	39
900 LAND USE DISTRICTS AND MAP	40
901 ESTABLISHMENT OF LAND USE DISTRICTS	40
902 CONSISTENT WITH COMPREHENSIVE PLAN	40
903 LAND USE DISTRICT DESCRIPTIONS	40
903.1 Shoreland	40
903.2 Urban Growth (UG)	41
903.3 Rural Residential-1 (RR-1).....	41
903.4 Rural Residential-2.5 (RR-2.5).....	41
903.5 Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20).....	41
903.6 Agricultural/Forestry (AF)	41
903.7 Commercial (COM)	41
903.8 Resource Protection (RP)	42
904 LAND USE DISTRICTS MAP	42
905 INTERPRETATION OF MAPS	42
1000 DISTRICT LAND USE REGULATIONS.....	42
1001 USES.....	ERROR! BOOKMARK NOT DEFINED.
1100 PERFORMANCE STANDARDS	45
1101 ACCESSORY STRUCTURES - RESIDENTIAL.....	45
1102 AGRICULTURAL USES.....	45
1102.1 Agricultural Easements	46
1102.2 Feedlots.....	46
1102.3 Animal Density Regulations	46
1103 AIRPORTS, HELIPORTS, AND LANDING STRIPS.....	47
1104 COMMERCIAL USE.....	47
1104.1 Convenience Store/Retail/Service	47
1104.2 Kennels, Commercial	48
1104.3 Motor Vehicle Service Stations and Equipment Repair	48
1104.4 Outdoor Entertainment.....	49
1104.5 Outdoor Recreation Facilities.....	49
1104.6 Outdoor Storage.....	50
1105 COUNTY-ADMINISTERED LANDS – PRIVATE USE	50
1106 EARTHMOVING.....	51
1106.1 Non-Shoreland Zone Standards	51
1106.2 Shoreland Zone Standards	51
1106.3 Specific Standards	51
1106.4 Shoreland Alterations	52
1106.5 Harbor Excavations.....	53
1106.6 Public and Private Roads, Parking Areas	54
1106.7 Conditions.....	54

1107	EXTRACTIVE USE.....	55
1107.1	<i>Permitting of Existing Commercial Extractive Uses</i>	55
1107.2	<i>Application Requirements—New Extractive Uses</i>	55
1107.3	<i>Review Criteria</i>	57
1107.4	<i>Extractive Use Easement</i>	57
1108	FOREST MANAGEMENT.....	58
1109	HANDICAP ACCESSIBILITY STANDARDS.....	58
1110	HOME BUSINESS.....	58
1111	HOME OCCUPATION.....	59
1112	INDIVIDUAL SEWAGE TREATMENT SYSTEMS.....	59
1113	LOT STANDARDS.....	59
1113.1	<i>Lot Area, Lot Width, and Buildable Area Standards for Lake and River Classifications</i>	59
1113.2	<i>Lot Standards for Non-Shoreland Classifications</i>	60
1113.3	<i>Impervious Surface Coverage</i>	61
1113.4	<i>Controlled Accesses</i>	61
1114	MANUFACTURED HOUSING PARKS.....	62
1114.1	<i>Permitting</i>	62
1114.2	<i>Permitted Uses</i>	62
1114.3	<i>Design Standards, Numbers of Lots, and Improvements</i>	63
1115	NONCONFORMING USES AND LOTS.....	64
1115.1	<i>Nonconforming Uses</i>	64
1115.2	<i>Construction on Nonconforming Lots of Record Recorded Prior to Zoning Regulations</i>	64
1115.3	<i>Construction on Nonconforming Lots of Record in the Shoreland Zone Recorded Subsequent to Zoning Regulations</i>	64
1115.4	<i>Nonconforming Structures</i>	65
1116	PLANNED UNIT DEVELOPMENT (PUD).....	66
1116.1	<i>Purpose and Applicability</i>	66
1116.2	<i>Application for a PUD</i>	66
1116.3	<i>Environmental Review—EAW/EIS</i>	66
1116.4	<i>Density Evaluation in Shoreland Areas</i>	67
1116.5	<i>Density Evaluation in Non-Shoreland Areas</i>	67
1116.6	<i>Criteria for Evaluation</i>	67
1116.7	<i>Maintenance and Administration Requirements</i>	67
1116.8	<i>Design Changes</i>	68
1116.9	<i>Open Space Requirements</i>	68
1116.10	<i>Erosion Control and Stormwater Management</i>	69
1116.11	<i>Centralization and Design of Facilities</i>	69
1116.12	<i>Licensed Resorts</i>	70
1116.13	<i>Conversions of Licensed Resorts</i>	72
1117	PUBLIC NUISANCE.....	73
1117.1	<i>Purpose and Standards</i>	73
1117.2	<i>Abatement of Public Nuisances</i>	73
1118	RECREATIONAL CAMPING AREAS AND RECREATIONAL CAMPING VEHICLE PARK CAMPGROUNDS.....	74
1118.1	<i>Permit</i>	74
1118.2	<i>General Standards</i>	74
1119	RENEWABLE ENERGY SYSTEMS AND FACILITIES.....	75
1119.1	<i>Wind Energy Systems</i>	75
1119.2	<i>Additional Standards</i>	76
1120	RESIDENTIAL LOTS, SINGLE FAMILY.....	77
1121	RESIDENTIAL LOTS, MULTIPLE FAMILY/APARTMENTS.....	77
1122	SALVAGE YARDS.....	77
1122.1	<i>Salvage Yard Standards</i>	77
1123	SHORELINE BUFFERS.....	78
1124	SIGNS.....	78
1124.1	<i>Purpose</i>	78
1124.2	<i>General provisions</i>	79
1124.3	<i>Prohibited characteristics</i>	79
1124.4	<i>Sign classifications</i>	79
1124.5	<i>Performance standards</i>	80
1124.6	<i>Non-conforming signs</i>	82
1125	STORMWATER MANAGEMENT.....	82

1125.1	General Standards	82
1125.2	SPECIFIC STANDARDS	83
1126	STRUCTURES--PLACEMENT, DESIGN, AND HEIGHT	83
1126.1	Structure Setbacks	83
1126.2	Height of Structures	84
1126.3	Flood Prevention	84
1126.4	Water-Oriented Accessory Structures or Facilities	84
1126.5	Guest Quarter Standards	86
1126.6	Stairways, Lifts and Landings	86
1126.7	Platforms and Patios	87
1126.8	Decks	87
1126.9	Retaining Walls	88
1126.10	Partition Fences	88
1126.11	Docks	88
1126.12	Boardwalks and Walkways	89
1126.13	Watercraft Access Ramps	89
1126.14	Swimming Pools	89
1127	TELECOMMUNICATION TOWERS	90
1127.1	Purpose	90
1127.2	Permits	90
1127.3	Tower and Antenna Design Requirements	90
1127.4	Tower Setbacks	91
1127.5	Co-Location Requirements	91
1127.6	Antennas Mounted on Existing Buildings or Towers	92
1127.7	Accessory Utility Buildings	92
1127.8	Tower Lighting	92
1127.9	Abandoned or Unused Towers	92
1127.10	Public Safety Telecommunications Interference	92
1127.11	Non-Conforming Towers	92
1128	VEGETATIVE ALTERATIONS	93
1128.1	Steep Slopes	93
1128.2	Bluff zone	93
1128.3	Shore Impact Zone -1	93
1128.4	Shore Impact Zone-2	93
1128.6	Conditions	94
1129	WATER-ORIENTED COMMERCIAL USES	94
1130	WATER WELLS	94
1131	WILDLIFE PONDS	95
1200	SHORELAND CLASSIFICATION	95
1201	SHORELAND CLASSIFICATION SYSTEM	95
1202	AMENDMENTS TO LAKE OR STREAM CLASSIFICATION	96
1300	ADOPTION	97
APPENDIX A--	CASS COUNTY ROAD SPECIFICATIONS	98
1.	DESIGN CRITERIA	98
2.	REQUIRED CLASS 5 AGGREGATE ADDITION BY SUBGRADE SOIL TYPE	98
3.	TYPICAL CARTWAY AND LOCAL ROAD CROSS SECTIONS	98
4.	ADDITIONAL SPECIFICATIONS	99
APPENDIX B-1--	AGRICULTURAL USE EASEMENTS	100
APPENDIX B-2--	EXTRACTIVE USE EASEMENT	102
APPENDIX C--	LOT WIDTH, BLUFF, HEIGHT OF STRUCTURE, AND CALCULATION OF EXPANSION TO NON-CONFORMING STRUCTURE EXAMPLES	104
APPENDIX D--	PUBLIC WATER LAKE AND RIVER CLASSIFICATIONS	107

100 TITLE

This ordinance shall be known as the LAND USE ORDINANCE FOR CASS COUNTY, MINNESOTA and herein referred to as the ordinance.

200 PURPOSE, AUTHORITY, AND JURISDICTION

201 PURPOSE

It is the purpose of this ordinance to promote the health, safety, general welfare, and orderly development of Cass County by:

- A. Regulating land use in accordance with the County Comprehensive Plan
- B. Promoting orderly development of the residential, business, industrial, recreational and public areas of Cass County.
- C. Dividing the County into zones
- D. Regulating the location, height, and bulk of structures
- E. Regulating setbacks
- F. Regulating sizes of lots, yards, and other open spaces
- G. Preventing overcrowding of land and undue concentration of structures
- H. Encouraging compatible developments of different land use and the most appropriate use of land within the County
- I. Maintaining and enhancing the quality and condition of natural resources within the County
- J. Providing adequate access to air, direct sunlight, and convenience of access to property.
- K. Bringing all non-complying individual sewage treatment systems into compliance.

This ordinance is also intended to protect the shoreland of Public waters and the shorelands of the Mississippi River and Headwaters Lakes it flows through, and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use and protection of waters and related land resources

202 AUTHORITY

This ordinance establishes land use regulations pursuant to Minnesota Statutes, Chapter 394, and the Cass County Comprehensive Land Use Plan. The Shoreland section herein is adopted pursuant to Minnesota Statutes, Chapter 103F.201 - 103F.221, and Minnesota Rules, Chapter 6120. Regulation of campgrounds, recreational vehicle parks and manufactured housing parks are pursuant to Minnesota Statutes, Chapters 375.51; 394; 327.14 to 327.28; and 145A.01 to 145A.07. The following ordinances and references are hereby incorporated herein by reference: the Subdivision and Platting Ordinance for Cass County, Minnesota; the Cass County Individual Sewage Treatment System Ordinance, the Mississippi Headwaters Management Plan, the Cass County Solid Waste Ordinance, and the Zoning Dictionary, 1999 edition (Lehman & Associates).

203 REPEALOR

This ordinance repeals related land use ordinances #2002-03, #2003-01, and #2004-04

204 JURISDICTION

The provisions of this ordinance shall apply to all unincorporated areas of Cass County, Minnesota and incorporated areas by agreement, pursuant to Minnesota Statutes, Chapter 394.32. No land owned or leased by the federal or state government shall be subject to this ordinance.

205 COUNTY COMPREHENSIVE PLAN

The Cass County Comprehensive Plan was adopted June 18, 2002. The County Board of Commissioners may amend the Comprehensive Plan from time to time in accordance with the procedures set forth in Minnesota Statutes, Chapter 394.

300 GENERAL

301 APPLICATION OF THIS ORDINANCE

301.1 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

301.2 Conflicting Regulations

- A. Whenever any provision of this ordinance is found to be in conflict with the provisions of any other county ordinance, the ordinance containing the more restrictive requirements shall govern.
- B. For purpose of determining lot area standards, where a parcel lies partially within and partially outside the shoreland as defined herein, then if more than 50% of the parcel lies within the shoreland, the provisions in Section 1113.1 of this ordinance shall apply to the entire parcel. If more than 50% of the parcel lies outside the shoreland, the provisions in Section 1113.2 of this ordinance shall apply to the entire parcel.
- C. For the purpose of determining land use district designation, where a parcel lies in two land use districts as outlined in Section 900 of this ordinance, then the parcel shall be classified in the land use district which encompasses over 50% of the parcel area.
- D. Where a lot in the shoreland zone lies in an area where two different lake or river classifications overlap, lot standards shall be determined as follows:
 1. If a riparian lot abuts one lake or river, the lot shall be subject to the standards for the lake or river that it abuts.
 2. If a riparian lot abuts two lakes or rivers, the lot shall be subject to whichever standards are more restrictive.
 3. Non-riparian lots shall be subject to whichever standards are more restrictive.

301.3 Severability

- A. General application. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically in said judgment.
- B. Specific application. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, use, building, or other structure, such judgment shall not affect the application of said provision to any other property, use, building or other structure not specifically included in said judgment.

301.4 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.

302 RULES OF CONSTRUCTION

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- A. The word "shall" is mandatory and the word "may" is permissive.
- B. Whenever a word or term defined hereinafter appears in the text of this ordinance its meaning shall be construed as set forth in such definition.
- C. All setback distances are expressed in feet and measured horizontally.

303 ISTS UPGRADE ON CONVEYANCE OF PROPERTY

- A. Any individual sewage treatment system located on real property lying within Cass County shall be brought into compliance with the requirements of the current individual sewage treatment systems(ISTS) standard promulgated by the Minnesota Pollution Control Agency (MPCA) in Minn. Rules, Chapter 7080, hereinafter known as "Chapter 7080", or the Cass County Individual Sewage Treatment System Ordinance, hereinafter known as "the Ordinance", whichever is most restrictive, upon conveyance of said real property.
- B. Prior to the conveyance of any real property, the seller shall disclose in writing to the buyer information about the status and location of all known ISTS on the property by delivering to the buyer either a sworn affidavit by the seller that no ISTS exists on the property to the best of their knowledge after diligent investigation, or a certificate of compliance or notice of non-compliance meeting all provisions of Chapter 7080 being the result of a compliance inspection conducted by a Minnesota state registered inspector holding a Designer I or Inspector certification. A certificate of compliance (certificate of compliance) or notice of noncompliance (notice of noncompliance) meeting all provisions of Chapter 7080 shall be submitted to the Cass County Environmental Services Department and the seller within 30 days after the compliance inspection.
- C. If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a complying ISTS. The security shall be placed in an escrow with the Department. The amount escrowed shall be equal to

125% of a written estimate to install a complying ISTS provided by a licensed and certified installer. The buyer may, by mutual written agreement with the seller, assume the responsibility to fund the escrow. The seller or buyer may, by written agreement, assign a third party to receive the disbursement from the escrow account. After a complying ISTS has been installed and a certificate of compliance issued, the Cass County Environmental Services Department shall cause the escrow to be released to the maker of the escrow or their assigns.

- D. At the time of recording the conveyance of any real property within the unincorporated areas of Cass County, the seller shall provide to the Department or the County Recorder one of the following: (1) a sworn affidavit by the seller certifying that no individual sewage treatment system exists on said property to the best of their knowledge after diligent investigation (affidavit), or (2) a Certificate of Compliance on forms approved by the Environmental Services Department (certificate), or (3) a packet consisting of the following documents to be referred to as an escrow packet: a) an escrow agreement as provided by subdivision "C" of this section, b) an attached written estimate to install a complying ISTS provided by a licensed and certified installer ; and, c) an attached ISTS permit for the installation of the ISTS (packet), or (4) an ISTS permit application and ISTS Compliance Inspection Agreement for conveyances which take place between November 15th and April 15th when compliance cannot be determined (winter agreement). Failure to comply with a requirement of this subdivision does not impair the validity of the deed. Failure to present to the Department or County Recorder an affidavit, certificate of compliance, escrow packet, or a winter agreement as outlined in this subdivision shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes.
- E. Liability for Failure to Disclose: Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence of an individual sewage treatment system at the time of sale and knew or had reason to know of the existence of an individual sewage treatment system is liable to the buyer for costs relating to bringing the individual sewage treatment system into compliance with the Cass County Individual Sewage Treatment System Ordinance, and reasonable attorney's fees for collection of costs from the seller, if the action is commenced within two (2) years after the date the buyer closed the purchase of the real property where the individual sewage treatment system is located. Said civil liability shall in no way impair a criminal prosecution for the same violation.
- F. In accordance with section D, (4) above, all property conveyances subject to this ordinance occurring during the period between November 15th and April 15th when ISTS compliance cannot be determined due to frozen soil conditions shall require a winter agreement, which includes an application for an ISTS permit and an ISTS Compliance Inspection Agreement. The compliance inspection shall be completed by following June 1st by a state-licensed compliance inspector. If upon inspection the ISTS is found to be in compliance, the permit fee will be refunded. If upon inspection the system is found to be failed, an escrow agreement shall be established in accordance with section C, above, and the system shall be upgraded.

304 VESTED RIGHTS

Nothing in this or any referencing ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district land use classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modifications as may be necessary to the preservation or protection of the public health, safety and general welfare.

400 DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Abandoned Any item which has ceased to be used for its designed and intended purpose. The following factors, among others, may be considered in determining whether or not an item has been abandoned:

- a. Present operability and functional utility;
- b. The date of last effective use;
- c. The condition of disrepair or damage;
- d. The last time an effort was made to repair or rehabilitate the item;
- e. The status of registration or licensing of the item;
- f. The age and degree of obsolescence;
- g. The cost of rehabilitation or repair of the item versus its market value; and,
- h. The nature of the area and location of the item.

Abate To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Department shall determine is necessary in the interest of the general health, safety and welfare of the community.

Accessory Use A land use which is subordinate to and serving the principal use and customarily incidental to the land use district in which the use is located.

Accessory Structure A structure which is subordinate to and serving the principal structure and customarily incidental to the land use district in which the structure is located.

Addition Any construction which increases the size of a building such as a porch, basement, attached garage or carport, or a new room

Adult Entertainment Adult entertainment encompasses all adult uses and sexually oriented businesses, defined in Cass County's Ordinance for the Regulation of Adult Uses and Sexually Oriented Business.

Agent Any person or persons acting on behalf of a landowner in dealing with activities under the jurisdiction of this ordinance.

Agricultural Easement A restrictive covenant placed on residential developments adjacent to agricultural land waiving all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent land (See Appendix B, 1.).

Agricultural Use Real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

- a. Chemical and fertilizer spraying
- b. Farm machinery noise
- c. Extended hours of operation
- d. Storage and spreading of manure and biosolids under state permit
- e. Open storage of machinery
- f. Odors produced from normal farm activities
- g. On farm marketing of farm products

Agricultural Structure Any structure existing or erected which is used principally for agricultural purposes.

Airport, Private A privately-owned area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley. Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

Animal, Domestic Any animals commonly kept as household pets such as dog or cats.

Animal, Farm Cattle, hogs, horses, sheep, goats, chickens and other animals commonly kept for food production or other purposes.

Animal, Wild or Exotic Any animal not normally considered domesticated which, because of its size, vicious nature or other natural characteristics would constitute a dangerous threat to human life, property or domestic animals including but not limited to venomous reptiles; bird species illegal to own under federal or state law; and mammals including but not limited to lions, tigers, jaguars, leopards, cougars, and bears.

Animal Boarding The caretaking for hire of domestic pets owned by persons other than the occupants of a subject property which does not constitute a public nuisance.

Animal Unit A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on regular basis by a slaughter steer or heifer. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

	Animal Unit (A.U.)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine over 55#	0.4
1 sheep	0.1
1 swine under 55#	0.05
1 turkey	0.018
1 chicken	0.01

Apartment A room or suite of rooms, including bath and kitchen facilities, in a multiple-family or commercial building, designed for occupancy by a single family.

Attractive Nuisance Any condition, instrument or machine that is unsafe, unprotected and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors.

Auto or Motor Vehicle Reduction Yard A lot or yard where one (1) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, sale of parts, sale as scrap, storage, or abandonment. (See also Salvage yard).

Basement The space, 4 feet or greater in height, below the first story of a structure.

Bedroom Any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.

Bed and Breakfast An owner-occupied single family dwelling used in part as rental units for lodging and providing one or more meals as part of the rental fee.

Best Management Practices. A practice or combination of practices for preventing or reducing diffuse or non-point source pollution to a level compatible with water quality goals.

Block A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of a subdivision.

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

- (1) Rises at least 25 feet vertically above the ordinary high water level of the public water, and;
- (2) The grade of the slope—from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots averages 30 percent or greater, and;
- (3) The slope drains to a public water, and;
- (4) Part or all of the feature is located in a shoreland area.(See Appendix C, 3.)

Bluff, Toe For the purpose of measuring setbacks, the point at the bottom of a bluff that is the lower end of a 10 foot segment, measured on the ground, which has an average slope of 18 percent, or is the OHW, whichever is higher.

Bluff, Top For the purpose of measuring setbacks, the point at the upper end of a bluff that is the upper end of a 10 foot segment, measured on the ground, which has an average slope of 18 percent.

Bluff Impact Zone A bluff (as described above) and land located within thirty (30) feet inland of the top of the bluff. (See Appendix C, 3.)

Board of Adjustment The Cass County Board of Adjustment as described in the administrative section of this ordinance and Minnesota Statutes, section 394.27.

Boardwalk A permanent elevated structure used to provide access to a lake or river where a wetland is present and no other access point is available.

Boat Access A ramp, road, or other conveyance which allows the launching and removal of a boat with a vehicle and trailer.

Boat House A structure designed and used solely for the storage of boats or boating equipment and located within the structure setback area from Public waters.

Breezeway A roofed passage connecting two or more buildings.

Buffer Strip Land area used to visibly separate one use from another or to screen or block structures, noise, and lights, etc.

Buildable Area The area remaining on a newly created parcel of land or platted lot after all road easements and rights-of-way, setbacks, bluffs, and wetlands are subtracted.

Building Any structure used or intended for storage, shelter or occupancy.

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

Building-Principal A building or structure in which is conducted the primary use of the lot on which said building or structure is situated.

Business Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold, or where services are offered for compensation.

Cabin, Camping Any commercial structure constructed, placed, or used as temporary shelter of visitors, tourists, campers, or campground users which is designed and used strictly for shelter, not including pressurized water or bathroom facilities.

Cabin, Resort Any commercial structures, or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure which may include sleeping accommodations, kitchen facilities, pressurized water, bathroom facilities.

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

Cemetery. Public and private cemeteries as defined in Minnesota Statutes, Chapter 306.

Cemetery, Unplatted Any human remains or burials found outside of platted, recorded, or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.

Church A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Club or Fraternal Organization A non-profit organization catering exclusively to members and their guests.

Clustering/Cluster Housing The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land. (See also Planned Unit Development).

Commercial Recreation All uses such as bowling alleys, cart tracks, golf courses, pool halls, vehicle racing or amusements, dance halls, skating rinks, taverns, theaters, fire arm ranges, boat rentals, amusement rides, wildlife parks, and casinos that are privately owned and operated with the intention of earning a profit by providing recreation to the public.

Commissioner. The commissioner of the Minnesota Department of Natural Resources.

Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Comprehensive Plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

Conditional Use A use that may be appropriate in a given zoning district but which requires special planning considerations in each instance and which will only be allowed in a specific location under conditions specified by this Ordinance and by the Planning Commission.

Condominium. A form of individual ownership with a multi-family building or development with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

Controlled Access Lot Any lot which is designated by dedication, easement, or other recorded instrument for use by landowners within a plat as a means to gain access to a public water.

Conveyance. The sale and every other method, direct or indirect, of disposing or parting with real property, or with an interest therein which requires the filing of a Certificate of Real Estate Value, or involves the establishment of a trust.

County Cass County, Minnesota

County Attorney The County Attorney of Cass County or the authorized representative.

County Board The Cass County Board of Commissioners.

County Surveyor The County Surveyor of Cass County or the authorized representative.

Crawl Space The space below the first story of a structure not more than 4 feet high and not intended for human habitation.

Day Monday through Friday of any week, except for federal or state holidays.

Deck A horizontal, unenclosed platform which may or may not be permitted to have attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground level.

Density, Residential The number of dwelling units residing upon, or to be developed upon a parcel of land.

Density, Licensed Resort The total structure footprint allowed on a licensed resort parcel.

Department Unless otherwise specifically denoted differently the term Department shall refer to the Cass County Environmental Services Department.

Dismantled That from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

District Any section in Cass County for which the regulations governing the use of buildings and land or the height and area of buildings are uniform.

Dock A platform extending waterward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

Driveway See Road, Driveway

Duplex A structure on a single lot, having two dwelling units, respectively and being attached by common walls and having each dwelling unit equipped with separate sleeping, cooking, eating, living, and sanitary facilities.

Dwelling Consists of one or more rooms which are arranged, designed or used for human habitation.

Dwelling Site A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicles.

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 the following:

- a. Single family Detached—A residential structure designed for or occupied exclusively by one family, not attached to another
- b. Single Family Attached—A residential structure containing two or more separate dwelling units with a common wall, including:

1. Twin Home: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities
 2. Townhouse: A one-family dwelling attached to two or more one-family dwellings by a common vertical wall
- c. Multiple Family—a type of residential structure where building entrances, stairways, halls, and other common elements are shared among several units, with housekeeping and cooking facilities for each.

Easement A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines. An easement may also be granted for such uses as recreational trails, vehicular access, natural resource protection or management, limiting development, and similar uses.

Employee A person working for hire other than the occupants of a dwelling.

Environmental Services Department Advisory Committee A 5-member citizen committee appointed by the County Board to assist the Department with policy development and ordinance review.

Energy Power System Any combination of energy producing system(s).

Equipment, Electric Generation Devices which by themselves are incapable of supplying power in a useable format.

Erosion Control Best management practices implemented to minimize the mobilization of sediment by runoff or in the air due to wind.

ESD The Cass County Environmental Services Department

ESD Director The administrative head of the Cass County Environmental Services Department.

Essential Services The erection, construction, alteration or maintenance by public utilities or municipal department or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings or transmission services) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Existing Violation Any on-going or completed activity which is not permitted under any Cass County Ordinance or pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201 - 103F.221, Minnesota Rules, Parts 6120.2500 - 6120.3900, and Minnesota Statutes, Chapter 394.

Outdoor Storage The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extractive Use The use of land for surface or subsurface removal and sale or compensation of sand, gravel, quarried or loose rock, industrial minerals, other nonmetallic minerals, topsoil, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Facility, Electric Generation Any energy power system(s) that is/are connected to a public electrical system on a per connection basis.

Family One(1) or more persons, each related to the other by blood, marriage, adoption or foster care, or a group of no more than three (3) persons not so related by maintaining a common household and using common cooking and kitchen facilities.

Farm A lot or lots which are principally used for agricultural use. Such farms may include dwelling and agricultural accessory buildings and structures necessary to the operation of the farm.

Feedlot, Livestock A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these parts.

Fence, Partition An artificially constructed barrier on or within 5 feet of a property boundary.

Filling An act of depositing any earthen material.

Filter strip The use of land topography and native vegetation to provide runoff, erosion, and sedimentation control.

Final plat Official plat to be filed in the office Cass County Recorder according to Minnesota Statutes and the subdivision regulations of Cass County.

Flood A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

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

Flood-proofing A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge

Footprint The land surface area occupied by a structure.

Forest Land Conversion The cutting of forested lands to prepare for a new land use other than re-establishment of subsequent forest stand.

Forest Management The management of land for forest, woodland, or plantation uses for one or more of the following purposes: 1) to establish and maintain timber resources; 2) to harvest timber, including the selling of firewood; 3) to establish and maintain healthy and well-balanced forest; 4) to establish and maintain wildlife diversity and habitat for game and non-game species; 5) to provide outdoor recreation activities; and 6) to protect soil and water resources.

Garage An accessory structure which is only intended and used for vehicles and storage, and not a dwelling as defined herein.

Gazebo A free standing accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.

Government Subdivision A full government subdivision or a government lot, or a simple fractional part--increments of one half or one quarter of a full government subdivision.

Grading Changing the natural or existing topography of land.

Group Care Facility A facility which provides residential services for individuals that are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.

Guest Quarters A structure used as a dwelling unit that may have one or more of the following: sleeping spaces, kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Harbor An inland or offshore area protected from waves which is intended for the mooring of watercraft.

Hardship Hardship as used in connection with the granting of a variance means the property in question cannot be put to reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.

Hazardous Waste Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Height of Structure The vertical distance between the highest ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or the highest gable of a pitched or hipped roof. (See Appendix C, 4.)

Highway. Any hard-surfaced thoroughfare or vehicular right-of-way with a federal, state, county, or township numerical route designation.

Home Business A use of a residential property for a non-residential commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence.

Home Occupation A use of a primary residence for a non-residential commercial use by the inhabitants thereof.

Horticulture Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel A building, structure, or enclosure, or any part thereof kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public for periods generally of one week or less.

Hydric Soils Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Impervious Surface A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, prepared road aggregate, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Individual Sewage Treatment System (ISTS) A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal as described and regulated by the Cass County Individual Sewage Treatment System Ordinance. Individual sewage treatment system includes holding tanks and privies.

Industrial (light manufacturing) use The use of land or buildings for the commercial production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Industrial Waste Solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream.

Junk yard See Salvage Yard

Kennel Any structure or premises in which four (4) or more pets are kept for sale, breeding, profit or similar uses.

Lake, General Development Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development.

Lake, Natural Environment Generally small, and often shallow lakes with limited capacities for assimilating the impacts of development and recreational use.

Lake, Recreational Development Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them.

Land Reclamation or Land Restoration The process of the re-establishment of acceptable topography, slopes, vegetative cover, soil stability and conditions appropriate to the subsequent reuse of the land.

Land Use Amendment A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

Land Use District An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.

Land Use Permit Any permit required by the County prior to beginning a particular business, endeavor, development, or any other activity regulated by the County through this, or any other, ordinance.

Livestock Waste Lagoon A diked, water tight enclosure designed to contain livestock wastes. Livestock waste lagoons are considered accessory structures for the purpose of this ordinance.

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

Lot Area Total square footage encompassed within the boundaries of a parcel or platted lot.

Lot Coverage The part or percentage of impervious surface coverage.

Lot Line The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the public right-of-way shall be the lot line for applying this ordinance.

Lot of Record A lot that has been recorded in the office of the County Recorder.

Lot, Nonconforming. A lot or parcel of land for which a deed has been recorded in the office of the Cass County Recorder upon or prior to the effective date of this ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.

Lot Width, Non-Riparian The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot. (See Appendix C, 1.)

Lot Width, Riparian The shortest distance between side lot lines measured at the midpoint of the building setback line. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river. (See Appendix C,2.)

Maintenance Normal upkeep of a structure to include the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain.

Manufactured Housing A structure-transportable in one or more sections, which in the travel mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

Manufactured Housing Park Any lot upon which two or more manufactured homes are located, either free of charge or for compensation and includes any building, structure, tent vehicle or enclosure used or intended for use as part of the equipment of the manufactured housing park.

Marina Either an inland or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes, wherein commercial ancillary services common to marinas are provided.

Mobile Home (See Manufactured Housing).

Motel A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor and which is designed, used or intended to be used primarily for the accommodation of transient guests.

Motor Vehicle An automobile, truck, and any other vehicle propelled or driven otherwise than by muscular power, not including railways.

Motor Vehicle Sales An area, enclosed or otherwise, for the purpose of displaying motor vehicles for sale, trade, or other transfer of ownership.

Motor Vehicle Service Station A place for dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

Natural Drainageway All land surface areas which by nature of their contour or configuration, collect, store and channel surface or runoff water.

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

Non-Public Those unincorporated areas of Cass County which are not under federal, state, county, or tribal ownership or management.

Non-Riparian Lot A lot that does not abut public waters of the State.

Non-Shoreland Area Those unincorporated areas of Cass County which are not shoreland as defined herein.

Obstruction Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Offices, Business A building in which business of a non-retail and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and similar uses.

Offices, Professional A building in which professional and management duties and services are carried out, including medical and dental clinics and offices; psychiatrists and psychologists offices; architectural, engineering, planning and legal offices; and similar uses.

Official Map The map established by the County in accordance with the County Planning Act (MS 394.361).

Off-Street Loading Space A space accessible from a street or alley for loading and unloading merchandise or materials. Such space shall be of a size as to accommodate one vehicle of the type typically used in that particular business.

Open Sales Lot Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to the sale.

Open Space Recreational Uses Any 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.

Ordinary High Water Level (OHWL) The boundary of Public waters and wetlands, and shall be an elevation established by Department of Natural Resources-Division of Waters benchmark for particular lakes, or, if no benchmark has been established, an elevation delineating the highest water level 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. In areas where the ordinary high water level is not evident, setbacks shall be measured from the streambanks of the following water bodies that have permanent flow or open water: the main river channel, adjoining side channels, backwaters, and sloughs. This includes the term ordinary high water mark (OHWM).

Outdoor Entertainment The gathering or anticipated gathering of persons for an event which involves the charging of an admission fee including donations from spectators or participants.

Outdoor Recreation Facilities Those facilities related to any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.

Parcel (See Lot)

Parking Space A suitably surfaced and permanently maintained area either within or outside of a building of sufficient size to place one standard automobile.

Pasture Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding, temporary holding facilities, or watering devices.

Patio An impervious surface adjoining a structure located at ground level.

Pedestrian Way A public or private right-of-way across or within a block to be used by pedestrians.

Permanent Foundation The structural supports of a building that allow the building to be physically attached to the ground.

Permitted Use A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of that district.

Person An individual, firm, partnership, association corporation or organization of any kind.

Planned Unit Development A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide such areas of common open space, 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, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

Planned Unit Development Subdivision (PUD/Subdivision) A subdivision that is designed using Planned Unit Development standards in accordance with the pertinent requirements of the Cass County subdivision ordinance.

Planning Commission The Cass County Planning Commission as described in Minnesota Statutes, section 394.30.

Plat The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates. This is the document on which the subdivider's plan or subdivision is presented to the Planning Commission for consideration according to the provisions of the Cass County Subdivision Ordinance.

Platform A horizontal surface with no railings constructed of any material not adjoining a structure.

Principal Use The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.

Property Line The legal boundaries of a parcel of property, including easements.

Protected waters of the State or Protected Waters See Public Waters

Protective Covenant A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Public Land Land owned or managed by a municipal, school district, county, state, federal, or other unit of government.

Public Nuisance A condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public.

Public Uses Uses owned or operated by any governmental unit.

Public Waters Lakes, rivers, streams, and wetlands designated under Minnesota Statutes, section 103G.005, subdivision 15, any lakes or wetlands listed in the DNR Public waters Inventory, and any other lakes, rivers, streams, or wetlands listed in Appendix D of this ordinance.

Reach A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Recreational Camping Vehicle Park Campground An area accessible by vehicle, containing more than four sites for camping, travel trailers, or recreational camping vehicles.

Recreational Camping Vehicle Any unit incorporated in, attached to or intended to be attached to a motorized vehicle which provides living or sleeping facilities. This includes, but is not limited to, travel trailers, campers, fifth wheel campers, over the pickup cab campers, pop up campers, fold out campers, pickup topper campers, camper cars, bus campers, mini-homes, motor homes and other similar units.

Recreation, Commercial Includes all uses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Field or Building means area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of any assembly, including, but not limited to a golf course, baseball park, stadium, or gymnasium.

Recreation, Private Includes outdoor recreational activities and related structures for the private use of the property owner and guests.

Recreation, Public Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Registered Land Survey. A survey meeting the requirements of the Cass County Subdivision Ordinance prepared by a licensed professional surveyor.

Remodel. See Maintenance

Renewable Energy Systems Wind Energy Systems, Solar Energy Systems, Hydroelectric Energy Systems, Fuel Cell Energy Systems, Electric Vehicular Charging Station Systems and similar systems which do not rely on fossil fuels to create energy.

Residential Lot Any lot intended for human occupancy.

Resort Any buildings, structures, or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day to one week or longer, and having for rent three or more resort cabins, rooms, or enclosures.

Resort, Licensed An existing resort or a campground that is licensed by the State of Minnesota Department of Health.

Retail, General Sales and Services Refers to a broad range of commercial activities operating out of a permanent structure catering to the general public.

Riparian Lot A lot that abuts Public waters.

River Segment, Forested River segments that are located in forested, sparsely to moderately populated areas. Predominant land uses include multiple use forestry, some recreation facilities, seasonal residential, and, within commuting distance of major towns, some year-around residential.

River Segment, Remote River segments that are primarily located in roadless, forested, sparsely populated areas. Common land uses include multiple-use forestry, some recreational facilities, and occasional seasonal or year-around residential.

River Segment, Transition River segments that are generally located in the middle reaches of river systems. Common land uses include forests with riparian development strips and mixtures of cultivated, pasture, and forested beyond.

River Segment, Tributary River segments mapped in the DNR Public waters Inventory that were not assigned one of the other river segment classifications.

Road, Driveway Private road serving no more than two residential lots.

Road, Private Any vehicular way which is not an existing federal, state, county, or township roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.

Road, Public Any vehicular way which is an existing federal, state, county, or township roadway; or is shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law as dedicated to public use; or is dedicated for public use.

Sale or Transfer A transfer of title, whether by conveyance or a contract for conveyance of real property.

Salvage yard A place maintained for keeping, storing or piling, whether temporarily, irregularly, or continually, buying or selling at retail or wholesale any old, used or second hand material of any kind including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk.

Sanitary Facilities Toilet, bathroom, shower, and floor drains.

Scenic Easement A strip of land dedicated by easement or covenant on a deed to remain in a natural and protected state.

Screening Fencing, an earthen berm, or vegetative growth that visually separates one object from another.

Sediment Control Best management practices implemented to contain and remove mobilized sediment from runoff.

Selective Cutting The removal of single scattered trees.

Semi-public Use The use of land by a private, non-profit 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 and/or fauna in need of special protection.

Septage Those solids and liquids removed during periodic maintenance of a septic or aerobic tank, or those solids and liquids which are removed from a holding tank.

Setback The minimum horizontal distance between a structure, individual sewage treatment system, or other facility and road, highway, property line, a natural feature such as an OHW, bluff, or wetland, or other facility.

Sewage Sludge. As defined in Minnesota Statutes, section 115A.03, subdivision 29, means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Sewage Treatment System. See Individual Sewage Treatment System.

Shore Impact Zone-1 Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shore Impact Zone-2 Land located between shore impact zone-1 and the structure setback.

Shoreland Land located within the following distances from Public waters: 1,320 feet from the ordinary high water level of a lake, river, pond or flowage, the Mississippi River corridor as designated in the Mississippi Headwaters Management Plan, and 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 when approved by the commissioner.

Shrub A woody plant less than 6 inches in diameter as measured at a point 2 feet from the ground.

Sign A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign area The length of a sign face multiplied by its width, exclusive of structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Sign, Commercial Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, intended to bring attention to the location, products, or services of an individual, business or institution, and whose intended message is commercial in nature.

Sign Face The area of a sign on which copy or illustrations is placed.

Sign Height. The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Off-premise (Billboard) A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Significant Cultural or Historic Site Any archaeological 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 this criterion 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.

Slope The degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

Steep Slope Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, 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 average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.

Solid Waste Garbage, refuse, and other discarded solid materials, including solid waste materials, resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

Stairways, Lifts and Landings Any structure providing access up and down a slope. Lift means a mechanical conveyance for access up and down a slope.

Storage Building A one or two story accessory structure intended only for use as storage, and not a dwelling as defined herein.

Story That portion of a building included between the surface of any floor and the surface of the floor next above it or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over four (4) feet above the average established grade.

Structure Anything constructed, placed or erected by humans, including but not limited to homes, garages, accessory buildings, manufactured housing, recreational vehicles left on a site for 14 consecutive days, signs, storage buildings, deck, fences, and fish houses.

Structural Alteration See Maintenance

Structure Setback The horizontal distance between a structure and some other natural feature, structure, or boundary including but not limited to a lake, river, easement, road right-of-way, well, individual sewage treatment system, or property line.

Subdivision Land that is divided for the purpose of sale, rent or lease, including planned unit developments, regulated by the Cass County Subdivision Ordinance.

System, Electric Generation Any combination of equipment connected together for the purpose of electric generation.

Top of Bank For the purposes of determining setbacks, the point at the edge of a river where hydric (wetland) soils end and non-hydric (upland) soils begin.

Total Project Area For the purposes of a planned unit development or plat, the total area encompassed within the boundaries of a parcel.

Tower, Free Standing A tower designed to be self supporting without guy wires.

Tower, Guyed Lattice A tower designed with multiple metal columns braced together and supported by guy wires.

Tower, Guyed Non-Lattice A tower designed of a singular tubular metal column and supported by guy wires.

Tower, Telecommunication Structures erected and intended to support antennas for the transmission of wireless communications.

Tract See Lot

Transfer Station A facility in which solid waste from collection vehicles or individuals is concentrated for subsequent transport.

Travel Trailer or Camper See Recreational Vehicle

Tree A woody plant 6 inches or more in diameter as measured a point 2 feet from the ground.

Use The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

Useable Floor Space All horizontal floor areas within a dwelling above which there are 4 or more feet vertical clearance.

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.

Vegetation The sum total of trees and shrubs in an area.

Vegetative Buffer A strip of well-rooted, natural vegetation at least ten (10) feet wide, consisting of a mixture of grasses, shrubs and trees.

Walkway A linear area designed and used for pedestrian access which may be used in a natural state or be covered with an artificial surface.

Water Oriented Commercial Use The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

Water-Oriented Accessory Structure or Facility An above ground building or other improvement in a water-oriented commercial district.

Wellhead protection area The surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field.

Wetland(s) Land 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. For purposes of this definition, wetlands shall have the following three attributes:

- a. have a predominance of hydric soils;
- b. are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c. under normal circumstances support a prevalence of such hydrophytic vegetation.

Wildlife Pond A pond excavated for the sole purpose of providing improved habitat and/or a water source for waterfowl and upland game species.

Wrecked That which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

Wrecking Yard See Salvage Yard

500 ADMINISTRATION

501 PERMITS REQUIRED

- A. A permit is required for the placement of structures or structure additions, including such activities as construction of residences, garages, decks, signs, second story additions, basements, (but not including agricultural accessory structures), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by this ordinance. Permits are also required for variances and conditional uses.
- B. Applications will be considered based upon the ordinance provisions that are in effect on the date an application is received by the Department. Application for a permit shall be made by the landowner or land occupier or their agents with the landowner's written consent to the Cass County Environmental Services Department on the forms provided by the Department. The application shall include the information necessary in order that the ESD Director or other designated member of the Department to determine the site's suitability for the intended use. Photographs of existing conditions on the property may be required.
- C. All permit applications shall include an individual sewage treatment system (ISTS) certificate of compliance or ISTS permit application including site evaluation and design. Between November 15th and April 15th, a winter agreement as described in section 303, F shall be signed by the applicant and filed with the Department.
- D. ISTS permits shall be valid for a period of one year from the date of issuance. All other permits shall be valid for a period of two years from the date of issuance.
- E. The Department, the Planning Commission, or the Board of Adjustment shall attach such conditions to the issuance of a permit as deemed necessary to fulfill the purposes of this ordinance.

501.1 Responsibility to Obtain Other Permits

The granting of any permit or variance under provisions of this ordinance shall in no way affect the landowner's responsibility to obtain the approval required by any other federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for but no approval shall be implied from the granting of any Cass County permits nor from the necessity to apply for a permit described in this ordinance.

501.2 Payment of Delinquent Taxes and Fees

In processing an application for a permit, variance, or conditional use, the Department shall determine whether there are any delinquent property taxes, special assessments, penalties, interest, or fees due on the parcel to which the application relates. If the Department finds that such delinquent taxes, special assessments, penalties, interest, or fees are outstanding, it shall so notify the applicant in writing within fifteen (15) calendar days. No further permit processing will commence until full payment is received. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this section if all required payments that are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid.

502 EXISTING VIOLATIONS

No permit application will be accepted from landowners or their agents on property on which there are current or past unresolved violation(s) of any Cass County ordinance unless the Department determines that the permit is a part of resolving the violation(s).

503 FINANCIAL ASSURANCE

The County may require a surety bond, cash escrow or letter of credit prior to the issuing of **any** permit or initiation of work on the proposed improvements or development. Said security shall be irrevocable, conditioned in favor of Cass County, and shall guarantee conformance and compliance with the conditions of the permit, conditional use, or variances and the ordinances of the County. The amount of the bond may be set at up to 150% of the estimated cost of soil stabilization, water quality protection, and pollution control measures.

504 NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES

504.1 Notices of Public Hearing

Copies of all notices of any public hearings to consider variances, ordinance amendments, land use reclassifications, or conditional uses under local shoreland management controls shall be sent to the DNR Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. However, failure to so notify the DNR Commissioner shall not invalidate such proceedings. Notice of Hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

504.2 Notices of Approval

A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the DNR Commissioner or the Commissioner's representative and postmarked within ten (10) days of final action. However, failure to so notify the Commissioner or his/her representative shall not invalidate any approval, denial, decision, or other action taken

505 FEES

505.1 Schedule

The County Board shall establish, by resolution, a schedule of fees applicable to all permits, applications, petitions, appeals and administrative fees required for the administration and enforcement of this ordinance. The fee schedule resolution shall be made available to the public.

505.2 Payment

No application for a land use permit, conditional use permit, planned unit development permit, subdivision plat, nor any other required permit, petition to amend the Land Use Ordinance, nor any appeal shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order, or other acceptable form of payment to the ESD (Checks or money orders shall be

made payable to “Cass County Treasurer”). Receipt of all fees shall be subject to their collection by the County. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force until the check or money order so submitted shall prove collectable.

505.3 Refunds

Should an application for a permit be denied, the fee shall be refunded, less a \$50 administration fee.

600 ENFORCEMENT

The Cass County Board of Commissioners and the Environmental Services Department are responsible for the administration of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements by a landowner or their agent, including violations of or failure to comply with conditions and safeguards established in connection with the granting of a land use permit, or contained within variances or conditional uses shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to section 501 of this Ordinance. Each day of a violation of this ordinance or each day that a failure to comply with any requirements of this ordinance continues shall constitute a separate offense. The Cass County Environmental Services Department, the Cass County Sheriff, Minnesota DNR and Tribal Conservation Officers, as provided in section 1105, shall have the power to enforce this ordinance by issuing citations for criminal violations of this ordinance upon the owner of a property and/or their agent. Cass County, through the Environmental Services Department may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.

601 PROSECUTION

The Department may enforce the provisions of the ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

602 DUTY TO ENFORCE

It shall be the duty of the Department, the County Attorney, and the County Sheriff to perform such duties as may be necessary to enforce the provisions of this ordinance.

603 CEASE AND DESIST ORDERS

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

604 ADMINISTRATIVE FEES AND RESTORATION

Any application for a permit that is made after the work has commenced and which requires a permit or is done in violation of a permit shall be charged an additional administrative fee. In addition, the Planning Commission, Board of Adjustment, or the Department may require correction and/or restoration of the property to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit.

700 PLANNING COMMISSION

701 ESTABLISHMENT AND MEMBERSHIP

The Planning Commission is hereby established and vested with such authority as hereinafter provided in this ordinance. The Planning Commission shall be comprised of (eleven) 11 members, appointed by the County Board. The chairman of the County Board shall serve as an ex-officio member. A majority of the members shall be residents of the portion of the county outside 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 two years prior to appointment, or during his term of service, any substantial portion of his income from business operations involving the development of land within the county.

The members of the commission, other than members of the Board of County Commissioners may be compensated in an amount determined by the County Board. All commission members, including county commissioners, may be paid necessary expenses in attending meetings of the commission. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to county commissioners, pursuant to section 375.055, Subd. 1 or other commission members, pursuant to Minn. Statutes Chapter 394.

The Planning Commission shall elect a Chairman, Vice Chairman, and Secretary from among its members and cooperate with the Cass County Environmental Services Department and the employees of the County in preparing and recommending to the Board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures and amendments thereto.

The Board may assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings pursuant to Minnesota Statutes, Chapter 394.30. Subd. 5. The Planning Commission may be required by the Board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the county for that purposes by any local unit of government or any state or federal agency and shall report thereon in writing to the Board. The County Attorney shall act as the legal advisor to the Planning Commission.

702 TERMS OF OFFICE

The Planning Commission members shall be appointed by the Board of Commissioners for a three (3) year term. There shall be no limit to the number of terms a member can serve. The removal of any member for non-performance, misconduct, or malfeasance in office shall be the responsibility of the Board.

703 DUTIES AND RESPONSIBILITIES

The Planning Commission shall exercise the following duties and responsibilities:

- A. Oversee the preparation of County land use ordinances and plans.

- B. Hear and review original applications and/or renewal applications for, conditional uses permits, subdivision plat approval, planned unit developments, manufactured housing subdivisions, and other matters as directed by the County Board.
- C. Initiate procedures for changes and amendments to the County land use ordinances and plans.
- D. Exercise all powers and perform all duties granted to a Planning Commission by Minnesota Statutes, Chapter 394.
- E. Establish applications, checklists and procedures, including the conduct of public hearings, to assist it in handling matters considered by it.
- F. Review Environmental Assessment Worksheets and other environmental documents.
- G. Perform other functions as delegated by the Board.

704 CONDITIONAL USE PERMITS

704.1 Purpose and Process

A conditional use is a use that may or may not be compatible with other uses in that district within which it is located. The compatibility of the proposed use shall be judged on the basis of the particular circumstances and may require imposing conditions. The conditional use permit process is as follows:

- A. The applicant shall file an application with Department and pay a fee. The application shall be accompanied by project plans and the data pertinent to the proposed use. An application is deemed complete when all required fees, plans and data are submitted. No conditional use application will be accepted from landowners or on property on which there are existing violation(s) of any Cass County ordinance unless the Department determines that the permit is a part of resolving the violation(s).
- B. The Department shall refer the application to the Planning Commission for public hearing. Notice of time, place and purpose of the public hearing shall be given in the official newspaper of the County at least ten (10) days before the hearing. Written notice shall be sent to the landowner, the applicant, owners of record within one half (1/2) mile of the affected property, or to the nearest ten property owners, whichever would provide notice to the greatest number of owners. Written notice shall also be given to the affected Town Board of Supervisors and the municipal council of a municipality and adjacent counties within two (2) miles of the affected property. It shall be the responsibility of the Cass County Environmental Services Department to cause said notice of the date, time and place at which the Cass County Planning Commission anticipates it will consider the application to be mailed to the applicant. All notices shall be required to be mailed at least ten (10) calendar days prior to the date upon which the application will be considered. Failure of any property owner to receive such notification shall not invalidate the proceedings.
- C. The Planning Commission shall consider the application at its next regular meeting, after compliance with notice requirements of this section. The applicant or their agent shall be present at the public hearing at which their application is considered, or action on the application will be tabled, unless waived by the Planning Commission.
- D. The Planning Commission shall consider each conditional use applied for under this section. If the permit is denied, the Planning Commission shall advise the applicant of the reasons therefore in writing within twenty (20) days of the date of decision.

- E. Any resubmission of a conditional use application, if previously denied, shall be allowed only if the plans have been substantially amended, or the applicable Ordinance provisions are amended.
- F. The Department shall record conditional uses on the deed of the property on which the use is approved in the office of the County Recorder. The conditional use shall include the legal description of the property involved along with any conditions that may have been attached to the approval.
- G. Any significant changes in an approved use will require that a new conditional use permit be applied for and approved.
- H. Any violations of conditions placed on a conditional use by the Planning Commission may result in revocation of the conditional use permit.

704.2 Conditional Use Review

The Planning Commission shall consider the following evaluation criteria when reviewing conditional use applications:

- A. Evaluation of water bodies, rivers, and wetlands, and also the topographic, vegetation, and soils conditions on the site shall be made to ensure:
 - (1) The prevention of soil erosion or other possible pollution of Public waters, both during and after construction;
 - (2) The visibility of structures and other facilities as viewed from Public waters is limited;
 - (3) There is a complying individual sewage treatment system present, or there is an approved individual sewage treatment system (ISTS) site evaluation and design for the intended use of the property,
- B. Application of the Cass County Wetland and Upland Functional Assessment Models to the proposed use to determine critical areas and development suitability.
- C. Consistency with the policies and provisions of the Cass County Comprehensive Plan and the requirements of all County ordinances.
- D. Compatibility of the proposed use with present land uses in the area.
- E. Ability of existing transportation and utility infrastructure to support the proposed use.
- F. Degree to which the proposed use impacts natural, scenic, or historic features of major importance.
- G. Other factors specific to the application that impact upon public health, safety, and welfare.

704.3 Conditions Attached

The Planning Commission, upon consideration of the criteria listed in 704.2 above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- A. Increased setbacks;
- B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted pursuant to the shoreline buffer standards prescribed in section 1123 of this ordinance.

- C. Special provisions for the location, design, and use of structures, sewage treatment systems, and vehicle parking areas.
- D. Financial Assurance as indicated in section 503 of this ordinance.
- E. Provisions to insure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties.
- F. Provisions to insure the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general.
- G. Provisions to insure that all recreational camping vehicle park campgrounds, recreational camping areas and manufactured housing parks shall be approved in accordance with the requirements of the applicable Cass County ordinances. Applications for fifty (50) or more units shall include an Environmental Assessment Worksheet.
- H. Easements to protect wetlands and existing uses such as agricultural operations, extractive uses, or shooting ranges.
- I. Buffers between potentially conflicting uses or along shorelines.

705 LAND USE RECLASSIFICATION PROCEDURES

705.1 Land Use Reclassification Requests

The Planning Commission may consider land use reclassification requests in relation to both land uses within particular district, procedures, standards, and the location of the district lines.

705.2 Reclassification Criteria

The following criteria shall be considered by the Planning Commission when reviewing an application for reclassification:

- A. General Considerations and Criteria for All Land Uses:
 - (1) preservation of natural areas;
 - (2) present ownership and development;
 - (3) soil types and their engineering capabilities;
 - (4) topographic characteristics;
 - (5) vegetative cover;
 - (6) in-water physical characteristics, values, and constraints;
 - (7) recreational use of the surface water;
 - (8) road and service center accessibility;
 - (9) socioeconomic development needs and plans as they involve water and related land resources;

- (10) the land requirements of industry which, by its nature, requires location in shoreland areas; and
- (11) the necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Developments:

- (1) existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- (2) physical and aesthetic impacts of increased density;
- (3) suitability of lands for the planned unit development approach;
- (4) level of current development in the area; and
- (5) amounts and types of ownership of undeveloped lands.

705.3 Initiation of Requests

Land use reclassification requests and amendments to land use district boundaries may be initiated by petition by the owner of the property in question, recommendation of the Planning Commission, or by action of the County Board.

All applications for changes in the boundaries of any zoning district which are initiated by a petition of the owner or owners of the property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands within one-half (1/2) mile of the boundaries of the property proposed to be rezoned together with the name and addresses of the owners of the lands in such areas, as the name appears on the records of Cass County.

705.4 Notice and Hearing

The Planning Commission shall hold at least one (1) public hearing on the proposed land use reclassification request within thirty (30) days after the request for land use reclassification has been received. The following procedures shall be followed:

- A. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to owners of record within one-half (1/2) mile of the affected property at least ten (10) days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of ten (10) property owners are so notified. In addition, notice shall be sent to adjoining counties, incorporated municipalities, or townships within two (2) miles of the proposed district change. The Department shall refer the application to the Planning Commission. Failure of any property owner to receive such notification shall not invalidate the proceedings.
- B. A public hearing shall be held by the Planning Commission within thirty (30) days after the request for land use reclassification has been received. Notice of said hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
- C. The Planning Commission shall take action on the application within the time frame set forth under Minn. Statutes, Chapter 15.99. The person(s) making the application shall be notified in writing of the action taken.

705.5 Re-submission of Previously Denied Petitions

No petition by a property owner for land use reclassification shall be approved by the Planning Commission within one (1) year following the date of denial of such request by the Planning Commission except if, new evidence or a change of circumstances warrant it.

706 ORDINANCE AMENDMENT PROCEDURES

- A. The County Board of Commissioners or any person owning real estate within the county may, upon their own motion, initiate a request to amend the text of this Ordinance.
- B. Procedures
 1. Requests for ordinance amendment shall be filed in writing with the Department or the County Board.
 2. The Department or the County Board shall refer such ordinance amendment requests to the Environmental Services Department Advisory Committee and the Planning Commission to prepare draft amendments. The draft amendments will then be circulated to all County departments for a 10-day comment period. Following the departmental comment period, the draft amendments will be referred to the County Board and sent to all organized Townships. The Board shall schedule two public hearings, the first not less than 60 days from the initial receipt of the draft amendments by the County Board and the second at least two (2) weeks thereafter. Written notice of time, place and purpose of the public hearings shall be published in the official County newspaper designated by the Board at least ten (10) days prior to the hearing dates.
 3. Following the public hearings, the Cass County Board shall make a report of its decision within thirty (30) days. The enactment of any approved changes shall take effect no sooner than thirty (30) days after the date of their adoption.

800 BOARD OF ADJUSTMENT

801 AUTHORITY

The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any Cass County ordinance adopted pursuant to the provision of sections Minnesota Statutes, Chapters 394.21 to 394.37, and perform such other duties as assigned by the County Board or required by the official controls.

802 ESTABLISHMENT AND MEMBERSHIP

The Board of Adjustment is hereby established and vested with such authority as in hereinafter provided and as provided by Minnesota Statutes, Chapter 394, Laws of 1959 as amended. The Board of Adjustment shall consist of seven members selected as follows: one appointed from each County Commissioner district, one member of the Planning Commission, and one member appointed by the Soil and Water Conservation District. The members of the Board of Adjustment may be compensated in an amount determined by the County Board. All members may be paid necessary expenses in attending meetings. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to members, pursuant to Minn. Statutes Chapter 394.

803 TERMS OF OFFICE

The members shall be appointed by the Board for three (3) year terms. There shall be no limit to the number of terms a member can serve. The removal of any member for non-performance, misconduct, or malfeasance in office shall be the responsibility of the Board.

804 DUTIES AND RESPONSIBILITIES

The Board of Adjustment:

- A. Shall hear and decide appeals and make interpretations of:
 - 1. County Ordinances or zoning maps
 - 2. Alleged errors in any order, requirements, decision, or determination made by the Department in the administration or enforcement of County Ordinances.
- B. May authorize, upon appeal in specific cases, a variance from the terms of the ordinance in keeping the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance shall create undue hardship.
- C. Shall hear and decide upon matters referred to it by the Department upon which it is required to pass under the Ordinance.
- D. Shall adopt rules necessary to the conduct of its affairs.
- E. In exercising such power, the Board of Adjustment may affirm wholly or partially, or may modify the order, requirements, decision or determination and may direct the issuance of a permit.

805 VARIANCES

805.1 Application and Notices

- A. A landowner or a person with interest in a property may make an application to the Board of Adjustment for a variance from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and where the hardship is not solely economic. A permit application for the intended use must accompany the variance application. If the variance is denied, the permit fee will be refunded.
- B. No variance application will be accepted from landowners or for property on which there are existing violation(s) of any Cass County ordinance unless the Department determines that the variance is a part of resolving the violation(s).
- C. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the County comprehensive plan. Variances may be granted for earth sheltered construction as defined in Minnesota Statutes, Chapter 216C.06, subdivision 14, when in harmony with the official controls. No variance shall be granted that would allow any use that is prohibited in the zoning district in which

the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. The Board of Adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.

- D. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to the landowner, the applicant, and owners of record within one quarter (1/4) mile of the affected property at least ten (10) days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of ten (10) property owners are so notified. In addition, notice shall be sent to adjoining counties, incorporated municipalities, or townships within two (2) miles of the proposed variance. The applicant or their agent shall be present at the public hearing at which their application is considered, or action on the application will be tabled unless waived by the Board of Adjustment.

805.2 Variance Criteria

A variance may not circumvent the general purposes and intent of this ordinance. In no case shall a variance be granted which the board determines will:

- A. Allow any use that is prohibited in the zoning district in which the subject property is located, or;
- B. Restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties, or;
- C. Result in incompatible land uses that would be detrimental to the protection of ground and surface water quality, or;
- D. Not be in keeping with the land use and water plans and/or planning objectives of Cass County or which will increase or cause danger to life or property, or;
- E. Be inconsistent with the preservation of natural land forms, vegetation or wetlands of Cass County, or;
- F. Result from the circumstances created by the landowner, or;
- G. Not change from a previously denied application.

805.3 Findings of Fact

In ruling on a variance request, the Board of Adjustment shall make written findings of fact upon the following considerations and Minnesota Statutes, Chapter 394.27, Subd. 7:

- A. The property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls.
- B. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- C. The variance, if granted, will not alter the essential character of the locality.
- D. The need for the variance is not justified by economic considerations alone.

- E. There is a complying individual sewage treatment system present for the intended use of the property.

805.4 Conditions

Conditions, as deemed appropriate by the Board of Adjustment, may be attached to enforce the general purpose and intent of this Ordinance including but not limited to financial assurance as indicated in section 503 of this ordinance, shoreline buffers as prescribed in section 1123 of this ordinance, or individual sewage treatment system upgrade.

806 APPEALS

806.1 Appeals of Variances

The procedure for the appeal of a variance shall be as set forth under Minn. Statutes, Chapter 394.27.

806.2 Appeals of Administrative Decisions

An appeal from any permit, order, requirement, decision, or determination made by the Department shall be filed with the Board of Adjustment within thirty (30) days from the date the decision was rendered. The appeal shall be filed in writing specifying the grounds thereof, together with an appeal bond in the amount of five hundred (\$500) dollars. The Board of Adjustment shall hear the appeal within 30 days of the date the appeal is filed and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a 30 days of the appeal hearing. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing. If the decision of the Department is overturned, the full amount of the appeal bond shall be refunded to the appellant. If the decision of the Department is upheld or modified, the Department is entitled to recover expenses directly associated to the appeal and shall refund any balance of the appeal bond to the appellant.

807 RECORDS

All written reports and recommendations to the Board of Adjustment shall be made a part of the permanent written record of the Board's meeting. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in section 504 shall also include the Board of Adjustment's summary of the public record and testimony and the findings of fact and conclusions which supported the issuance of the variance.

900 LAND USE DISTRICTS AND MAP

901 ESTABLISHMENT OF LAND USE DISTRICTS

The unincorporated areas of Cass County are hereby divided into the following land use districts:

- A. Shoreland GD, RD, NE, FOR, REM, TRIB, SC and WD
- B. Rural Residential-1 (RR-1);
- C. Rural Residential-2.5 (RR-2.5);
- D. Rural Residential-5 (RR-5)
- E. Rural Residential-10 (RR-10)
- F. Rural Residential-20 (RR-20)
- G. Urban Growth (UG);
- H. Agricultural/Forestry(AF);
- I. Commercial (COM);
- J. Resource Protection (RP).

902 CONSISTENT WITH COMPREHENSIVE PLAN

The land use districts and uses in this section, and the delineation of land use district boundaries on the zoning map, are consistent with the goals, policies, and objectives of the Cass County Comprehensive Land Use plan.

903 LAND USE DISTRICT DESCRIPTIONS

Sections 903.1 through 903.10 describe the various land use districts established in Cass County. The land use district boundaries are identified on the Cass County Zoning Map.

903.1 Shoreland

The shoreland district is intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses within the shoreland zone. It is also intended to prevent establishment of commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some non-residential uses are allowed if properly managed under conditional use procedures. The shoreland residential district is divided into the following subdistricts according to the class of public water to which the shoreland in the subdistrict relates (see Section 1200):

- A. GD – land within the shoreland of a general development lake
- B. RD – land within the shoreland of a recreational development lake
- C. NE – land within the shoreland of a natural environment lake
- D. REM – land within the shoreland of a remote river segment
- E. FOR – land within the shoreland of a forested river segment
- F. TRIB – land within the shoreland of a tributary river segment
- G. SC – land within the shoreland of a scenic river segment

H. WD – land within the shoreland of a wild river segment

903.2 Urban Growth (UG)

The purpose of this district is to encourage orderly growth of development of an urban density and nature around incorporated municipalities, or in and around unincorporated trade centers or as the focal point for new trade centers. Urban residential districts shall be connected to municipal sewer and water. This district can only be designated by agreement between the affected municipality and the County under the provisions of Minnesota Statutes, Chapter 462.3535, Subd. 4.

903.3 Rural Residential-1 (RR-1)

The purpose of this district is to enable areas to be developed with higher residential densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses such as residential planned unit developments, surface water-oriented commercial, parks, and historic sites are allowed primarily as conditional uses.

903.4 Rural Residential-2.5 (RR-2.5)

The purpose of this district is to promote low-density rural development in those portions of the County outside the shoreland zone and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is to be single family residences, but may also include agriculture, forestry, and those commercial enterprises intended primarily to serve nearby rural residents and low intensity light industrial activities.

903.5 Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20)

The purpose of these districts is to promote low-density rural development in those portions of the County outside the shoreland zone and beyond areas of anticipated municipal growth where less development is desired and most suitable. These zones will be created as reclassifications where the Planning Commission determines that larger lot sizes are required to protect agricultural areas or critical habitats, or preserve the rural nature of an area.

903.6 Agricultural/Forestry (AF)

The purpose of this district is to promote and protect those portions of the county where agricultural and/or forestry activities are dominant and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership or extensive recreational use of property. An efficient and profitable agriculture/livestock/forestry industry is an economic benefit to this county. It provides added opportunity to our crop based agriculture and creates service industries that provide employment and further economic activity. An efficient industry also produces high quality food, fiber, and wood products for consumers at reasonable prices and enhances wildlife habitat. This zone has been created to promote the orderly development of agriculture/livestock/forestry and to reduce the risk of pollution and damages to natural resources, and to maintain and improve the quality of this county.

903.7 Commercial (COM)

The purpose of this district is to provide adequate space areas for general retail, wholesale, office and service activities located in the growth and development areas. Commercial districts shall be located along federal, state, or county highways and shall include all of parcels so designated.

903.8 Resource Protection (RP)

The purpose of this district is to accommodate limited rural residential housing, agricultural uses and forest management activities in a fashion that conserves sensitive land areas in which more intensive development would adversely affect water quality, wetlands, lakes, shore land, slopes, productive habitat, biological ecosystems, or scenic and natural values in order to minimize their disturbance, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas within and adjacent to riparian areas for the community's benefit.

904 LAND USE DISTRICTS MAP

The location and boundaries of the districts herein established are shown upon the official land use map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein. The most current update of each township land use map shall be kept on file in the office of the Department.

905 INTERPRETATION OF MAPS

Land use district and other maps used in making land use decisions shall be interpreted as follows:

- A. District boundary lines on the maps are intended to follow lot lines, the center lines of streets, alleys, highways and rights-of-way projected, the Ordinary High Water Level of lakes, ponds and water courses or the corporate limits, all as they exist upon the effective date of this ordinance or changed by a specific amendment thereto.
- B. Where a land use district boundary line divides a parcel of land or lot which was of record into two or more districts, the provisions of the most restrictive district shall apply to the entire parcel.
- C. Whenever any street, alley or other public right-of-way is vacated by official action of the County or Town, the land use district on each side of such street, alley or public way shall automatically be extended to the center line.
- D. Appeals from the Department's determination concerning the exact location of district boundary lines shall be determined by the Board of Adjustment.

1000 DISTRICT LAND USE REGULATIONS

The following set of tables establishes the uses in the land use districts of the County. Uses that are not listed as allowed, permitted, or conditional within a district are not allowed. For the purposes of these tables:

- “**P**” means a use requiring a permit
- “**CU**” means a use requiring a conditional use permit
- “**A**” means a use that is allowed without a permit but with Performance Standards
- “**N**” means a use that is not permitted
- “**GD**” means a General Development lake
- “**RD**” means a Recreational Development lake
- “**NE**” means a Natural Environment lake
- “**REM**” means a remote river segment
- “**FOR**” means a forested river segment
- “**TRANS**” means a transitional river segment
- “**TRIB**” means a tributary river segment
- “**WD**” means a wild river segment
- “**SC**” means a scenic river segment
- “**SR**” means a shoreland residential district

“COM” means a commercial district
“RR-1” means a rural residential district with a 1 acre lot size
“RR-2.5” means a rural residential district with a 2.5 acre lot size
“RR-5” means a rural residential district with a 5 acre lot size
“RR-10” means a rural residential district with a 10 acre lot size
“RR-20” means a rural residential district with a 20 acre lot size
“UG” means an urban growth district
“AF” means an agriculture/forestry district
“RP” means a resource protection district

1001 USES

USES

GD	RD	NE	REM	FOR	TRANS	TRIB	WD	SC	COM	RR-1	RR-2.5	RR 5, 10, & 20	UG	AF	RP	USES
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Accessory Structures
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	Adult Entertainment
A	A	A	A	A	A	A	A	A	A	N	A	A	N	A	CU	Agricultural uses
CU	CU	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	N	CU	N	Airports
N	N	N	N	N	N	N	N	N	P/CU	N	N	N	N	N	N	Commercial**
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	County Land, Private Use
P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	N	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	N	Earth Moving**
CU	CU	CU	CU	CU	CU	CU	N	N	CU	N	N	CU	N	CU	N	Extractive Use
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Forest Management
CU	CU	CU	CU	CU	CU	CU	N	CU	CU	CU	CU	CU	CU	CU	N	Home Business
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Home occupation
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Industrial
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	ISTS
N	N	N	N	N	N	N	N	N	CU	N	CU	CU	N	CU	N	Light Manufacturing
CU	CU	N	N	CU	CU	CU	N	CU	CU	CU	CU	CU	CU	CU	N	Manufactured Housing park
CU	CU	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	CU	CU	Outdoor Recreation & Facilities Parks
CU	CU	CU	CU	CU	CU	CU	N	CU	CU	CU	CU	N	CU	N	CU	Planned Unit Development
CU	CU	CU	N	CU	CU	CU	N	CU	CU	N	CU	CU	N	CU	N	Recreational Camping Area Campground
P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	Renewable Energy Systems, Facilities**
N	N	N	N	N	N	N	N	N	CU	N	N	N	N	N	N	Salvage Yard
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Single Family Residential Structures
CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	N	CU	CU	N	CU	N	Telecommunication Towers
P	P	P	P	P	P	P	N	P							P	Vegetation Alterations
CU	CU	N	N	CU	CU	CU	N	N							N	Water-oriented Commercial
P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	N	Wildlife Ponds

**-- may require different permits depending on location , use, or scope of project.

1100 PERFORMANCE STANDARDS

The purpose of this section is to provide standards for specific permitted or conditional uses. These standards apply to specific uses and are in addition to any other requirement of this Ordinance.

1101 ACCESSORY STRUCTURES - RESIDENTIAL

A residential accessory structure shall comply with the following standards:

- A. The total cumulative area that all residential accessory structures may occupy on a lot and maximum building height shall be as follows:

Riparian Lots

Lot Size (In acres)	Maximum Building Area**	Maximum Building Height
0 -.49	900 Square Feet	24 Feet
.5 - .99	1,200 Square Feet	24 Feet
1 –1.49	1,500 Square Feet	24 Feet
1.5-1.99	1,800 Square Feet	24 Feet
2-4.99	2,400 Square Feet	24 Feet
5.0 or greater	Unlimited	24 Feet

**--The maximum building area of the accessory structure may be increased by 33% if the structure is located at twice all the required minimum setbacks.

Non-Riparian Lots

Lot Size (In acres)	Maximum Building Area**	Maximum Building Height
0 -.49	1200 Square Feet	30 Feet
.5 - .99	1500 Square Feet	30 Feet
1 –1.49	1800 Square Feet	30 Feet
1.5-1.99	2400Square Feet	30 Feet
2.0 or greater	Unlimited	30 Feet

**--The maximum building area of the accessory structure may be increased by 33% if the structure is located at twice all the required minimum setbacks.

- B. A permit shall not be required for up to two accessory structures totaling no more than 150 square feet, however all applicable setbacks shall be met.
- C. No accessory structure shall be used for human habitation.
- D. All setback and building height requirements shall be met.
- E. No accessory structures shall be permitted on outlots created after 1971, unless the outlot is replatted according to the provisions of the Cass County Subdivision and Platting Ordinance, or such use is expressly permitted in a plat.
- F. Semi-trailers, cargo containers, railroad cars, manufactured houses, or similar structures shall not be used for storage.

1102 AGRICULTURAL USES

- A. Existing agricultural activities are allowed in all districts, but shall not be expanded or intensified in the (UG) Urban Growth, (COM) Commercial, and (RR-1) Rural Residential districts.
- B. For agricultural uses, building permits are required only for the principal dwelling, garage, and individual sewage treatment system. However, all structures shall meet appropriate setbacks.

- C. In addition, in the Agriculture/Forestry(AF), farmers may, without a land use permit, use their land for the landing and takeoff of aircraft for the purpose of performing agricultural crop dusting and similar activities provided there are no permanent service, fuel storage, aircraft storage or other facilities.
- D. An agricultural use shall be considered terminated if no such use has taken place within five (5) years.

1102.1 Agricultural Easements

As a part of any permit for residential development adjacent to land being used for an agricultural use, the owners of the property on which the residential development is located shall grant to the owners of all property adjacent to the development, a perpetual nonexclusive easement as follows:

- A. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operations of machinery, application of irrigation water, spreading of animal manure, and other accepted and customary agricultural activities conducted in accordance with federal and state laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.
- B. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
- C. This easement is appurtenant to all property adjacent to the residential development and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.
- D. This easement shall be filed on forms provided by the Department (See Appendix B, 1.)

1102.2 Feedlots

- A. No person shall expand or create an animal feedlot with three hundred (300) or more animal units without first making application for a conditional use permit meeting the standards set forth in Cass County Feedlot Management Ordinance.

1102.3 Animal Density Regulations

- A. On riparian parcels in the Shoreland zone, only domestic animals commonly kept as pets are permitted.
- B. On non-riparian parcels in the Shoreland zone of less than 2 acres, only domestic animals commonly kept as pets are permitted.

- C. On non-riparian parcels in the Shoreland zone, or parcels in the non-shoreland zone of at least 2 acres, but less than 3 acres, one (1) animal unit of farm animals are permitted.
- D. On non-riparian parcels in the Shoreland zone, or parcels in the non-shoreland zone of at least 3 acres, one (1) animal unit of farm animals may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 6 animal units.
- E. On parcels in the non-shoreland zone of at least 3 acres, one (1) animal unit of farm animals may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 300 animal units.
- F. The keeping of wild or exotic animals shall be permitted only in agricultural/forestry zones with a conditional use permit and other required state and federal permits.
- G. Manure shall not be allowed to accumulate. Manure shall be land spread in accordance with the Cass County Feedlot Management Ordinance.

1103 AIRPORTS, HELIPORTS, AND LANDING STRIPS

A private airport or heliport requires a conditional use permit and shall be subject to the following criteria:

- A. Conforms to all applicable state and federal regulations.
- B. Use of the airport is limited to the property owners or, where there is an association, limited to the association owners.

1104 COMMERCIAL USE

1104.1 Convenience Store/Retail/Service

Convenience stores/retail/service uses shall require use permits in a commercial zone and comply with the following standards:

- A. Pump islands and canopies shall be set back a minimum of fifty (50) feet from road right-of-ways.
- B. When adjacent to residential property, there shall be a screening provided. Screening shall be at least 6 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- C. Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable glare on adjacent properties and roads.
- D. All areas utilized for the storage of solid waste trash, debris, and similar items shall be fully screened from adjacent properties and public roads. All structures and grounds shall be maintained in an orderly, clean and safe manner.
- E. The storage of tires, batteries, and other items for sale outside the building shall be displayed in specially designated racks and containers and be limited to areas as determined by conditions on the Use Permit.
- F. A minimum of five (5) off-street parking spaces or one off-street parking space per two hundred fifty (250) square feet of gross retail building footprint, whichever is more, shall be provided.

- G. All off-street parking and loading areas shall be located not less than twenty five (25) feet from any residential property line.

1104.2 Kennels, Commercial

Commercial kennels shall require use permits in a commercial zone and meet the following standards:

- A. The use shall comply with all applicable State and County rules and regulations.
- B. Structures used for animal confinement require a minimum 100 foot setback from any property line and 500 feet from any residential dwelling, other than the applicants, that exists at the time of application.
- C. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
- D. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.
- E. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.
- F. Kennel facilities shall be adequately drained and maintained in a healthful manner.
- G. Signs shall meet the requirements of this Ordinance.
- H. Kennel facilities shall not be located on riparian lots.

1104.3_Motor Vehicle Service Stations and Equipment Repair

- A. New motor vehicle service stations and equipment repair facilities shall require use permits in a commercial zone and meet the following standards:
 - 1. The use shall comply with all applicable local, state, and federal laws and rules.
 - 2. A minimum of five (5) off-street parking spaces or one off-street parking space per two hundred fifty (250) square feet of gross retail building footprint, whichever is more, shall be provided.
 - 3. All off-street parking and loading areas shall be located not less than twenty five (25) feet from any residential property line.
 - 4. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, state and federal laws and rules.
 - 5. Only licensed vehicles owned by employees or customers awaiting service are allowed to be parked on site.
 - 6. The storage of salvage vehicles is prohibited.
 - 7. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least 6 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.

8. The grounds and all structures shall be maintained in a clean and safe manner.
 9. Signs shall meet the requirements of section 1124 this Ordinance.
- B. Existing motor vehicle and equipment repair facilities shall comply with all federal, state, and local rules and shall not become public nuisances.
 - C. Business activities not listed in the definition of motor vehicle service stations in this Ordinance and not incidental to the business are not permitted on the premises of a motor vehicle service station unless conditions of the use permit specifically allow them. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales.

1104.4 Outdoor Entertainment

Outdoor entertainment uses require conditional use permits and are subject to the following standards:

- A. A plan shall be submitted with the conditional use application addressing the nature of the proposed event, a site drawing, all sanitary facilities and waste disposal, hours of operation, parking provisions, security, and other issues identified as relevant to the proposed use in the pre-application meeting.
- B. The applicant must demonstrate compliance with all state and county standards including, but not limited to Minnesota Health Department and the Cass County Lawful Assembly Ordinance.

1104.5 Outdoor Recreation Facilities

Outdoor recreation facilities require conditional use permits in a commercial zone and are subject to the following standards:

- A. Information shall be submitted to the Department regarding the recreational facility, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.
- B. The site shall adequately accommodate the recreational use.
- C. A transportation management plan shall be submitted to address off-street parking, the mitigation of overflow parking, traffic circulation, traffic control, and the impact of the facility on surrounding roadway.
- D. All buildings and structures shall meet the setback requirements of this Ordinance.
- E. No overnight accommodations shall be provided.
- F. A grading and drainage plan shall be submitted.
- G. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- H. One caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the recreation facility.
- I. Signs shall meet the requirement of this Ordinance.

1104.6 Outdoor Storage

Commercial outdoor storage shall require a use permit in a commercial zone and comply with the following standards:

- A. The outdoor storage use shall be accessory to a home occupation, home business, agriculturally oriented business, or a commercial use.
- B. Outdoor storage areas shall meet all setback requirements.
- C. The grounds and any structures shall be maintained in a clean, orderly and safe manner.
- D. Hazardous materials cannot be stored in an open and outdoor storage area.
- E. The storage area shall be fenced or screened from adjacent land uses and public roadways. Screening shall be at least 8 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- F. Semi-trailers, cargo containers, railroad cars, manufactured houses, or similar structures shall not be used for storage.

1105 COUNTY-ADMINISTERED LANDS – PRIVATE USE

- A. It shall be a violation of this ordinance for any person to create campsites on County-administered lands except in areas specifically designated by the Cass County Land Commissioner for those uses.
- B. It shall be a violation of this ordinance for any person to operate a motor vehicle on County-administered land within 50 feet of a lake, river or type 1-8 wetland except on County- Administered forest trails.
- C. It shall also be a violation of this ordinance for any person to destroy native aquatic or upland vegetation, create erosion problems, or cause an increase in sediment deposition into lakes, rivers, or type 1-8 wetlands.
- D. It shall be a violation of this ordinance for any person to operate a motor vehicle on County Administered forest trails that are posted: "CLOSED TO MOTORIZED VEHICLES".
- E. This section may be enforced by Cass County enforcement personnel or other jurisdictions by mutual agreement.

1106 EARTHMOVING

A shoreland or land alteration permit shall not be required for earthmoving associated with site preparation for structures constructed in accordance with the provisions of a valid structure permit under this ordinance.

1106.1 Non-Shoreland Zone Standards

A land alteration permit shall be required for all land alterations, restoration or reclamation, except those done in conjunction with the operation of an active farm, including, but not limited the following:

- A. Involve the movement of more than two hundred (200) cubic yards of earthen material.
- B. The movement of more than One Thousand (1000) cubic yards of earthen requires a conditional use permit and also the following:
 - 1. Engineered stormwater control and grading plans including cost estimates;
 - 2. MPCA Stormwater Permit, if more than 1 acres is disturbed;
 - 3. Financial assurance as indicated in this ordinance.
- C. All projects shall be designed in accordance with the technical standards of the Cass County Soil and Water Conservation District.

1106.2 Shoreland Zone Standards

The movement of earthen material within the shoreland zone shall require a shoreland alteration or conditional use permit, depending on the scope of the project and the zoning district, and comply with the following standards:

- A. The movement of up to fifty (50) cubic yards of earthen material within the structure setback and/or up to 200 cubic yards behind the structure setback requires a shoreland alteration permit.
- B. The movement of more than 50 cubic yards of earthen material within the structure setback and/or more than 200 cubic yards behind the structure setback requires a conditional use permit including:
 - 1. Stormwater control and grading plans prepared by a registered professional engineer, including cost estimates.
 - 2. MPCA Stormwater Permit, if more than 1 acres is disturbed;
 - 3. financial assurance

1106.3 Specific Standards

- A. Bluff Zones
 - 1. No movement of earthen material is allowed within a bluff impact zone except in conjunction with a shoreland alteration permit to accommodate the placement of stairways, landings, or access paths.
 - 2. Walkout basements shall not be allowed in bluff zones.
 - 3. Mechanized earth moving equipment shall not be used in bluff zones.
- B. Shore Impact Zone-1
 - 1. Walkout basements shall not extend into shore impact zone-1.

2. When mechanized equipment is used for earthmoving in Shore Impact Zone 1, an erosion control plan shall be approved by the ESD Department prior to construction and the measures prescribed in the plan shall be implemented.
3. The maximum width of a shoreland alteration area through shore impact zone 1 shall be 14 feet.
4. Beach Sand Blankets:
 - a. New beach sand blankets on residential lots above the OHW shall not exceed 14 feet in width parallel to the shoreline and shall be incorporated in the shoreline alteration areas as described in Section 1106.4.
 - b. A one time addition of up to ten (10) cubic yards of sand may be placed on existing sand beach sand blankets on residential lots with a shoreland alteration permit.
 - c. New beach sand blankets on water-oriented commercial properties shall not exceed 25 feet in width.
 - d. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all beach sand blankets to prevent erosion from upland runoff.
 - e. Work below the OHW requires approval by the Department of Natural Resources.
5. No alteration of wetlands is allowed.

C. Shore Impact Zone-2

1. Walkout basements may extend into shore impact zone-2. Total excavation volume shall not exceed 50 cubic yards.
2. Mechanized earth moving equipment may be used.
3. No alteration of wetlands is allowed.

1106.4 Shoreland Alterations

- A. Annual Ice Ridges--Ice ridges created within the last year by ice action may be regraded to their original shoreline contour with a shoreland alteration permit. Any such regrading shall meet the following standards:
 1. There shall be no topsoil or vegetative matter deposited in the lake.
 2. Work shall be completed by July 1st after the damage takes place.
 3. Depositing any sand below the OHW is subject to DNR public waters permit rules.
- B. Historic Ice Ridges--On those ice ridges with well established vegetative cover, alterations for lake access shall require a site preparation or shoreland alteration permit and comply with the following standards:
 1. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.

2. On residential lots, the maximum bottom width shall be 14 feet with 2:1 side slopes at each end.
 3. On water-oriented commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
 4. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all beach sand blankets to prevent erosion from upland runoff.
 5. An erosion and sediment control plan must be approved by the Department for the project area before any construction begins.
 6. All disturbed material shall be graded landward or removed from the site.
 7. Any alteration below the ordinary high water level may require approval from the Department of Natural Resources and/or U.S. Army Corps of Engineers.
- C. Shorelines Without an Ice Ridge-- On shorelines without ice ridges, alterations shall require a shoreland alteration permit and comply with the following standards:
1. One alteration site is allowed per conforming residential lot per single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
 2. On residential lots, the maximum bottom width shall be 14 feet.
 3. On water-oriented commercial lots, the maximum bottom width shall be 25 feet.
 4. An erosion and sediment control plan must be approved by the Department for the project area before any construction begins.
 5. All disturbed material shall be graded landward or removed from the site.
 6. Any alteration below the ordinary high water level requires approval from the Department of Natural Resources and/or U.S. Army Corps of Engineers.
- D. Rock Riprap—Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, requires a shoreland alteration permit and shall be done in accordance with Department of Natural Resources-Division of Waters and US Army Corps of Engineers standards. Rock riprap will only be allowed in situations where active erosion problems exist. Permits for rock riprap shall also include a requirement to establish vegetated buffers with a minimum width of 10 feet parallel to the shoreline for the entire width of the lot, except for lake or river access areas. Plans for such buffers shall be approved in advance by ESD.

1106.5 Harbor Excavations

- A. Excavations for new inland harbors or expansions of existing harbors and related uses such as boat slips and canals shall require a Conditional Use Permit. The application for this conditional use permit shall include:
1. A plan, including cost estimates, prepared by a registered professional engineer including all erosion control measures and retaining structure design, and;
 2. Financial assurance equal to 150% of the engineer's estimate of construction cost.

3. An approved Department of Natural Resources permit for connection of the harbor to Public waters.
 4. A Shoreline buffer plan as prescribed in section 1123 of this ordinance.
 5. Harbors shall not be allowed in bluff zones or wetlands.
 6. Harbors shall not extend landward of the OHW greater than 200 feet.
- B. Excavation and maintenance of existing harbors shall require a shoreland alteration permit and shall include:
1. An approved Department of Natural Resources maintenance permit
 2. A site plan indicating where spoil material will be deposited. If spoil material is to be hauled offsite, a permit shall also be required for the disposal site.
 3. An erosion and sediment control plan for the harbor area and the spoil deposition site.

1106.6 Public and Private Roads, Parking Areas

- A. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from Public waters.
- B. All roads and parking areas shall be designed and constructed to control erosion to Public waters consistent with the field office technical guides of the Natural Resources Conservation Service, or other applicable technical standards.
- C. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluffs or shore impact zones 1 or 2 unless no other reasonable and feasible placement alternatives exist.

1106.7 Conditions

The following conditions shall apply to all the permits and approvals under the jurisdiction of this ordinance:

- A. Alteration of any wetland shall be undertaken in accordance with the rules of the Minnesota Wetlands Conservation Act.
- B. No impervious surface is permitted within the building setback area except for access paths, walkways, patios, watercraft access ramps, and platforms.
- C. An erosion and sediment control plan may be required for any permit issued by the Department. Each plan shall include a sketch, narrative of measures or controls that will be implemented and a timeline for implementation. Erosion and stormwater control plans shall be consistent with the field office technical guide of the United States Natural Resources Conservation Service or other applicable technical standards be approved by the Department
- D. Depending on site conditions and project scope, the Department, Board of Adjustment, or Planning Commission may also require the preparation of a grading plan prepared by a registered professional engineer including cost estimates, and financial assurance;

- E. Fill or excavated material shall not be placed in bluff zones;
- F. Any alterations below the ordinary high water level of Public waters shall be authorized by the Department of Natural Resources under Minnesota Statutes, Chapter 103G.245;
- G. Alterations of topography shall not direct additional runoff to or otherwise adversely affect adjacent properties.

1107 EXTRACTIVE USE

An extractive use shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities. Mining of minerals and peat shall be conditional uses and be done in accordance with the provisions of Minnesota Statutes, sections 93.44 to 93.51.

1107.1 Permitting of Existing Commercial Extractive Uses

- A. Existing extractive uses shall not be expanded or intensified beyond the parcel or lot on which the present extractive use is located without a conditional use permit. Intensification of use shall include the addition of crushing operations, asphalt plants, or similar activities. Conditional uses shall include a reclamation plan for the entire pit area based on the report entitled "A Handbook for Reclaiming Sand and Gravel Pits", published by the Minnesota Department of Natural Resources.
- B. Financial assurance for reclamation per section 503 shall be included as a part of any conditional use permit required under this section. The amount of the financial assurance shall be calculated at the rate of \$1500 per acre of pit area if topsoil is stockpiled and reused, or up to \$7500 per acre if topsoil must be brought in for reclamation.

1107.2 Application Requirements—New Extractive Uses

A conditional use permit is required for all new extractive uses. Applicants for extractive uses shall meet the following standards:

- A. A fifty (50) foot buffer area shall be established between the pit and the property line containing the extractive use. This buffer area may be altered through a written agreement with the adjacent property owner. Proof of the agreement shall be filed with the Department and recorded with the County Recorder and specifically shall state what activities may take place in the buffer area. Without such an agreement the buffer area may be used under the following circumstances:
 - 1. The buffer area may contain the haul road if the Department determines that, for safety purposes, the pit access needs to be within the buffer area.
 - 2. The haul road may also be placed in the buffer area to avoid wetlands.
 - 3. If authorized in an approved reclamation plan, one half of the buffer area may be used for storage of topsoil and for final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area but they shall be seeded and mulched in a manner that prevents dust from blowing onto the adjacent properties. Only berms within the buffer area are required to be seeded and mulched.
- B. Portable crushing, concrete mixing, or asphalt production facilities require a conditional use permit.
- C. All State noise, water, and air quality standards and water appropriation regulations shall apply.

- D. Fencing, berms, use of natural topography and use of vegetation may be required as part of the conditional use permit to screen the pit site from surrounding residences.
- E. Excavation below the water table is permitted with appropriate State permits provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.
- F. For extractive uses located within the shoreland zone, a 500 foot setback shall be maintained from Public waters.
- G. Drilling logs from a third party testing firm shall accompany the all new extractive use applications. Information shall include all soil textures encountered to a depth of 10 feet below the lowest proposed pit elevation and water table elevation.
- H. All entrances and exits shall be constructed so as not to create a safety hazard and to comply with the manual of uniform traffic control devices as specified by the Minnesota Department of Transportation.
- I. A pit shall be posted to restrict access without written permission.
- J. The pit access road shall be placed in a manner that minimizes the view into the pit from the public road or any residence unless the road authority requires improved visibility for safety purposes.
- K. An extractive use shall be solely used for operations directly related to such use. Any other use shall require a separate conditional use approval by the Department. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or other material left on the site. If done in conjunction with a hot mix operation, the recycling of asphalt may be done in a gravel pit. Storage of asphalt, including concrete, is permitted in a general purpose or public works pit provided it is part of an ongoing recycling effort.
- L. No waste materials shall be disposed of on the site unless authorized by the Department. Sanitary facilities shall be provided for workers during pit operation and a copy of an agreement with a septic pumper provided to the Department.
- M. A concurrent reclamation plan shall be submitted and approved by the County based on the report entitled "A Handbook for Reclaiming Sand and Gravel Pits" published by the Minnesota Department of Natural Resources. Reclamation plans will be reviewed in accordance with those standards and the technical standards of the Cass County Soil and Water Conservation District.
- N. Any encroachment into utility rights-of-way shall only be permitted with the written approval of the utility.
- O. All operating extractive uses shall take measures to: control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site. Where the need criteria for an MPCA Stormwater Permit are met, such a permit shall be obtained before an extractive use permit is issued. The access road shall also be designed in a manner that minimizes erosion. The owner or operator shall maintain all such practices until the pit area is permanently stabilized or reclaimed.
- P. Applications for new extractive uses shall also include:
 - 1. A USGS map showing all topographic features within one (1) mile of the pit.
 - 2. A written description of the pit and operation including: volume of material to be excavated, time span pit is to be in operation, amount of truck activity at highest and average levels, dust control measures, buffer area vegetation, depth to groundwater, property line establishment, reclamation

plans, screening from residential properties, drainage from the site, location and adequacy of topsoil set aside for reclamation, and future plans for the pit.

3. Financial Assurance for reclamation per section 503 calculated at the rate of \$1500 per acre of pit area if topsoil is stockpiled and reused, or \$7500 per acre if topsoil shall be brought in for reclamation.

1107.3 Review Criteria

- A. In addition to the above standards, the following criteria shall be used by the Department in issuing an extractive use permit:
 1. The ability of roads to handle pit-related traffic, in consultation with the affected road authority.
 2. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties per MPCA permit standards.
 3. Groundwater protection.
 4. Public safety.
 5. Control of erosion and sedimentation and necessity for an MPCA stormwater permit.
 6. Impact upon watershed.
 7. The ability of the owner/operator to implement the requirements of this ordinance;
 8. Daily hours of operation.

1107.4 Extractive Use Easement

As a part of any permit for residential development adjacent to property containing an extractive use operation, the owners of the property on which the residential development is located shall grant to the owners of the property on which the extractive use operation is located, a perpetual nonexclusive easement as follows:

- A. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated near an extractive use area and may be subjected to conditions resulting from commercial extractive use operations on adjacent lands. Such operations may include digging, hauling, crushing, screening, and production of concrete or asphalt, conducted in accordance with federal, state, and local laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary extractive use activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.
- B. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
- C. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the

adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement. This easement shall be filed on forms provided by the Department (See Appendix B, 2.)

1108 FOREST MANAGEMENT

The harvesting of timber and associated reforestation within the shoreland zone shall be conducted consistent with current best management practices prescribed by the Minnesota Department of Natural Resources and the Minnesota Forest Resource Council's Voluntary Site Level Forest Management Guidelines.

- A. Cutting shall not be allowed within the structure setback.
- B. Cutting 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.
- C. Where erosion problems exist, erosion control measures shall be taken. If replanting of grasses or other vegetative cover is necessary for proper regeneration, it shall be completed within 3 months of the completion of cutting.
- D. Forest management operations shall comply with all other provisions of this ordinance.

1109 HANDICAP ACCESSIBILITY STANDARDS

Commercial structures shall comply with applicable handicapped access standards per Minnesota Statutes, Chapter 16B and Minnesota Rules, Chapter 1341

1110 HOME BUSINESS

- A. A home business requires a conditional use permit.
- B. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise may be conducted outside as well as within buildings.
- C. There may only be one (1) sign, with a permit, on the parcel advertising the business which shall not be illuminated, and shall not measure greater than seventy (70) square feet in area.
- D. Persons other than those that occupy the dwelling may be regularly employed.
- E. In addition to the off-street parking requirements for the residents and employees, there shall be a minimum of one (1) off-street parking space for the business.
- F. The outdoor storage of those items not generally considered to be retail display items shall be screened from view from public roads, abutting residences, public surface water and public recreational facilities.
- G. All motorized vehicle businesses or generators of hazardous waste as defined in Minnesota Statutes 116.06, Subd. 11 shall be considered home businesses.
- H. The Planning Commission may impose conditions on home businesses such as, but not limited to, hours of operation, parking provisions, lighting, and equipment storage.

1111 HOME OCCUPATION

- A. A home occupation is allowed without a permit in all districts except WD.
- B. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise shall be conducted exclusively within the primary residence.
- C. There may only be one (1) sign on the parcel advertising the business which shall not be illuminated, and shall not measure greater than seventy (70) square feet in area.
- D. No person other than those that occupy the dwelling may be regularly employed.

1112 INDIVIDUAL SEWAGE TREATMENT SYSTEMS

All individual sewage treatment systems shall be installed in accordance with the provisions of the Cass County ISTS Ordinance.

1113 LOT STANDARDS

1113.1 Lot Area, Lot Width, and Buildable Area Standards for Lake and River Classifications

The lot area (in square feet), buildable area standards (in square feet), and lot width standards (in feet) for single family residential lots and residential lots with guest quarters for lake and river classifications shall be as specified in the chart below. Land below the ordinary high water level of Public waters, shall not be used to meet lot area and buildable area standards.

SINGLE FAMILY RESIDENTIAL

WITH GUEST QUARTERS

Lake Classification	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)**	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)**
General Development - Riparian	30,000	100'	12,000	60,000	180'	27,000
General Development -Non-Riparian	40,000	150'	20,000	80,000	265'	40,000
Recreational Development-Riparian	40,000	150'	16,000	80,000	225'	40,000
Recreational Development-Non-Riparian	40,000	150'	20,000	80,000	265'	40,000
Natural Environment-Riparian	80,000	200'	40,000	120,000	300'	60,000
Natural Environment-Non-Riparian	80,000	200'	40,000	160,000	400	80,000
River Classification						
Remote-Riparian	100,000	300	30,000	150,000	400 450	50,000
Remote-Non-Riparian	200,000	300	40,000	300,000	450	60,000
Forested-Riparian	60,000	200	18,000	80,000	265 300	30,000
Forested-Non-Riparian	120,000	200	24,000	160,000	300	32,000
Transition-Riparian	80,000	250	30,000	110,000	325 375	55,000
Transition-Non-Riparian	160,000	250	40,000	220,000	375	50,000
Tributary-Riparian	40,000	150'	18,000	60,000	265	25,000
Tributary-Non-Riparian	80,000	200'	20,000	100,000	265	25,000

**--A minimum of 50% of the buildable area shall be contiguous.

1113.2 Lot Standards for Non-Shoreland Classifications

Zone Classification	Min. Lot Area	Min. Lot Width	Max. Lot Coverage & Imp. Surface
UG	20,000 ft ²	100'	40%
RR-1	1.0 ac	150'	40%
RR-2.5	2.5 ac.	200'	25%
RR-5	5.0 ac	300'	20%
RR-10	10 ac	300'	15%
RR-20	20 ac	300	15%
AF	40.0 ac	300'	5%
COM	2.5 ac	300'	60%

UG = Urban Growth; RR = Rural Residential ; AF = Agricultural/Forestry; COM = Commercial; RP = Resource Protection

1113.3_Impervious Surface Coverage

The total area of all impervious surfaces shall not exceed 25 percent of the lot area except as specified in 1113.2.

1113.4 Controlled Accesses

Areas designated by dedication, easement, or other recorded instrument as controlled accesses to public waters or as recreation areas for use by owners of riparian or non-riparian lots within plats are permissible if the following standards can be met:

- A. They shall meet the width and size requirements for residential lots in the respective lake class, and be suitable for the intended uses of controlled access.
- B. Lake access does not have a material adverse impact on critical fish or wildlife habitat.
- C. Controlled accesses shall provide continuous watercraft mooring as specified below:
 - 1. Access for up to six (6) riparian lots on all lake and river classes for which the Planning Commission determines direct riparian access is not appropriate due to the presence of wetlands, or other critical fish or wildlife habitat. If access for more than six (6) lots is to be allowed, then the width and area of the lot shall be increased by 25% for each additional lot served beyond six (6). Continuous watercraft mooring shall be limited to one watercraft per lot served.
 - 2. Access for up to three (3) non-riparian lots on General Development (GD) or Recreational Development (RD) lakes and all river classes. If access for more than three (3) lots is to be allowed, then the width and area of the lot shall be increased by 25% for each additional lot served beyond three (3). Continuous watercraft mooring shall be limited to one watercraft per lot served.
 - 3. No access shall be allowed for non-riparian lots on Natural Environment (NE) lakes.
 - 4. No access shall be allowed for non-riparian lots in situations where federal, state, or county state aid highways separate those lots from the respective lake or river.
- D. A buffer plan to screen view of the controlled access lot from adjacent properties must be approved by the Department.
- E. The landward end of all docks shall meet a 10-foot setback from the nearest lot line. Docks shall be placed so as not to block access from an adjacent property to open water.
- F. Controlled accesses shall have joint undivided ownership by all purchasers of riparian or nonriparian lots in the plat who are provided riparian access rights.
- G. Covenants, conditions, restrictions, or other equally effective legal instruments shall be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking, but shall not include residential or commercial use. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or other enjoyment of normal property rights by adjacent property owners. Examples of insignificant conflict activities include swimming, sunbathing, or picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage buildings, 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.

1114 MANUFACTURED HOUSING PARKS

1114.1 Permitting

Manufactured housing parks within Cass County shall require a conditional use permit. All applications for manufactured housing parks shall be processed as planned unit developments, except those located on licensed resorts, and shall include the following:

- A. Preliminary development plan prepared by a registered professional engineer, surveyor, or architect showing:
 - 1. Location and legal description of the site;
 - 2. All streets, streetlights, driveways, parking areas and sidewalks;
 - 3. Lot locations, lot dimensions, and location and orientation of each manufactured housing and accessory structures on each lot at a scale of not less than one hundred (100) feet to the inch;
 - 4. Location of the community building, if one is provided, and all accessory buildings;
 - 5. Size, location and species of existing and proposed vegetation;
 - 6. Stormwater management and grading plans showing existing and proposed topography at two (2) foot intervals;
 - 7. Areas to be set aside for recreation and open space;
 - 8. A typical lot plan;
 - 9. Elevation drawings of community building, a typical lot with a mobile housing situated on it, and of any pertinent features of the park; and
 - 10. Any other information which the Planning Commission or Department deem necessary to properly review the proposed application.
- B. A narrative description of the project including at least the following:
 - 1. Statement of ownership;
 - 2. Provisions for the removal of trash and garbage;
 - 3. A maintenance plan for the common property of the park; and
 - 4. A sample lot lease agreement.

1114.2 Permitted Uses

The following uses are permitted within a manufactured housing park:

- A. One (1) house per lot for single-family occupancy.

- B. Accessory structures with a combined square footage not exceeding five hundred seventy-six (576) square feet per lot.
- C. Public or private parks and their incidental structures.
- D. Manufactured housing park community building (which may include caretaker's office, recreation area, storm shelter, laundry facilities, and similar features for the use and convenience of park residents).
- E. Garage or storage structure for manufactured housing park residents.
- F. Home Occupations.

1114.3 Design Standards, Numbers of Lots, and Improvements

The following shall be considered as minimum design standards and site improvements which shall be made in developing any manufactured housing park:

- A. Manufactured housing parks shall be served by individual sewage treatment facilities and water supply, both of which meet the standards of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Under no circumstances shall individual sewage treatment systems serve individual sites served by centralized sewage treatment and water systems which meet all County and State standards.
- B. The number of manufactured housing sites allowed on a parcel is determined by the criteria in section 1116.4 for parcels with the shoreland zone and 1116.5 for parcels in the non-shoreland zone.
- C. The minimum distance from the nearest manufactured house and a property line shall be twenty (20) feet.
- D. Not more than twenty-five (25%) of the manufactured housing park shall be covered by manufactured houses, storage buildings and other structures.
- E. A twenty (20) foot greenbelt shall be located and maintained along all exterior lot lines of the park not bordering a street. A landscaped area shall be located and maintained between the manufactured housing park area and any bordering street.
- F. Guest and service parking shall be provided on the basis of one (1) off-street space for each manufactured housing lot.
- G. Access to a manufactured housing park shall be so designed as to limit ingress and egress points in order to facilitate traffic movement and to control undesirable through traffic. The interior street system shall be designed to provide for convenient access to each manufactured housing lot. No individual manufactured housing lot shall be directly accessible from an abutting public road.
- H. All interior streets shall be surfaced to meet specifications of the Cass County cartway specifications (See Appendix A)

1115 NONCONFORMING USES AND LOTS

It is the purpose of this section to provide for the regulation of non-conforming lots, uses, structures and noncompliant individual sewage treatment systems. It is necessary to satisfying the purposes and intent of this ordinance that non-conforming lots, uses, structures and noncompliant individual sewage treatment systems not be permitted to continue without restriction.

1115.1 Nonconforming Uses

A structure or the use of a structure or premises which was permitted or allowed before the passage or amendment of these standards but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions: All legally established nonconformities as of the date enactment of this ordinance may continue, but will be managed according to applicable state statutes and other regulations of the county for alterations and additions, discontinuance of use for two years, or intensification of use.

1115.2 Construction on Nonconforming Lots of Record Recorded Prior to Zoning Regulations

- A. Lots that were of record in the office of the county recorder before 1972 in shoreland areas that do not meet the requirements of ordinance sections 1113.1 may be allowed as residential building sites without variances from lot size requirements provided the following criteria are met:
- (1) All setbacks as prescribed in Section 1126.1 of this ordinance can be met and the lots can be developed without a variance, and;
 - (2) A site for a standard individual sewage treatment system is identified pursuant to Minnesota Rules, Chapter 7080 and the Cass County Individual Sewage Treatment System Ordinance.
- B. Development on lots which do not meet the criteria in 1115.2 (A), require application for a variance. In evaluating the variance, the board of adjustment may require shoreline buffers as prescribed in section 1123 of this ordinance. An ISTS site evaluation and design prepared by a state-licensed ISTS evaluator/designer. The Board of Adjustment shall deny the variance if adequate ISTS facilities cannot be provided.
- C. If, in a group of two or more contiguous lots under the same ownership in the shoreland zone, any individual lot does not meet at least 75% of the minimum lot area and lot width standards in section 1113.1 of this ordinance for the shoreland zone for the zoning classification in which the lots are located, the lots shall not be considered as a separate parcels of land for the purposes of residential building site development. The lot may be combined with one or more contiguous lots so that they equal one or more parcels of land, each capable of meeting the standards in section 1113.1.

1115.3 Construction on Nonconforming Lots of Record in the Shoreland Zone Recorded Subsequent to Zoning Regulations

- A. Lots that became of record in the office of the county recorder after 1971 in shoreland areas ~~or~~ that do not meet the requirements of section 1113 and do not currently have residential structures may be allowed as residential building sites without variances from lot size requirements provided the following criteria are met:
- (1) the lots were created compliant with official controls in effect at that time they were created; and,

- (2) all setbacks as prescribed in Section 1126.1 of this ordinance can be met and the lots can be developed without a variance, and;
 - (3) a site for a standard individual sewage treatment system is identified pursuant to Minnesota Rules, Chapter 7080 and the Cass County Individual Sewage Treatment System Ordinance.
- B. Development on lots which do not meet the criteria in 1115.3 (A). above, require application for a variance. . In evaluating the variance, the board of adjustment may require shoreline buffers as prescribed in section 1123 of this ordinance, and an ISTS site evaluation and design prepared by a state-licensed ISTS evaluator/designer. The Board of Adjustment shall deny the variance if adequate ISTS facilities cannot be provided.
 - C. If, in a group of two or more contiguous riparian lots in the same ownership, any individual lot does not meet the requirements of sections 1113.1 in this ordinance, the lots shall not be considered as separate parcels of land for the purposes of sale or development. The lot may be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement of sections 1113.1.
 - D. Lots in the shoreland zone that became of record in the office of the county recorder after 1998 shall meet all lot requirements in this ordinance. Existing riparian lots on GD lakes meeting the 20,000 square foot total lot size and 8,000 square foot buildable area standards effective prior to December 1, 2002 are exempt from this provision.
 - E. Those lots of record that do not meet the present lot size requirements because of a lake or river classification change may be allowed as separate lots exempt from this section, provided that they were each created after 1972.

1115.4 Nonconforming Structures

- A. Maintenance Maintenance, as herein defined, of an existing nonconforming structure may be performed. Any other alteration requires application for a variance.
- B. Additions/Expansions All additions or expansions to the outside dimensions of an existing nonconforming primary residential structures shall meet the following criteria:
 - 1. Nonconforming portions of primary residential structures in the shoreland zone existing before 1972 may be expanded with a permit provided the setback of the addition is not less than 50 feet from any public water and does not reduce the existing structure setback. The maximum size of the nonconforming portion of the permitted addition shall be calculated by multiplying the building footprint of the original pre-1972 nonconforming portion of the structure by 0.5. The resulting square footage area may then be added to the total useable floor space on the ground floor (See example in Appendix C, 5.)
 - 2. The nonconforming portion of the structure shall not exceed 1000 square feet in size.
 - 3. In the Shoreland Zone, vegetative screening pursuant to section 1128 shall be maintained. Shoreline buffers as prescribed in section 1123 of this ordinance shall be completed.
 - 4. No expansions of nonconforming guest quarters are allowed.

1116 PLANNED UNIT DEVELOPMENT (PUD)

1116.1 Purpose and Applicability

- A. The purpose of these regulations is to establish procedures and criteria to evaluate planned developments. It is intended to provide a relationship between buildings, and between buildings and sites, that cannot be accomplished by the one building-one lot application of the land use provisions of this ordinance. In order to encourage well designed building groups, this section provides for the development of more than one structure upon a single lot or tract as well as the integral development of one or more lots as a single tract.
- B. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in the shoreland zone and in urban growth (UG), rural residential-1 (RR-1) and Rural Residential-2.5 (RR-2.5) districts in the non-shoreland zone only.
- C. Planned unit developments shall be processed as conditional uses.

1116.2 Application for a PUD

The following documents shall be submitted with a PUD application:

- A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two foot intervals or less.
- B. A property owners association agreement with mandatory membership, bylaws, and provisions for mutual enforcement.
- C. Deed restrictions, covenants, permanent easements or other instruments that:
 - 1. properly address what vegetative and topographic alterations are allowed, what construction of additional buildings is allowed, and how beaching of watercraft will be regulated;
 - 2. ensure the long-term preservation and maintenance of open space;
 - 3. protect wetlands from any future draining or filling;
 - 4. provide for third-party management of individual sewage treatment systems.
- D. A master plan/drawing describing the project and the floor plan for all structures.
- E. Those additional documents as requested by the Department and the Planning Commission that are necessary to explain PUD design and function.

1116.3 Environmental Review—EAW/EIS

- A. The County Board hereby delegates its authority as responsible governmental unit in determining the necessity for the preparation of Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) to the Planning Commission.

- B. The Department shall hold a pre-application meeting with applicants for PUD's to review project plans.

1116.4 Density Evaluation in Shoreland Areas

Density Evaluation for PUD's--The number of dwelling units allowable is calculated by whichever of the following two calculations results in the fewest number of dwelling units:

- A. The lot area is divided by the non-riparian single residential lot area standard for the respective lake or for river classification in section 1113.1, , or;
- B. The buildable area of the lot is divided by the non-riparian single residential buildable area standard for the respective lake or for river classification in section 1113.1

1116.5 Density Evaluation in Non-Shoreland Areas

The number of dwelling units allowable is calculated by dividing the total lot area in square feet by:

- A. 20,000 in the Urban Growth District; or,
- B. 30,000 in the Rural Residential-1 District; or,
- C. 50,000 in the Rural Residential-2.5 District.

1116.6 Criteria for Evaluation

Before recommending the approval of the Preliminary Development Plan and Conditional Use Permit for a Planned Unit Development, the Planning Commission shall find that the following criteria are satisfied:

- A. The Planned Unit Development shall generally conform to the regulations of the land use district in which it is proposed to be located, provided that any exceptions to the standard requirements of the land use and subdivision regulations are justified by the design of the development.
- B. The planned development or unit thereof is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit without dependence upon any subsequent unit.
- C. The planned development will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned development.
- D. The minimum area of land to be included in the Planned Unit Development shall be as designated in the land use district in which it is proposed to be located.
- E. All streets within the Planned Unit Development, whether public or private, shall be constructed to meet the specifications in appendix A.
- F. Impervious surface coverage for the entire lot shall not exceed 25 percent of the total lot area.

1116.7 Maintenance and Administration Requirements

- A. Before final approval of a planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

- B. Open space preservation: 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 shall include all of the following protections:
1. Commercial uses prohibited in residential PUD's; and,
 2. Vegetation and topographic alterations shall be prohibited other than routine maintenance in shore impact zone-2; and,
 3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 4. Uncontrolled beaching of watercraft prohibited; and,
 5. All wetlands in the parcel shall be placed under deed-recorded perpetual conservation easements.
- C. Unless an equally effective alternative community framework is established, all residential planned unit developments shall use an owners association with the following features:
1. Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 2. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 3. Assessments shall be adjustable to accommodate changing conditions; and
 4. The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities including ISTS.

1116.8 Design Changes

- A. During the development of the approved PUD, the Department may approve minor changes in the location, placement and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the Preliminary Development Plan was approved.
- B. Changes in uses, rearrangement of lots, blocks and building tracts, or any changes in the provision of common open space shall require re-submission and re-approval of the Preliminary Development Plan by the Planning Commission.

1116.9 Open Space Requirements

Planned unit developments shall contain open space meeting all of the following criteria:

- A. At least fifty (50) percent of the total project area shall be preserved as open space;
- B. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- C. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and significant historic sites;

- D. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites and by the general public;
- E. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- F. Open space may contain water-oriented accessory structures or facilities;
- G. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- H. The structure setback area shall be included as open space. A shoreland buffer plan meeting the requirements of section 1123 of this ordinance shall be approved, installed, and maintained

1116.10 Erosion Control and Stormwater Management

PUD's shall:

- A. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. Plans shall be approved by the Cass Soil and Water Conservation District; and,
- B. have engineered stormwater management and grading plans and be designed and constructed to effectively manage stormwater runoff.

1116.11 Centralization and Design of Facilities

Centralization and design of facilities and structures shall be done according to the following standards:

- A. Planned unit developments shall be connected to publicly owned water supply and sewer systems, if available. Sewage treatment systems shall be centralized and shall be have a site evaluation and design for the proposed use designed and installed to meet the provisions of the Cass County Individual Sewage Treatment System Ordinance by state-licensed evaluators, designers, and installers. An area free of limiting factors shall be provided for a replacement soil treatment system.
- B. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height.
- C. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, upland and aquatic vegetation, presence of wetlands, soils, depth to groundwater and bedrock, or other relevant factors.
- D. A minimum of six (6) spaces, not to exceed the number of allowable dwelling units, may be provided for continuous mooring of watercraft for PUD's abutting Public Waters. The number of additional allowable mooring spaces shall be calculated by:
 1. Subtracting the minimum riparian lot width for the respective lake or river classification from the total shoreline length on the parcel; then,

2. Dividing the remaining shoreline length by:
 - 25 for General Development lake classes
 - 50 for General Development-Resource Protection lake classes
 - 37.5 for Recreational Development lake classes
 - 62.5 for Recreational Development- Resource Protection lake classes
 - 50 for Natural Environment lake classes
 - 75 for Remote river classes
 - 50 for Forested river classes
 - 62.5 for Transition river classes
 - 50 for Tributary river classes

- E. A lake access area plan shall be submitted and approved by the Planning Commission in conjunction with the review process.
- F. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided;
- G. Accessory structures and facilities, except water oriented accessory structures, shall meet the required principal structure setback and shall be centralized.

1116.12 Licensed Resorts

The following rules shall only be applied to licensed resorts as herein defined. They are intended to allow existing licensed resorts to maintain and/or expand their current business so long as they continue to operate as a licensed resort.

A. Replacement of Existing Structures

1. Existing structures may be replaced no closer to any setbacks than the existing structure without a variance as long as there is no increase in building footprint.
2. All existing structures on a licensed resort may be replaced without regard to available density as long as there is no increase in building footprint.
3. At least fifty (50) percent of the shore impact zone-1 shall be preserved in its natural state or restored according to a plan approved by the Department.

B. Density and Building Footprint Evaluation for Licensed Resorts

1. Tier Calculation--The project parcel shall be divided into tiers by locating one or more lines parallel to a line that identifies the ordinary high water level at intervals proceeding landward as specified in the following table:

Shoreland Tier Dimensions	
	Tier Width (feet)
General development Lakes-first tier	200
General development lakes- second and additional tiers	267
Recreational development lakes-first tier	267
Recreational development lakes second and additional tiers-	267
Natural environment lakes-all tiers	400
All river classes-all tiers	300

2. Suitable Area--The suitable area within each tier is calculated by excluding from the tier area all wetlands, bluffs, public road rights-of-way, easements, or land below the ordinary high water level of Public waters.
3. The procedures for determining the "base" density of a licensed resort PUD are as follows: The suitable area within each tier is multiplied by the resort density building footprint factor in the chart below. For the purposes of this section, the building footprint shall include all buildings.

Licensed Resort Density Building Footprint Factor

First tier on General Development lakes, 0.12	Second and additional tiers on General Development 0.09	First tier on Recreational Development Lakes Tributary river 0.08	Second and additional tiers on Recreational Development Lakes 0.065	All tiers on Natural Environment Lakes 0.03
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4. Allowable density may be transferred from any tier to any other tier further from the lake or river, but shall not be transferred to any other tier closer.
- C. Sewage Treatment Systems. Prior to any permit being issued on a resort parcel for a new structure or an addition to a structure other than a deck, the ISTS serving that structure will either need a compliance inspection conducted by a Minnesota state registered inspector holding a Designer I or Inspector certification, or a current operating permit as described in the Cass County Individual Sewage Treatment Systems Ordinance.
- D. Expansions to licensed resorts may be permitted provided that:
1. There is allowable density as calculated in Section 1116.12, B (3)
 2. Number of dwelling units added does not exceed six (6). Addition of more than six units shall require a conditional use permit..
 3. Resort cabins are a minimum of 600 square feet in size. Camping cabins are a minimum of 400 square feet in size.
 4. All other provisions of this ordinance are met.

5. At least fifty (50) percent of the shore impact zone-1 shall be preserved in its natural state or restored according to a plan approved by the Department.
- E. Restrictions on Second Party Ownership of or Ownership Interest in Licensed Resort Cabins. A resort having second party ownership of or ownership interest in individual cabins or rental units shall be considered a licensed resort under this section only if the following standards are met:
1. Notice is deed recorded in the office of the Cass County Recorder on the parcel on which the resort is located that cabins or rental units may be required to be moved or removed in compliance with section 1116.13 of this ordinance should the resort cease to be licensed for more than one year.
 2. All cabins or rental units are included in the resort rental business.
 3. No person or group of persons with second party ownership of or ownership interest in an individual cabin or rental unit occupy said cabin or rental unit for more than three (3) weeks between June 1st and September 1st, and no more than 26 weeks total of any calendar year.
 4. The holder of the Minnesota Department of Health resort license obtains all required land use permits and complies with all requirements of all Cass County ordinances.

1116.13 Conversions of Licensed Resorts

If the use of a parcel as a licensed resort ceases for more than one year, the following standards shall be met:

- A. The parcel shall be reclassified in accordance with section 705 within two years of the date that the license for the resort expired.
- B. All parcels that are reclassified to a residential use and are not making an application for a planned unit development, must comply with all of the standards in section 1126.
- C. All conversions to a planned unit development shall require a conditional use permit and comply with all of the standards for a new residential planned unit development including but not limited to density, setbacks, and shoreline buffers.
- D. Any existing or new commercial activity such as but not limited to food and beverage establishments, marinas, boat sales, and boat repair, shall require conditional use permits and compliance with section 1113.1. All other inconsistencies with this ordinance may be required to be brought into compliance by the Planning Commission as conditions of the approval of the conditional use permit.

1117 PUBLIC NUISANCE

1117.1 Purpose and Standards

It shall be a violation of this ordinance for any owner or other person in control of a property, premises, or right-of-way to keep or maintain that property, premises or right-of-way in such a manner that any of the following conditions are found to exist:

- A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley or other public property which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;
- B. Discarded putrescibles, garbage, rubbish, refuse, or recyclable items which are determined by the Department to constitute a fire hazard or to be detrimental to human life, health or safety;
- C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) and/or their containers which is determined by the Department to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
- D. Salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley or other public property;
- E. Any structure which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured;
- F. Any activity which exceeds State regulation relating to air quality standards and air pollution control.
- G. Any activity which causes water, soil, or any objectionable substance is carried on to any adjacent property.
- H. Any activity which emits dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of creator of such disturbance.

1117.2 Abatement of Public Nuisances

- A. The owner, occupant, lessee or tenant of any property within the County shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this section. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorate and become a safety hazard.
- B. When the Department determines that the severity of a violation warrants immediate action, they may request Board authorization to clean up or abate the violation. The cost of such cleanup or abatement may be recovered by the County through property tax assessment. Such emergency cleanup or abatement will not relieve the person of further action that may be taken by the Department, including but not limited to, liability for any violations of this Ordinance.

- C. The Department may choose to abate any public nuisance through any of the abatement methods set forth in this ordinance, or in other local, state or federal law. Nothing contained in this section shall be construed as limiting, prejudicing or adversely affecting the Department's ability to concurrently or consecutively use any of those proceedings as the Department may deem are applicable. Proceeding under this Section will not preclude the Department from proceeding under other sections of this ordinance.
- D. Nothing in this section shall be construed as requiring the Department to enforce the prohibitions in this section against all or any properties that may violate the Ordinance. In the Department's prosecutorial discretion, and as the Department's resources permit, this Ordinance may be enforced only as to a limited number of problem properties per year. Nothing in this Section or the absence of any similar provisions shall be construed to impose a duty upon the Department to enforce such other provision of law.

1118 RECREATIONAL CAMPING AREAS AND RECREATIONAL CAMPING VEHICLE PARK CAMPGROUNDS

1118.1 Permit

- A. A recreational camping area or recreational camping vehicle park campground within Cass County shall require a conditional use permit.
- B. The applicant shall provide a site plan at a scale of not less than one hundred (100) feet to the inch with topography at a contour interval of not greater than two (2) feet showing proposed land uses, the location and arrangement of buildings, campsites, parking areas, open space and recreation areas, and their proposed treatments, entrance and exit drives and interior streets.
- C. Preliminary and final site plans shall be approved by the Department

1118.2 General Standards

- A. Site designs for seasonal sites shall be calculated at a minimum of 2,000 square feet per site. Additions and accessory storage structures may be constructed on these sites.
- B. Site designs for transient sites shall be calculated at a minimum of 500 square feet per site. No additions or accessory structures shall be permitted on these sites.
- C. The number of sites allowed on a parcel for recreational camping areas and recreational camping vehicle park campgrounds shall be determined by one of the following:
 - 1. In shoreland areas, in accordance with section 1116.12, B.
 - 2. In non-shoreland areas, by first deducting from the parcel all wetlands, bluffs, public road rights-of-way, and easements to determine the suitable area. The suitable area is then multiplied by 0.12 to yield the total allowable square footage of structures on the parcel.

1119 RENEWABLE ENERGY SYSTEMS AND FACILITIES

1119.1 Wind Energy Systems

Wind energy systems shall be divided into the following categories and shall meet the respective requirements:

- A. Hobbyist. This type of system is designed for small load personal use or to supplement commercial grid supplied electricity. The system may be connected to the commercial electrical grid and electricity sold..
 - 1. Require a land use permit including a site plan
 - 2. Towers are free standing or guyed, non-latticed and do not exceed 75 feet in height
 - 3. Maximum electrical output does not exceed 10 kilowatts
 - 4. Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).
 - 5. Applications for wind energy systems that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation(NEG) contract with the respective electrical power company.
- B. Residential/Commercial. These systems are designed primarily to supply electricity for personal use. The system may be connected to the commercial electrical grid and electricity sold.
 - 1. Require a land use permit for towers 170 feet or less in height including a site plan
 - 2. Require a conditional use permit for towers greater than 170 feet in height including a site plan.
 - 3. Non-free standing, guyed non-lattice towers shall not exceed 120 feet in height.
 - 4. Guyed lattice towers shall not exceed 270 feet in height.
 - 5. Maximum electrical output does not exceed 400 kilowatts.
 - 6. Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 - 7. Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).
 - 8. Applications for wind energy systems that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
- C. Commercial. These systems are designed exclusively to be connected to the commercial electrical grid and electricity sold.
 - 1. Require a conditional use permit.
 - 2. Towers shall not exceed 300 feet in height.

3. Maximum electrical output exceeds 400 kilowatts.
 4. Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 5. Commercial systems shall conform to National Electrical Code (NEC).
 6. Applications shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
- D. Experimental. These systems are designed and operated exclusively for research, testing, prototyping, education, demonstration, and development to supply electricity to loads isolated from the commercial grid. The system may be not be connected to the commercial electrical grid and no electricity sold.
1. Require a wind power permit for towers 170 feet or less in height including a site plan
 2. Require a conditional use permit for towers more than 170 feet in height including a site plan.
 3. Non-free standing, guyed non-lattice towers shall not exceed 120 feet in height.
 4. Guyed lattice towers shall not exceed 270 feet in height.

1119.2 Additional Standards

In addition to the standards in section 1119.1, all wind energy systems shall comply with the following standards:

- A. Towers shall be constructed of, and/or treated with, corrosive resistant material.
- B. Wind energy system towers and electrical equipment shall be maintained and inspected according to manufacture's requirements by qualified personnel. Annual tower inspection reports shall be provided to the Department on forms provided.
- C. Wind energy system electrical and mechanical equipment that is connected to a commercial electrical grid shall be maintained and inspected according to manufacture's requirements by qualified personnel. Annual electrical equipment inspection reports shall be provided to the Department on forms provided and shall include total annual energy generated, total annual energy sold, average daily generation, and instantaneous maximum generation.
- D. Wind energy system electrical equipment that is connected to a commercial electrical grid shall automatically disconnect from the commercial electrical grid within 5 seconds after a grid outage.
- E. The use of any portion of a wind energy tower for signs/placards other than warning, identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet.
- F. The addition of any non-wind energy systems equipment to a wind energy systems tower is prohibited. Towers that do not exceed 75 feet in height are exempt from this requirement.
- G. . Wind energy system towers shall blend into the surrounding environment to a height 10 feet above the surrounding foliage through the use of color and camouflaging architectural treatment. From that point to the top of the tower, the tower color shall obviously contrast to the surrounding environment,

except in instances where color is dictated by federal or state regulations. Towers that do not exceed 75 feet in height are exempt from this requirement..

H. No wind energy system shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction, repair, monitoring, or inspection..

I. For towers over 75 feet tall, suitable protective anti-climbing fencing with a minimum height of 6 feet shall be provided around any tower and guy wires.

J. Setbacks

1. Towers shall be setback from all property lines and public road right-of-ways an amount equal to the height of the tower plus 25 feet.

2. Guy wires for towers shall be set back 25 feet from all property lines and public road rights-of-way.

K. Each wind energy system permit or conditional use permit may include a utility building for protection of associated equipment not to exceed 100 square feet.

1120 RESIDENTIAL LOTS, SINGLE FAMILY

A. Unless otherwise designated, all residential lots shall be considered single family residential lots.

B. No more than one primary residential structure may be placed on a single family residential lot within the Shoreland Zone. One guest quarters may be permitted if a lot meets or exceeds all lot requirements for guest quarters in section 1113.1 and the requirements of section 1126.6. A are met.

C. One guest quarters may be permitted on a single family residential lot in the non-shoreland area, provided the requirements of section 1126.6 B. are met.

1121 RESIDENTIAL LOTS, MULTIPLE FAMILY/APARTMENTS

Multiple family dwellings (two (2) or more dwelling units per structure are conditional uses and shall be processed as planned unit developments.

1122 SALVAGE YARDS

All junk, wrecking or salvage yards within Cass County shall require a conditional use permit. Salvage yards shall include a lot or yard for the keeping of more than two (2) unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. Salvage yards shall be considered an industrial use. All salvage yards shall comply with applicable federal US-EPA standards and Minnesota Statutes and Minnesota Rules including but not limited to Chapter 7045 regarding the management of hazardous waste.

1122.1 Salvage Yard Standards

All junk, wrecking or salvage yards within Cass County shall meet the following minimum standards:

A. No material shall be disposed of or placed in a wetland.

- B. All such uses shall have a minimum rear, side and road setback of one hundred (100) feet. No activity except fencing, berms or other screening may take place in the setback area.
- C. All such uses shall comply with the Cass County Solid Waste Ordinance.
- D. All waste including batteries, tires and hazardous waste shall be kept on the property in a manner consistent with applicable MPCA and US-EPA regulations or disposed of in a manner acceptable to pertinent County, State or Federal regulations.
- E. Fencing, berms, and use of natural topography and/or vegetation shall be provided to shield the view of any salvage material from any surface water, public recreation facility, public road, private residence, or other structure.
- F. Fire breaks and roads shall be approved by the appropriate fire department.
- G. Financial assurance per section 503 shall be provided to Cass County sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The County shall determine the amount and type of financial assurance.
- H. The salvage yard shall conform to all on-site sewage treatment regulations.
- I. The salvage yard shall conform to all standards for wells of the State Health Department including the sealing of abandoned wells.
- J. All access roads and bridges shall be able to handle traffic generated by the salvage yard as determined by the County Engineer.

1123 SHORELINE BUFFERS

- A. As a condition of issuance of certain permits, conditional uses, and variances, measures **may** be required to mitigate the impacts of developments, nonconforming structures, or uses on lake water quality. Shoreline buffer requirements shall be determined according to the following table:

Mitigation Practices
(1) Implement erosion control and stormwater management according to an approved plan.
(2) Restore native vegetation buffer area within shore impact zone 1 or within the first 75% of the distance between the principal structure and the OHW, whichever is less.
(3) Other practices approved by ESD

- B. Plant materials for native vegetation buffers shall be as prescribed in the Cass County Plant Materials for Native Vegetation Buffers List according to the landscape position, water table, soil type, and exposure of the project site. There shall be a minimum of four types of trees, six types of shrubs, seven types of forbs, and three types of grasses planted to achieve continuous groundcover. The survival of all plant materials shall be guaranteed for a minimum of 5 years.

1124 SIGNS

1124.1 Purpose

It is the intent of these provisions to authorize visual communicative devices which: are compatible with their surroundings; are appropriate to the type of activity to which they pertain; are safely located with respect to vehicular and pedestrian traffic; preserve and promote the aesthetics of the location and community; and protect the value of land, buildings and landscapes.

1124.2 General provisions

The following general provisions shall apply in all zone districts:

- A. Class A and B signs shall be considered structures and require permits. Copy changes on signs shall not require permits.
- B. Signs, excepting governmental signs, are prohibited within public rights-of-way and easements and on public property without written permission of the property management agency and the road authority.
- C. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above said pedestrian way of ten (10) feet. No projecting sign shall extend more than four and one half (4 1/2) feet from the building wall to which it is attached.
- D. All free standing signs shall be plainly marked with the name and address of the owner of said sign.
- E. All square footage area requirements shall include border and exclude structural supports.
- F. All signs shall be maintained so as not to constitute a potential danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately. The County shall have the rights and shall follow the procedures set forth in Minnesota Statutes with respect to any abandoned, dangerous or dilapidated sign.

1124.3 Prohibited characteristics.

The following signs or characteristics of signs shall not be permitted or erected in Cass County:

- A. Any sign which resembles, imitates or approximates the shape, size, form or color of railroad or traffic signs, signals, or devices.
- B. Any sign which is located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- C. Any sign which is erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. Any sign which emits sound.
- E. Any sign or structure which is unsafe or constitutes a hazard.
- F. Abandoned signs.
- G. Any sign displaying obscene, indecent, immoral or offensive matter.
- H. Any sign erected and/or maintained so as to direct constant or flashing beams or rays of light at any portion of the traveled way of any highway or street of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle, or, which directs constant or flashing beams or rays of light at any portion of a building or residence.

1124.4 Sign classifications

The following classifications of signs are hereby established:

- A. Class A: On-Site Advertising signs which advertise a business, product, service, commodity or profession located on the same premises as the sign.
- B. Class B: Off-Site Advertising outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered other than on the premises on which the sign is located.
- C. Class C: Temporary Advertising signs which advertise a business, product, service, commodity or profession located on the same premises as the sign and which are not permanently affixed to the premises.
- D. Class D: Exempt signs which do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to, the Cass County Highway Department and the Minnesota Department of Transportation; signs used to inform the general public in a non-advertising message; temporary construction and election signs, posters or banners.

1124.5 Performance standards

A. Class A on-site advertising signs

1. Free standing signs in commercial districts

a. One (1) free standing sign with a maximum square footage of one hundred (100) square feet shall be allowed on all lots having two hundred (200) feet of frontage or less; or

b. Two (2) free standing signs of one hundred (100) square feet or less or one (1) free standing sign of two hundred (200) square feet or less shall be allowed on all lots having frontage of two hundred one (201) feet to five hundred (500) feet; or

c. Three (3) free standing signs of one hundred (100) square feet or less or one (1) free standing sign of three hundred (300) square feet or less shall be allowed on lots having frontage of more than five hundred (500) feet. For the purposes of calculating the area of a free standing back-to-back or "V" type construction sign, only one face of such sign shall be considered.

2. Height. The maximum height of any Class A free standing sign shall not exceed thirty-five (35) feet.

3. Spacing. No Class A free standing sign shall be closer than fifty (50) feet to any other Class A free standing sign.

4. Lighting. Class A signs may be illuminated.

5. Setback. Class A free standing signs shall maintain a property line setback equal to the height of the sign structure.

6. Home businesses and home occupations shall be permitted one (1) wall business sign provided that the sign area does not exceed thirty two (32) square feet and that the sign is not illuminated. In addition, home businesses shall be permitted one (1) Class C free standing sign provided that the sign area does not exceed fifty (50) square feet and meets all setbacks for structures in the district in which it is located.

B. Class B off-site advertising signs

1. Location. Class B signs will be a permitted use in conjunction with MnDot approval. The distances below shall be measured from the corporate limits of the cities as they existed on June 1, 2004. Class B signs may be placed within the following areas:
 - a. Within one (1) mile of the corporate limits of Pine River, Walker (except in sections 26 and 35 of North Shingobee Township, T. 142 N.-R. 31 W.), Cass Lake, Hackensack, and Pillager.
 - b. Within one half (1/2) mile of the corporate limits of Remer, Longville, Boy River, Bena, and Federal Dam,
 - c. Within one (1) mile of the junction of Minnesota #87 east and within one (1) mile of #87 west near Backus.
 - d. Within one (1) mile of the junction of Minnesota #'s 200 and 371 east of Walker.
2. Signs Prohibited. Class B signs shall be prohibited along all other County, State, and Federal roads and highways.
3. Size. The maximum area for any one face of a Class B sign shall not exceed four hundred (400) square feet. Class B signs may be placed back-to-back or in a "V" type construction, which is not to exceed forty-five (45) degrees, but not more than one face is allowed on each side of the sign structure (no stacked signs) and only (1) display is allowed on each sign face. For purposes of calculating the area of a back-to-back or "V" type construction sign, however, only one sign face shall be counted.
4. Height. The maximum height of any Class B free standing sign shall not exceed thirty (30) feet.
5. Spacing. No Class B free standing sign shall be closer than one thousand (1,000) feet to any other Class B sign on the same side of a highway.
6. Lighting. Class B signs may be illuminated.
7. Specifications. The Class B sign structure shall be constructed of metal only. Display panels and borders may be constructed or finished in wood.
8. Setback. Class B free standing signs shall be placed outside of road right-of-ways.

C. Class C temporary advertising signs

1. Type. Class C signs shall be limited to banners, pennants and portable signs.
2. Size. The maximum square footage for the total of all Class C signs on a single lot of record shall not exceed thirty two (32) square feet.
3. Height. The maximum height for all Class C signs shall not exceed ten (10) feet.

D. Class D exempt signs

1. Temporary construction. one (1) temporary construction or identification sign of not more than thirty two (32) square feet may be installed upon a construction site in any district denoting the name of the architect, engineer, contractor and/or future business, provided the sign shall not be

installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within thirty (30) days following occupancy of the building.

2. Place of worship directional signs. Signs directing people to places of worship shall be allowed in all districts.
3. Public service signs. Temporary signs which advertise a special event of a public service nature may be displayed for thirty (30) days or less each calendar year.
4. Informational signs. Signs of a non-advertising nature which inform, direct, provide address information, warn or similar signs shall be allowed in all districts. Class D exempt informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.
5. Election signs. Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be permitted in all districts. They shall not remain on the location more than ten (10) days after the election. Removal of signs shall be the responsibility of the owner or occupant of the lot upon the sign is located.
6. Garage/yard/rummage sale signs. Signs advertising garage, yard or rummage sales shall be permitted in all districts provided that the signs shall be located on private property and removed immediately after the sale date.

1124.6 Non-conforming signs

- A. Existing non-conforming signs shall be allowed to continue and reasonable maintenance of said signs shall be allowed. The changes in advertising message and/or maintenance and repair upon an existing sign shall not be considered a relocation, replacement or structural alteration.
- B. A sign, which is non-conforming because of its location, may be structurally altered or modified in its existing location, provided that the sign is not made less conforming. For the purpose of administering this principle, the following tests will be used:
 1. The modified sign may not be larger in area than the existing sign;
 2. The modified sign may not encroach into a required yard any further than the existing sign;
 3. The modified sign shall meet all other applicable codes and requirements.
- C. Non-conforming signs shall not be relocated or replaced without being brought into compliance with all requirements of this ordinance.
- D. Portable and/or temporary signs, except as permitted in this ordinance, shall either be removed or brought up to the requirements of this ordinance within twelve (12) months of the effective date of this ordinance.

1125 STORMWATER MANAGEMENT

1125.1 General Standards

- A. Existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to Public waters.

- B. Development shall 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 shall be stabilized and protected 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 shall be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- D. Developments with a total disturbed area of 1 acre or greater shall have a stormwater control plan as required by MPCA rules.
- E. Developments with 1 acre or more of impervious surface shall also have a stormwater control plan.

1125.2 Specific Standards

- A. When constructed facilities are used for stormwater management, they shall be designed and installed consistent with the field office, technical guide of the Natural Resources Conservation Service or applicable technical standards.
- B. Stormwater outfalls to wetlands or Public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

1126 STRUCTURES--PLACEMENT, DESIGN, AND HEIGHT

1126.1 Structure Setbacks

Structures shall meet all setbacks. All setbacks shall be measured as the shortest horizontal distance between the structure and the feature from which the setback is required.

- A. The structure and on-site sewage system setbacks (in feet from the ordinary high water mark) shall be as specified in the following table:

Class of Public Waters	Structure Setbacks*	PUD Structure Setbacks	Individual Sewage Treatment System Setback
Lakes:			
Natural Environment	150	240	150
Recreational Development (RD)	100	160	75
General Development (GD)	75	120	50
Rivers:			
Remote	200	320	150
Forested and Transition	150	240	100
Urban and Tributary	100	160	75
*--Some structures may be permitted within the structure setback area. See performance standards.			

- B. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback from:	Setback (in feet)
(1) Top or bottom of bluff	30
(2) Significant Cultural or Historic Site	50
(3) County, State, or Federal road right-of-way	50
(4) Township road, dedicated public road, or other public roads not classified	20
(5) Private Road or Utility easement	10
(6) Property Line	10
(7) Publicly-owned Recreational Trail (not easements)	10
(8) Individual Sewage Treatment System--Septic Tank (to inhabited structure)	10
(9) Individual Sewage Treatment System--Drainfield (to inhabited structure)	20
(10) Minnesota Department of Natural Resources permitted harbors	One half of normal lake setback

C. Commercial uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots of parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

1126.2 Height of Structures

The maximum height of structures shall not exceed 30 feet unless otherwise noted in the performance standards.

1126.3 Flood Prevention

The elevation at which the lowest floor, including basement, is placed shall be determined as follows:

- A. By placing the lowest floor at a level three feet above the highest known water level or three feet above the highest evidence of water table, whichever is higher.
- B. Water-Oriented Accessory Structures or facilities may have the lowest floor placed lower than the elevation determined in A. above, if the structure is constructed of flood-proof materials up to that elevation, electrical and mechanical equipment is placed above that elevation. If long duration flooding is anticipated, the structure shall be built to withstand ice action and wind-driven waves and debris.

1126.4 Water-Oriented Accessory Structures or Facilities

- A. Water-Oriented Commercial Accessory Structures. Each water-oriented commercial property may have one water-oriented accessory structure not meeting the normal structure setback in section 1126 of this Ordinance, if this water-oriented accessory structure complies with the following provisions:

1. The structure or facility shall not exceed ten feet in height, including a minimum 4:12 pitch roof, and cannot occupy an area greater than 250 square feet;
 2. The minimum setback of the structure or facility from the ordinary high water level shall be twenty (20) feet, and/or 10 feet from a DNR permitted harbor;
 3. The structure or facility is 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 structure shall not be used for human habitation.
 5. The structure shall not be located within a bluff impact zone.
 6. The structure shall not include water supply or sewage treatment facilities.
- B. Maintenance of Existing Water-Oriented Accessory Structures. Structures constructed before 1991 may be maintained with a permit on the same site provided that:
1. There is no increase in size or aerial coverage;
 2. The structure does not exceed ten feet in height, including a minimum 4:12 pitch roof;
 3. The structure is treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, or color, assuming summer, leaf-on conditions.
 4. The structure shall not be used for human habitation.
 5. The structure shall not include water supply or sewage treatment facilities.
- C. Planned Unit Development Water-Oriented Accessory Structures Each planned unit development may have one water-oriented accessory structure not meeting the normal structure setback in section 1126 of this Ordinance if this water-oriented accessory structure complies with the following provisions:
1. The structure or facility shall not exceed ten feet in height, including a minimum 4:12 pitch roof, and cannot occupy an area greater than 250 square feet.
 2. The minimum setback of the structure or facility from the ordinary high water level shall be twenty (20) feet; and/or 10 feet from a DNR permitted harbor;
 3. the structure or facility shall 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 structure shall not be used for human habitation.
 5. The structure shall not include water supply or sewage treatment facilities.
- D. Maintenance of Existing Water-Oriented Boathouses on Residential Property Boathouses constructed before 1991 may be maintained with a shoreland alteration permit on the same site provided that:
1. There shall be no increase in size or aerial coverage;
 2. The boathouse shall not exceed ten feet in height, including a minimum 4:12 pitch roof;

3. The boathouse shall be treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, or color, assuming summer, leaf-on conditions.
4. The structure shall not be used for human habitation.
5. The structure shall not include water supply or sewage treatment facilities.

1126.5 Guest Quarter Standards

- A. Shoreland Zone—One Guest quarters may be permitted on lots meeting or exceeding all lot requirements for guest quarters in section 1113.1 provided the following standards are met:
 1. Guest quarters shall not cover more than twelve hundred (1200) square feet of land surface.
 2. Guest quarters shall not exceed 20 feet in height unless confined to the second story of an accessory structure.
 3. Guest quarters shall 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.
- B. Non-Shoreland Zone—Except in the RR-1 district, one guest quarters may be permitted on lots conforming to the standards in which they are located exceeding 5 acres in size provided the following standards are met:
 1. Guest quarters shall not cover more than twelve hundred (1200) square feet of land surface.

1126.6 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 and lifts shall meet the following design requirements:

- A. Stairways and lifts shall not exceed four feet in width on residential lots or 8 feet if a combination of a stairway and a lift are installed. Up to 8 foot wide stairways may be used for commercial properties, public open-space recreational properties and planned unit developments;
- B. Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area and be an integral part of the stairway. Landings up to 64 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- C. Canopies or roofs are not allowed on stairways, lifts or landings;
- D. Stairways, lifts and 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. No mechanized earth moving equipment shall be used in bluff zones.
- F. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions.

- G. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (A) to (F) of this section are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

1126.7 Platforms and Patios

- A. Platforms and patios may be placed within the structure setback, shall not exceed a total combined size of 400 square feet, and shall comply with the following standards:
1. be free standing;
 2. have no railings;
 3. be a maximum of one hundred fifty (150) square feet in size;
 4. not be more than one foot (1') below or above natural ground level; and;
 5. be placed at least ten (10) feet landward of the OHW.
- B. Patios within the building setback area require a shoreland alteration permit and shall meet the following conditions:
1. The patio encroachment toward the ordinary high water mark does not exceed fifteen (15) percent of the existing structure setback, and
 2. The patio does not encroach closer than forty (40') from the ordinary high water level; and
 3. The patio, or portion of the patio located within the building setback, shall not exceed 400 square feet.
- C. Patios are allowed behind the building setback without a permit provided that all structure setbacks are met and the property still meets all allowable impervious surface requirements.

1126.8 Decks

- A. All decks on residential structures built after 1971 shall meet the structure setback standards.
- B. On residential structures existing before 1972, decks that do not meet setback requirements from Public waters may be permitted. No variance would be required if all of the following conditions can be met:
1. The deck encroachment toward the ordinary high water mark does not exceed sixteen (16) feet or fifteen (15) percent of the existing structure setback, whichever is less; and
 2. The deck does not encroach closer than forty (40') from the ordinary high water level; and
 3. The deck is not roofed, screened, or enclosed.
 4. The total size of the nonconforming portion shall not exceed 400 square feet.

1126.9 Retaining Walls

- A. Retaining walls may be installed with a permit in the setback area above the OHW provided:
 - 1. The Department determines that there is no other alternative to control erosion.
 - 2. No tier of a retaining wall shall exceed four feet in height without a plan signed by a registered professional engineer.
 - 3. A design plan, showing elevations, stormwater drainage patterns, soil erodibility factors, and critical area seeding recommendation is submitted.
 - 4. One tier of retaining wall may be permitted adjacent to a lake or river to retain a slope other than a bluff to create area within a 14-foot shoreland alteration area for dock storage or other recreational purposes. Erosion control measures shall be employed.
- B. Retaining walls behind the structure setback are allowed provided they do not significantly alter the character of the property or do not create runoff or erosion problems.
 - 1. No tier of a retaining wall shall exceed four feet in height without a plan signed by a registered professional engineer.

1126.10 Partition Fences

- A. A permit is required for a partition fence except fences for agricultural use.
- B. Construction and maintenance of partition fences shall comply with the requirements of
- C. A 4 inch right-of-way setback for a residential or commercial fence is required for easements or rights-of-way with widths of 40 feet or greater.
- D. A 3 foot right-of-way setback for a residential or commercial fence is required for roads or rights-of-way with widths of less than 40 feet.
- E. All fences shall meet structure setbacks from public waters.
- F. Fences shall not exceed 6 feet in height
- G. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway.
- H. Construction design plans shall be included with the permit application and approved by the Department.
- I. If one side of a fence is unfinished, the finished side of the fence shall face away from the applicant's property.

1126.11 Docks

- A. The landward end of all docks shall meet a 10-foot setback from the nearest property line.
- B. Docks shall be placed so as not to block access from an adjacent property to open water.
- C. Docks shall be placed within permitted shoreland alteration areas.

1126.12 Boardwalks and Walkways

- A. Boardwalks shall be used for lake access over wetlands within the building setback area. Boardwalks shall require a shoreland alteration permit and:
 - 1. Shall not exceed 6 feet in width on residential properties or 8 feet for commercial properties;
 - 2. May be placed on temporary or permanent supports;
 - 3. May be constructed of wood or metal;
 - 4. May have railings attached;
 - 5. Shall meet property line ~~sideyard~~ setbacks.

- B. Walkways may be used within the building setback in areas where foot traffic eliminates the persistence of native vegetation. Walkways shall require a shoreland alteration permit and:
 - 1. Shall not exceed 4 feet in width;
 - 2. May be covered with gravel, paving stones, bricks, or other materials (except asphalt);
 - 3. Shall meet property line setbacks; and,
 - 4. Shall be located within the 14 foot wide shoreland alteration area.

1126.13 Watercraft Access Ramps

Watercraft access ramps, approach roads, and access related parking areas:

- A. Are permitted for private residential lots only on lakes without Public Accesses.
- B. Are permitted for Planned Unit Development Controlled Access Lots, or water-oriented commercial uses on any Public waters.
- C. Shall not include asphalt in shore impact zones 1 or 2 for activities regulated by this section.
- D. Shall not exceed 14 feet in width from the lake to the structure setback line.
- E. Shall not include filling of wetlands.

1126.14 Swimming Pools

A private swimming pool with a filtration system in the ground or prefabricated installation above the ground shall require a shoreland alteration permit and shall meet all setback requirements in section 1126.1.

1127 TELECOMMUNICATION TOWERS

1127.1 Purpose

These regulations are intended to:

- A. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in the County;
- B. Minimize adverse visual effects of towers through careful design and citing standards;
- C. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful citing, and setback requirements;
- D. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the county.

1127.2 Permits

All telecommunication towers shall require a conditional use permit. Applications shall include the following information:

- A. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
- B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower.
- C. The location of all public and private airports within 3 miles radius of the tower site.
- D. An FAA notice of non-hazard.
- E. FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
- F. An erosion control plan for the tower site.

1127.3 Tower and Antenna Design Requirements

Proposed or modified towers and antennas shall meet the following design requirements:

- A. Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities;
- B. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

- C. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
- D. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- E. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- F. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

1127.4 Tower Setbacks

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

- A. Towers shall be setback from all property lines an amount equal to the height of the structure;
- B. Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet public road right of way setbacks;
- C. Suitable protective anti-climbing fencing, with a minimum height of 6 feet, shall be provided around any tower and guy wires.

1127.5 Co-Location Requirements

All commercial wireless telecommunication towers erected, constructed, or located within the County shall comply with the following requirements:

- A. Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
- B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the search ring of the service area due to one or more of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;
 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;
 3. Existing or approved towers and buildings within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
 4. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

- C. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and at least 3 additional antennas if the tower is 200 feet or over in height, or for at least 2 additional antennas if the tower is under 200 feet in height. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept mounted at varying heights.
- D. An agreement stating that the site will be designed for multiple users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the conditional use permit. This agreement shall become a part of the permit.

1127.6 Antennas Mounted on Existing Buildings or Towers

The placement of telecommunication antennas including wireless telecommunication antennas on existing buildings, towers or structures, shall meet the requirements of the underlying land use district and this section. A site plan and building plan shall be submitted to the Department as part of the permitting process.

1127.7 Accessory Utility Buildings

All buildings and structures accessory to a tower shall:

- A. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located.
- B. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

1127.8 Tower Lighting

Towers shall not be illuminated by artificial means only as required by the Federal Aviation Administration or the Federal Communications Commission or state agency.

1127.9 Abandoned or Unused Towers

Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Department.

1127.10 Public Safety Telecommunications Interference

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Department at least 10 calendar days in advance of any changes to allow for monitoring of interference levels during the testing process.

1127.11 Non-Conforming Towers

In order to avoid requiring new towers and to minimize the number of towers needed to serve the county the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of

this amendment may be permitted to increase tower height after being issued a conditional use permit. The Planning Commission shall consider the following criteria as part of the conditional use permit process:

- A. Tower safety concerns including tower collapse, falling ice, and airplane traffic;
- B. Comparative visual impact to the surrounding lands of the proposed tower height increase;
- C. Disturbance or conflict with agricultural uses on the property;
- D. Other factors which tend to reduce conflicts or incompatible with the character and need of the area.

1128 VEGETATIVE ALTERATIONS

Alterations of vegetation will be regulated to prevent erosion into Public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat. Removal or alteration of vegetation within the building setback area requires a shoreland alteration permit.

1128.1 Steep Slopes

The Department shall evaluate possible soil erosion impacts and development visibility from Public waters before issuing a permit for vegetative alterations on steep slopes. When determined necessary, conditions may be attached to permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of Public waters, assuming summer, leaf-on vegetation.

1128.2 Bluff zone

No trees or shrubs shall be removed within a bluff impact zone except to accommodate the placement of stairways, landings, or access paths. Clearing width shall not exceed eight (8) feet. Pruning of trees, as approve by the Department, is allowed to provide a view to the water from the principal dwelling site.

1128.3 Shore Impact Zone -1

A shoreland alteration permit is required to remove any vegetation.

- A. All cutting shall be is done by hand and topsoil is not disturbed.
- B. Clearing width shall not exceed fourteen (14) feet.
- C. Pruning of trees, as approved by the Department, is allowed to provide a view to the water from the principal dwelling site.
- D. No burning is allowed except campfires.

1128.4 Shore Impact Zone-2

- A. The removal of 25 % of trees, in a random pattern, and 100 % of shrubs requires a shoreland alteration permit.
- B. No burning is allowed except campfires

1128.6 Conditions

All vegetative alterations are subject to the following conditions:

- A. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- B. Along rivers, existing shading of water surfaces is preserved;
- C. An erosion and sediment control plan must be approved by the Department for the project area before any construction begins.
- D. No application of commercial fertilizer containing phosphorus shall be allowed within the building setback area.

1129 WATER-ORIENTED COMMERCIAL USES

Water-oriented commercial is the use of land in the shoreland zone for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use. Water-oriented commercial uses require conditional use permits and shall meet the following standards:

- A. Short-term watercraft mooring for patrons shall be centralized, to avoid obstructions of navigation, and be the minimum size necessary to meet the need; and
- B. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey information to the public, subject to the following general standards:
 - 1. Signs may be placed, when necessary, within the shore impact zone. They shall only convey the location and name of the establishment and the general types of goods or services available. The signs shall not be located higher than ten (10) feet above the ground, and shall not exceed thirty two (32) square feet. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across Public waters; and
 - 2. 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 does not preclude use of navigational lights.
- C. Uses without water-oriented needs shall be located on lots or parcels without Public waters frontage, or, if located on lots of parcels with Public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

1130 WATER WELLS

Any public or private supply of water for domestic purposes shall meet the standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

1131 WILDLIFE PONDS

- A. Wildlife ponds require a land or shoreland alteration permit which shall include the following information:
 - 1. A wildlife management plan developed by a professional or agency wildlife planner
 - 2. A sketch of the proposed pond indicating location, dimensions, and depth
 - 3. The number of cubic yards to be excavated
 - 4. Where the excavated material will be placed and how it will be stabilized
- B. Wildlife ponds shall not be used as extractive use areas.

1200 SHORELAND CLASSIFICATION

1201 SHORELAND CLASSIFICATION SYSTEM

Bodies of water created by private users, (for a designated private use authorized by the Commissioner of Natural Resources) shall be considered Public waters and are not exempt from the provision of this section. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources. The official size of lakes, ponds or flowages shall be areas listed in the Division of Waters, Soils and Minerals, Bulletin No. 25, An Inventory of Minnesota Lakes, or in the event of that lakes, ponds or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner of Natural Resources in cooperation with the Department.

- A. Criteria. Per Minnesota Rules, Chapter 6120.3000, subp. 1, the Commissioner shall classify all public waters in accordance with the following criteria:
 - 1. Size and shape;
 - 2. Amount and type of existing development;
 - 3. Road and service center accessibility;
 - 4. Existing natural characteristics of the waters and shorelands;
 - 5. State, regional, and local plans and management programs;
 - 6. Existing land use restrictions; and,
 - 7. Presence of significant historic sites.
- B. Classes. The classes of public waters are natural environment lakes, recreational development lakes, general development lakes, remote river segments, forested river segments, and tributary river segments. All of the river classes except tributary consist of watercourses that have been identified as being recreationally significant on a statewide basis. The tributary class consists of all other watercourses identified in the public waters inventory. (See Appendix D) General descriptions of each class follow:

1. Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
2. Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
3. General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.
4. Remote river segments are primarily located in roadless, forested, sparsely-populated areas of the northeastern part of the state. Common land uses include multiple-use forestry, some recreation facilities, and occasional seasonal or year-round residential. Low intensity recreational uses of these river segments and adjacent lands are common. This class has limited potential for additional development and recreational use due to land suitability and road access constraints.
5. Forested river segments are located in forested, sparsely to moderately populated areas with some roads in the north-central part of the state. Predominant land uses include multiple-use forestry, some recreation facilities, seasonal residential, and, within commuting distances of several cities, some year-round residential. Low-intensity recreational uses of these rivers and adjacent lands are common. This class has substantial potential for additional development and recreational use.
6. Tributary river segments consist of watercourses mapped in the Public waters Inventory that have not been assigned one of the river classes in items 1 to 5. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.
7. Scenic river segments were designated by the Mississippi Headwaters Board to apply to reaches of the Mississippi river corridor with relatively undeveloped shorelines, with important natural, cultural, historic, scientific, and recreational resources. There is limited access to the river and other shorelines.
8. Wild river segments were designated by the Mississippi Headwaters Board to apply to reaches of the Mississippi river corridor that are generally inaccessible, except by trail, and which include unique and significant natural, cultural, historic, scientific, and recreational values, and are generally considered remote. These areas represent the region's appearance before organized European settlement.

1202 AMENDMENTS TO LAKE OR STREAM CLASSIFICATION

- A. Lake Classification may be amended by filing a petition signed by not less than fifty (50%) of the riparian landowners, along with substantiating data to the Department. The Department shall set a date for a public hearing within thirty (30) days after filing.
- B. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to owners of record within one-fourth (1/4) mile of the lake in question at least ten (10) days prior to the date upon which the application will be considered.

This distance shall be extended to insure that a minimum of ten (10) property owners are so notified. In addition, notice shall be sent to the Minnesota Department of Natural Resources, and adjoining counties, incorporated municipalities, or townships within two (2) miles of the proposed change. The Department shall refer the application to the Planning Commission. Failure of any property owner to receive such notification shall not invalidate the proceedings.

- C. The Planning Commission shall hear the request and, if affirmed, shall submit a resolution to the Commissioner of the Minnesota Department of Natural Resources stating the grounds upon which the recommendation for change has been made.

- D. Final approval of the classification change shall be made by the Commissioner of the Minnesota Department of Natural Resources.

1300 ADOPTION

BE IT ORDAINED THAT:

ORDINANCE #2005-01 IS HEREBY ADOPTED BY THE CASS COUNTY BOARD OF COMMISSIONERS ON THIS
_____ Day of _____, 200_.

Chairman, Cass County Board of Commissioners

ATTEST:

County Administrator

EFFECTIVE DATE: _____, 200_

APPENDIX A-- CASS COUNTY ROAD SPECIFICATIONS

1. DESIGN CRITERIA

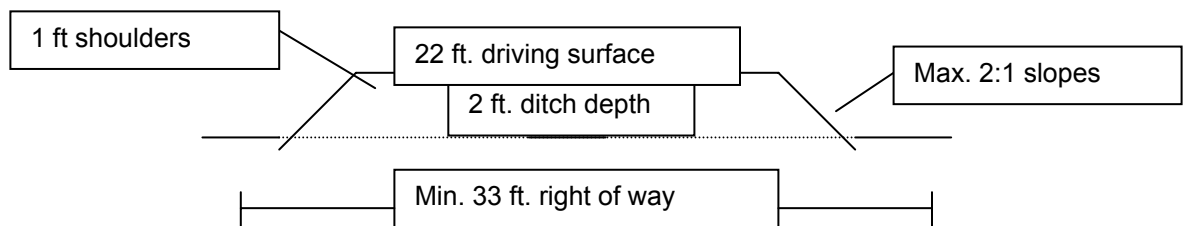
FUNCTIONAL CLASS	ROAD AUTHORITY	MINIMUM RIGHT-OF-WAY
Local Road	County in unorganized township Township, Municipality, or Private	66 feet
Cartway	Private	33 feet
Frontage Road	County, County in unorganized Township, Municipality, or Private	50 feet
Cul-de-sac	Same as connecting roadway	60 feet

2. REQUIRED CLASS 5 AGGREGATE ADDITION BY SUBGRADE SOIL TYPE

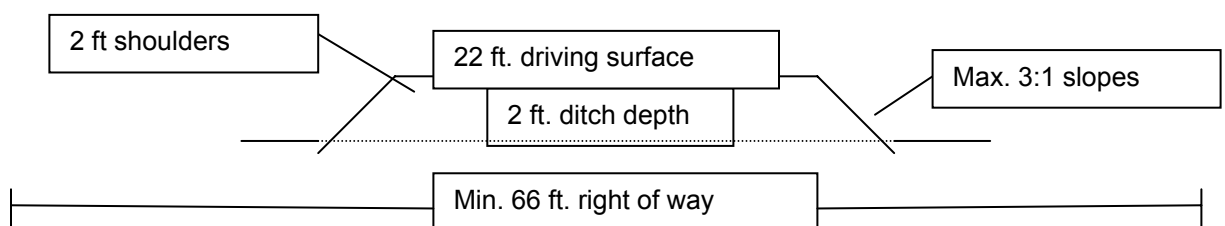
SUBGRADE SOIL	SAND. GRAVEL	ALL OTHER SOILS
Aggregate surface or pavement	4 Inches	6 Inches

3. TYPICAL CARTWAY AND LOCAL ROAD CROSS SECTIONS

CARTWAY



LOCAL ROAD



4. ADDITIONAL SPECIFICATIONS

1. AGGREGATE DRIVING SURFACES SHALL BE STABILIZED GRAVEL THAT MEET:
 - a. Minnesota Department of Transportation specifications 3138, Class 5, except that the County Engineer reserves the right to eliminate the 10% crushing requirement where crushing material is not available.
2. Bituminous driving surfaces shall meet Minnesota Department of Transportation specifications 2331.

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____,
_____, Owner(s)

Notarial Stamp or Seal

Signature of Person Taking Acknowledgment

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____,
_____, Owner(s)

Notarial Stamp or Seal

Signature of Person Taking Acknowledgment

DRAFTED BY:

APPENDIX B-2—EXTRACTIVE USE EASEMENT

PARCEL ID # _____ COUNTY _____

GRANTOR(S) NAME _____

GRANTOR(S) ADDRESS _____

LEGAL DESCRIPTION:

In accordance with section 1107.4 of the Land Use Ordinance for Cass County, Minnesota, approving a permit for residential development on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated near an extractive use area and may be subjected to conditions resulting from commercial extractive use operations on adjacent lands. Such operations may include digging, hauling, crushing, screening, and production of concrete or asphalt, conducted in accordance with federal, state, and local laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary extractive use activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

IN WITNESS WHEREOF, the Grantors have executed this easement dated this _____ day of _____, 20____.

Grantor

Grantor

STATE OF MINNESOTA }
 } ss.
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____, Owner(s)

Notarial Stamp or Seal

Signature of Person Taking Acknowledgment

STATE OF MINNESOTA }
 } ss.
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____, Owner(s)

Notarial Stamp or Seal

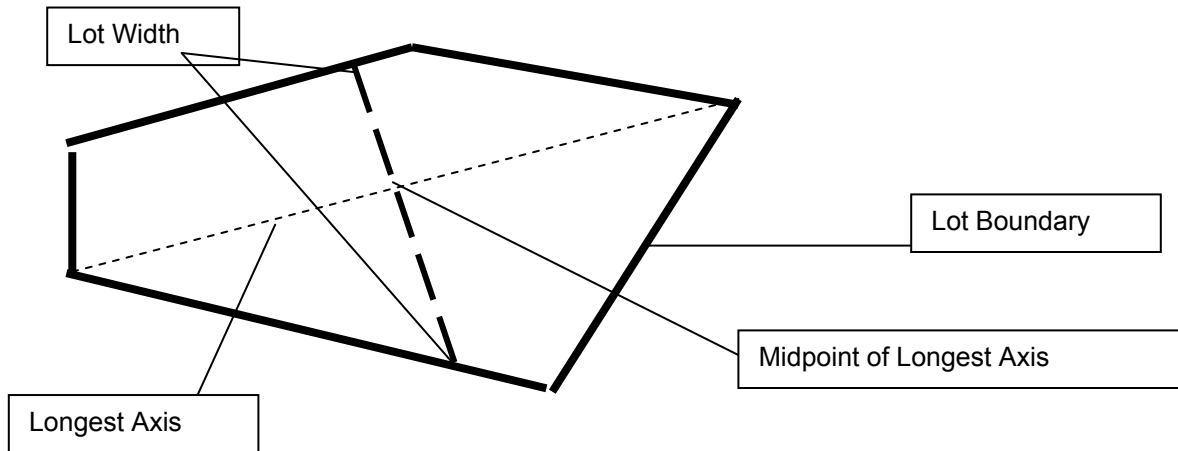
Signature of Person Taking Acknowledgment

DRAFTED BY:

APPENDIX C—LOT WIDTH, BLUFF, HEIGHT OF STRUCTURE, AND CALCULATION OF EXPANSION TO NON-CONFORMING STRUCTURE EXAMPLES

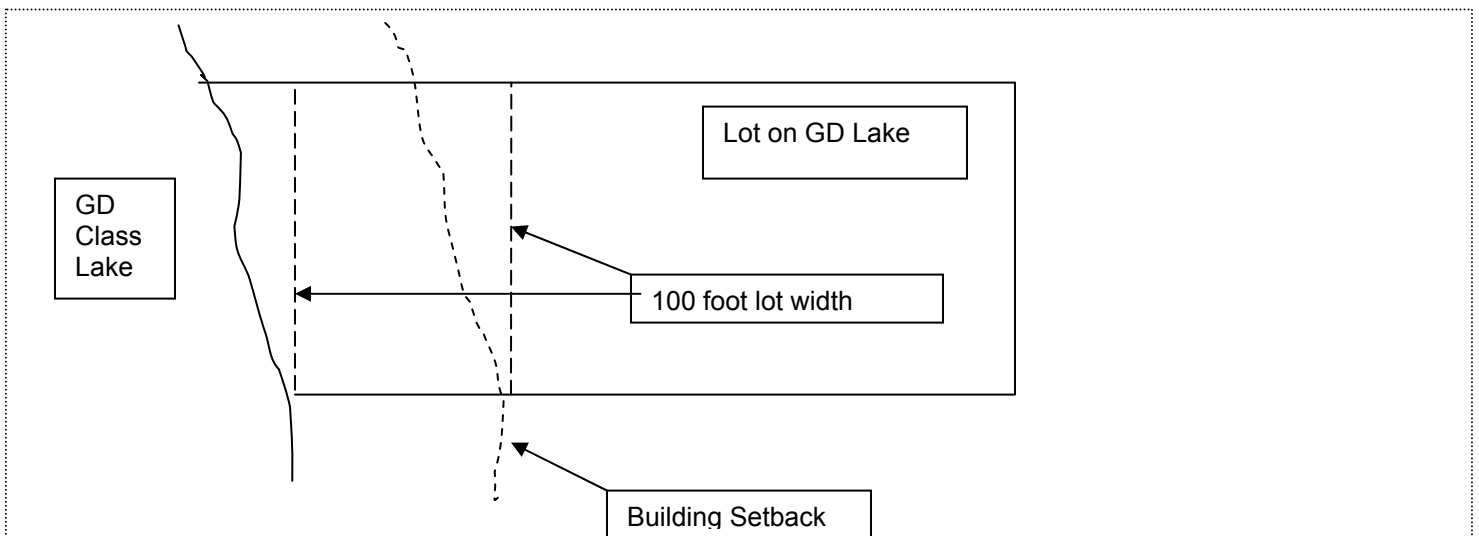
1. Lot Width, Non-riparian Example

“The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot perpendicular to that axis.”



2. Lot Width, Riparian Example

“The shortest distance between side lot lines measured at the building setback line. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river.”

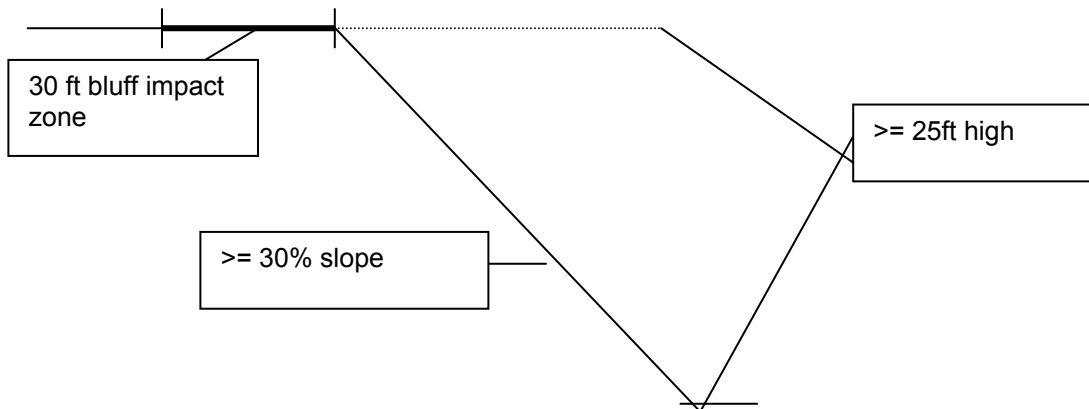


3. Bluff Criteria

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

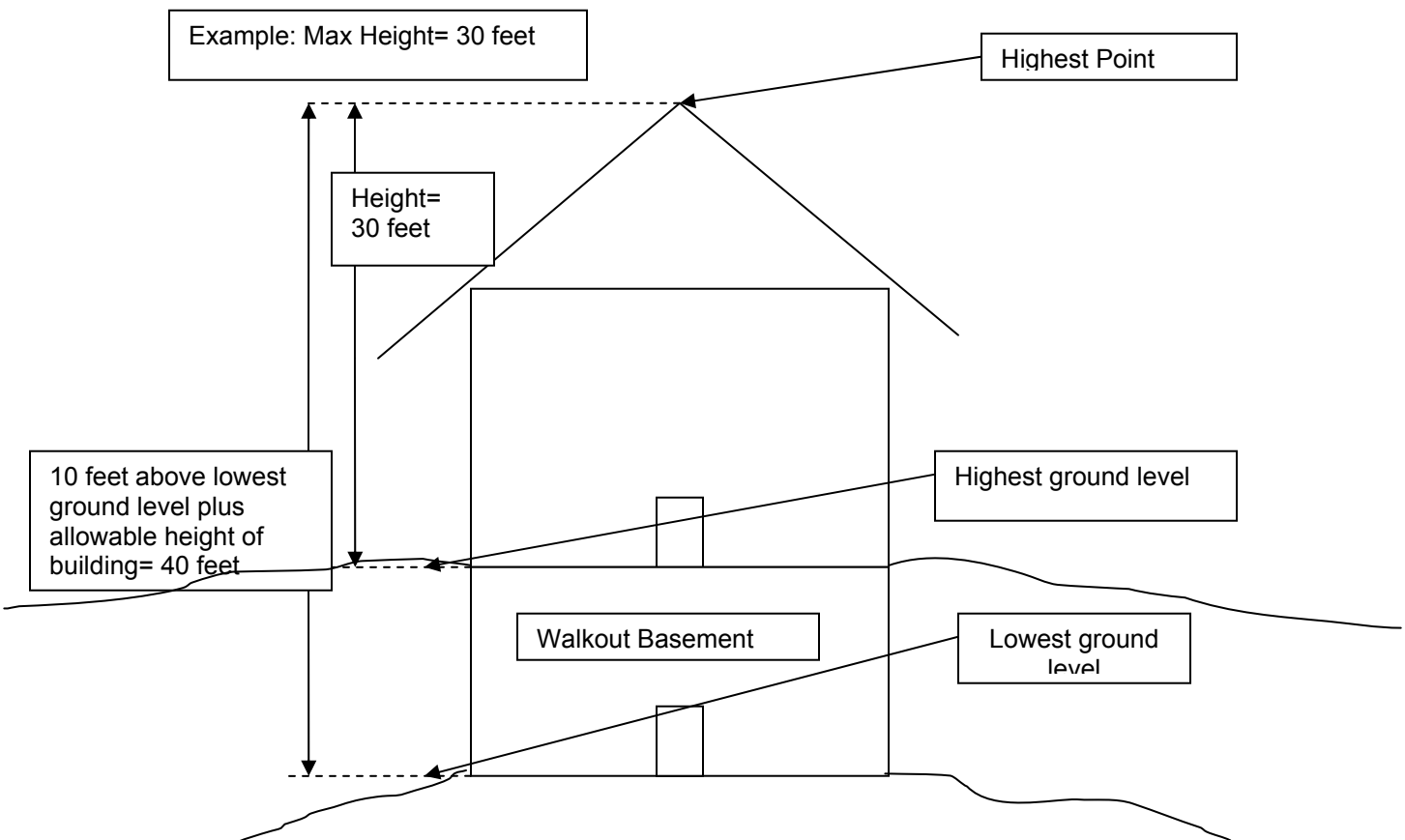
- (1) Rises at least 25 feet vertically, and;
- (2) The grade of the averages 30 percent or greater, and;
- (3) The slope drains toward a Public water, and;
- (4) Part or the entire feature is located in a shoreland area.

"Bluff Impact Zone" : A bluff and land located within thirty (30) feet inland from the top of the bluff



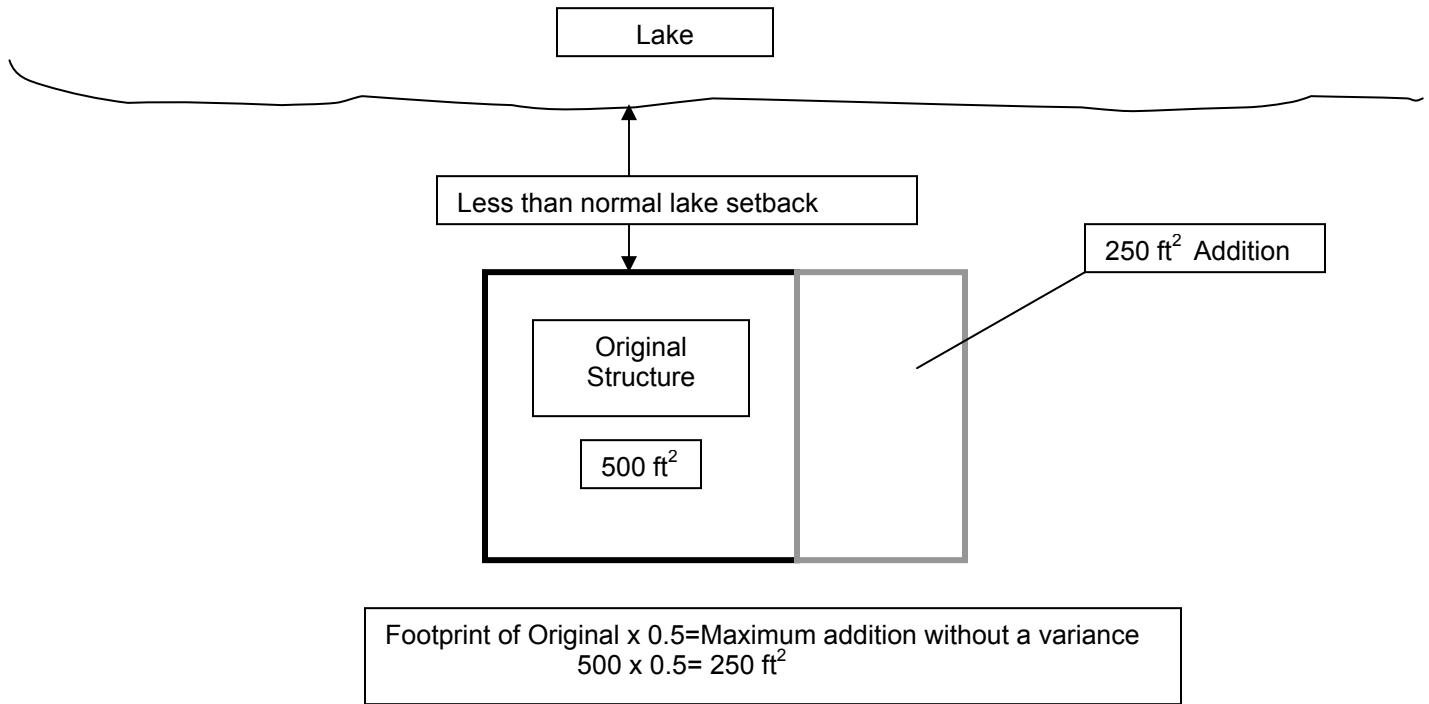
4. Height of Structure Example

"The vertical distance between the highest ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or the highest gable of a pitched or hipped roof."



5. Calculating Permitted Addition Size to Non-conforming Structures

“The size of the permitted addition shall be calculated by multiplying the building footprint of the original structure by 0.5. The resulting square footage area may then be added to the useable floor space on the ground floor.”



APPENDIX D—PUBLIC WATER LAKE AND RIVER CLASSIFICATIONS

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0632	Abe	3	139	26	NE
11-0443	Abel	11,14	138	31	NE
11-0648	Ackerson	24	135	31	NE
11-0250	Ada	21,22,27-29,33	139	29	RD
11-1200	Ada Brook	VAR.	138;39	29;28,29	TR
11-1271	Ada/Bass Creek	27,28	139	29	TR
11-0216	Agate	5,6;31,32	134;35	29	RD
11-0011	Ahsebun	13,24	140	25	NE
11-0468	Alice	7,18	141	31	NE
11-0050	Andrus	20	139	26	NE
11-0469	Anoway	8,17	141	31	NE
11-1201	Arvig Creek	VAR.	137;38	29	TR
11-0196	Aultman	33,34	142	28	NE
11-0283	Baby	4,5,8,9,17;33	140;41	29	RD*
11-0393	Bag	16,17	141	30	NE
11-0076	Bailey	18	141	26	NE
11-0015	Baker	29	140	25	NE
11-0281	Barnum	3;34,35	140;41	29	RD
11-0264	Barrow	10,11,14	140	29	NE
11-0069	Bass	27,28,34	140	26	RD
11-0215	Bass	32	134	29	NE
11-0254	Bass	27,34	139	29	NE
11-0325	Bass	10	134	30	NE
11-0563	Bass	14,15	139	30	NE
11-0754	Bass	27,28	140	28	NE
11-1304	Bass Pond	4	140	30	NE
11-0474	Bass/Big Bass	21,27,28,33	141	31	NE
11-0052	Bear	21,22	139	26	NE
11-1202	Bear Brook	VAR.	144	27	TR
11-1203	Bear River	VAR.	142-44	26	TR
11-0680	Bear/Pony/Bass	20	137	31	NE
11-0624	Beauty	21	134	30	NE
11-0969	Beaver Pond	30;25	135	30;31	NE
11-0089	Bebow	17	142	26	NE
11-1204	Behler Creek	VAR.	137	30	TR
11-0447	Bergkeller/Goose	31;25,36	138	31;32	NE
11-0503	Bess	7	141	31	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0353	Beuber	7,8	139	30	NE
11-0157	Big Cranberry	33	139	28	NE
11-0277	Big Deep	29-31	140	29	RD*
11-0391	Big Hanson	15	141	30	NE
11-0073	Big Rice	2,3; VAR	140;41	26	NE
11-0077	Big Sand	3-5; 33,34	141;42	26	RD*
11-1205	Big Swamp Creek	VAR.	138	32	TR
11-0308	Big/Rice Portage	7,18;13,14,23,24	139	29;30	GD
11-0017	Birch	5,8	141	25	NE
11-0412	Birch	7,8,19,30	140	30	GD
11-0412	Birch	11-14,23-25	140	31	GD
11-1206	Birch Brook	VAR.	141	25	TR
11-0192	Blackduck	4,5	142	28	NE
11-0198	Blacksmith	12	144	28	NE
11-0274	Blackwater	25,26,34-36	140	29	RD*
11-0155	Blind	27;28	139	28	NE
11-0310	Blind	6;1	139	29;30	NE
11-0310	Blind	31;36	140	29;30	NE
11-1207	Blind Lake Creek	VAR.	139	28	TR
11-0800	Blot	18	141	28	NE
11-0376	Blueberry	11	140	30	NE
11-0572	Blueberry	20	140	27	NE
11-0058	Bluebill	4	139	26	NE
11-0397	Bluebill	27,34	141	30	NE
11-0531	Bobolink	12,13	143	29	NE
18-0303	Boiler	32	139	27	NE
11-0343	Boot	15,16,21,22	138	30	NE
11-0382	Boss	21,22	140	30	RD*
11-0350	Bowen	4,5,33;32	138;39	30	RD
11-1208	Bowen Creek	VAR.	139	30	TR
11-0183	Boxell	22,27,28	141	28	NE
11-0143	Boy	VAR;13,14,23-25	142	27,28	GD
11-1209	Boy River	6,7;VAR	140	27,28	F
11-1209	Boy River	VAR.	140	29-31	TR
11-1209	Boy River	4	141	27	F
11-1209	Boy River	9,16,17,20,29	141	27	T
11-1209	Boy River	VAR.	141;42;43	28;27;27, 28	F
11-1273	Boy/McCarthy Creek	13	140	28	TR
11-0172	Bracket	25	140	28	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-1210	Brittan Creek	VAR.	138	31	TR
11-0366	Brookway	25,26,35,36	139	30	RD
11-0012	Buck	16,21	140	25	NE
11-0558	Buck	31,32	140	28	NE
11-0184	Bullhead	25,26,35,36	141	28	NE
11-1211	Bungo Creek	VAR.	137;38	31;30	TR
11-0630	Burned Camp	26,27	134	30	NE
11-0195	Camp	28,33	142	28	NE
11-0496	Camp	36	145	31	NE
11-0118	Camp Two	30	140	27	NE
11-0587	Camp Two	21	136	31	NE
11-0299	Canoe	1,2;36	140;41	29	NE
11-1301	Cardarelle	11	140	29	NE
11-0032	Carmel	24	143	25	NE
11-0188	Carnahan	29-32	141	28	NE
04-0030	Cass	VAR.	145	30;31	GD
11-0509	Cat	24,25	134	32	NE
11-1212	Cat Creek	VAR.	134	31;32	TR
11-0007	Cedar	35	140	25	NE
11-0082	Cedar	3	142	26	NE
11-0289	Cedar	11,14,15	141	29	NE
11-0444	Cedar	28	138	31	NE
11-0481	Cedar	18	142	31	NE
11-0789	Cedar	19,30	141	27	NE
11-1213	Cedar Creek	VAR.	138	31	TR
11-0099	Chain 'O Lakes	35,36	143	26	NE
11-0141	Charles	30	140	27	NE
11-0263	Child	9,10,15,16	140	29	RD*
11-0457	Chub	21	140	31	NE
11-0517	Chub	25	144	27	NE
11-0349	Clam/Sand	35	138	30	NE
11-0418	Clear	2,11	135	31	NE
11-0678	Clear	29	137	31	NE
11-0067	Coffin	21,28	140	26	NE
11-0529	Conklin	7	141	30	NE
11-0163	Cooper	2,3,10	140	28	RD*
11-0247	Corset	19	139	29	NE
11-1214	Cory Brook	VAR.	135	30	TR
11-0537	County	12	141	28	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0345	Cow	17,18	138	30	NE
11-0186	Craig	27,34	141	28	NE
11-0566	Cranberry	33	140	27	NE
11-0595	Cranberry	29	141	29	NE
11-0825	Cranberry	28,29	139	31	NE
11-0473	Cripple	21	141	31	NE
11-0354	Crooked	9,10,15,16	139	30	NE
11-0494	Crooked	2;34-36	143;44	31	RD*
11-0574	Crooked	23	140	28	NE
11-0588	Crooked	28	136	31	NE
11-1215	Crooked Creek	VAR.	143	31	TR
11-1216	Crow Wing River	VAR.	132;33;34	29;29-32;32	F
11-0179	Crown	11,12	141	28	NE
11-0502	Crystal	18	140	31	RD*
11-0399	Cub	33,34	141	30	NE
11-0809	Current	29	142	28	NE
11-0445	Cut	30	138	31	NE
11-0527	Cyphers	13	141	31	NE
11-1217	Dabill Creek	VAR.	137;38	31;30,31	TR
11-0214	Dade	31,32	134	29	NE
11-1218	Daggett Brook	VAR.	139;40	26,27;27	TR
11-1219	Dan Dick Creek	VAR.	143	25	TR
11-0034	Dead Horse	32	143	25	NE
11-0329	Dead Horse	22	134	30	NE
11-0900	Dead Horse Slough	32	143	25	NE
11-0860	Dead Man	28,29	139	29	NE
11-0404	Deep	27,28,33,34	142	30	NE
11-0237	Deep Portage	7	139	29	RD
11-0039	Deer	25	140	26	NE
11-0446	Deer	30	138	31	NE
11-0593	Deer	8	136	31	NE
11-0633	Deer	22	139	31	NE
11-0516	Demro	28	145	27	NE
11-0084	Dewey	5-8	142	26	NE
11-0396	Diamond	26,27,34,35	141	30	NE
11-0344	Dick	16.20,21	138	30	NE
11-0565	Ding Pot	5-8	138	29	NE
11-0040	Dirty Nose	6,7;1,12	142	25;26	NE
11-0617	Doe	5	133	31	NE
11-0508	Dog Lake	13,26	134	32	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0280	Donkey	31,36	140	28;29	NE
11-0998	Donut	17	139	26	NE
04-0036	Drewery	3,4	145	31	GD
11-0145	Drumbeater	30;24,25	144	27;28	NE
11-0514	Dry Sand	6	135	32	NE
11-0609	Duck	21	137	31	NE
11-0327	Duffney	13	134	30	NE
11-0634	Duffy	20	139	31	NE
11-0148	Eagle	6-8	139	28	NE
11-0342	Eagle	10,15	138	30	NE
11-1220	East Creek	VAR.	139	25	TR
11-0123	East Twin	13,14	141	27	NE
11-0252	East Twin	23,26	139	29	NE
18-0221	East Wood	31	139	26	RD
11-0212	Echo	16	134	29	NE
11-0756	Echo	7	140	27	NE
01-0213	Edna	13,24	139	25	NE
11-0975	Egg	23,24	139	25	NE
11-0858	Elbow	18	139	29	NE
11-0872	Emery	20	141	29	NE
11-0523	Erin	19,24	141	30	NE
11-0416	Experiment	31,36	145	30;31	NE
11-0492	Faherty	23 - 26	144	31	NE
11-0614	Farber	16	134	32	NE
11-0513	Farnham	18	135	32	NE
11-1221	Farnham Creek	VAR.	135;36	32	TR
11-0362	Fawn	22,23,26	139	30	NE
11-0466	Fifth	5,8	141	31	NE
11-0576	First Dog	21	139	27	NE
11-0820	First Perch	10,11	139	31	NE
11-0837	First Trestle	2	139	31	NE
11-0379	Fish	16	140	30	NE
11-0437	Fish	29	137	31	NE
11-0351	Five Point/Four Point	2,3,10,11	139	30	RD*
11-1222	Foley Brook	VAR.	141	25	TR
11-0041	Folston	30;25	142	25;26	NE
11-0547	Foot	19	145	29	NE
11-0178	Football	10	141	28	NE
11-0790	Ford	19,30	141	27	NE
11-0398	Four One Eight	33	141	30	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0465	Fourth/Upper Fifth	4,5	141	31	NE
11-1223	Fox Creek	VAR.	145	31	TR
11-0590	Fox Meadow	9	136	31	NE
11-0420	Fucat	24,25	135	31	NE
11-0475	Gadbolt	22,27	141	31	NE
11-0781	Gakin	20,21	133	29	NE
11-0101	George	6,7;1,12	139	26;27	RD
11-0101	George	31,36	140	26;27	RD
11-0185	Gijik	25,36	141	28	NE
11-0174	Girl	3,5;32-35	140;41	28	RD
11-0096	Goose	VAR.	143	26	NE
11-0298	Goose	34	141	29	NE
11-0334	Goose	36	136	30	NE
11-0451	Goose	9,16,17	139	31	NE
11-0175	Gooseberry	6	141	28	NE
11-0414	Gould	7;12	142	30;31	NE
11-0090	Grass	18	142	26	NE
11-0315	Grass	18	145	29	NE
11-0086	Graves	10,11,14,15,23	142	26	NE
11-0091	Green	19,30	142	26	NE
11-0439	Green	29,32	137	31	NE
11-0330	Green Bass	22,23	134	30	NE
11-0305	Gull	VAR.	134;35	29,30;29	GD
11-1224	Gull River	VAR.	133;34	29	TR
11-0291	Hagen	16,21	141	29	NE
11-0335	Hagen	28,33	136	30	NE
11-0242	Hand	13,14,22,23	139	29	RD*
11-0251	Hand	23,24	139	29	NE
11-0389	Hanson	10,15	141	30	NE
11-0594	Hardware	7,8	136	31	NE
11-0209	Hardy	28,33	133	29	RD
11-0332	Hardy	4,5;32,33	134;35	30	NE
11-0322	Harlan	6,31	133;34	30	NE
11-0255	Harriet	32,33	139	29	NE
11-0232	Hattie	6;29-32	138;39	29	RD*
11-0191	Haugen/Hougen	4,33	141;42	28	NE
11-0199	Hay	6,7;1,12,13	139	28;29	RD*
11-1225	Hay Creek	VAR.	137	29	TR
11-0286	Haynes	7,8,17,18	141	29	NE
11-0295	Hazel	25	141	29	NE
11-0169	Heffron	17,20	140	28	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0486	Hessie	11	144	31	NE
11-0515	Highbank	8,17	140	30	NE
11-0386	Hiram	31	140	30	NE
11-1226	Hoblin Creek	VAR.	137	30	TR
11-0115	Hoister	21,22	140	27	NE
11-0197	Hole In Bog	9	144	28	NE
11-0303	Hole In The Day	7;12	133	29;30	NE
11-0223	Home	30	135	29	NE
11-1227	Home Brook	VAR.	134;35	30;29,30	TR
11-0339	Horse	1	138	30	NE
11-0229	Horseshoe	4,9	138	29	RD
11-0284	Horseshoe	2,3,10,11	141	29	RD
11-0358	Horseshoe	15,16,21,22	139	30	RD
11-0377	Horseshoe	14,15	140	30	NE
11-0394	Hovde	22,23,26,27	141	30	NE
11-0472	Howard	19,30,31	141	31	RD*
11-0170	Hunter	21,28	140	28	RD*
11-0681	Hunter	16,21	137	31	NE
11-0120	Inguadona	5-8;29,32	140;41	27	GD
11-1228	Iron Creek	VAR.	134 ;35	32;31,32	TR
11-0102	Island	19;23,24	140	26;27	RD*
11-0257	Island	3;34,35	139;40	29	RD
11-0360	Island	18	139	30	RD
11-0194	Iverson	27	142	28	NE
11-0534	Ivins	25	141	30	NE
11-0272	IXL	22,23	140	29	NE
11-0164	Jack	4	140	28	NE
11-0400	Jack	2,3;34,35	141;42	30	RD
11-0460	Jack Pine	28,33	140	31	NE
18-0415	Jail	35,36	139	29	RD
11-0028	Johnson	19	143	25	NE
11-0363	Johnson	23,26	139	30	RD
11-0540	Johnson	19,20	141	27	NE
11-0616	Johnson	20,21	134	32	NE
11-0666	Jokela	21,28	137	29	NE
11-0182	Kego	14,23	141	28	RD
11-0428	Kelly	26,35	136	31	NE
11-0268	Kerr	16,17	140	29	NE
11-0262	Kid	7,8,17,18	140	29	RD
11-0068	Kidney	22	140	26	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0087	Knight	13,14,24	142	26	NE
11-0208	Kramer (Weed)	19,20	133	29	NE
11-0008	Lake on Three	3	140	25	NE
49-0080	Lake Placid	19,20,30	133	30	GD
11-0374	Larson	10,11	140	30	RD
11-0287	Lauer	10	141	29	NE
11-0104	Laura	4-6;30-32	140;41	26	NE
11-0104	Laura	25,36	141	27	NE
11-1229	Laura Brook	VAR.	141	26,27	TR
11-1267	Law/Leavitt Brook	25	139	26	TR
11-0053	Lawrence	25,26,35	139	26	RD
11-0037	Leavitt	19;24,25	139	25;26	RD
11-0152	Lee	25	139	28	NE
11-0455	Lee	21,22	139	31	NE
11-0203	Leech	VAR.	141-44	28-31	GD
11-1230	Leech River	VAR.	143	26-28	F
11-1230	Leech River	VAR.	144	26,28	F
11-1230	Leech River	2,3,4,5; VAR	143;44	27	T
11-0897	Lembke	21	142	31	NE
11-0406	Life Raft	23	144	30	NE
11-0161	Lily	36	139	28	NE
11-0367	Lind/Lindsey	27,28,33,34	139	30	RD*
11-1315	Little	21	140	28	NE
11-1310	Little Ada/DNR = Ada	27	139	29	RD
11-0063	Little Bass	6,7,8	140	26	RD
11-0477	Little Bass	5;32	140;41	31	NE
11-0896	Little Bass	28	142	31	NE
11-0369	Little Bay	1;36	139;40	30	NE
11-1231	Little Bear Creek	VAR.	143	26	TR
11-0018	Little Birch	8	141	25	NE
11-0167	Little Boy	10-15,22,23	140	28	RD*
18-0370	Little Cranberry	34	139	28	NE
11-0248	Little Deep	19,30	139	29	NE
11-0276	Little Deep	28	140	29	NE
11-0585	Little Goose	28	140	25	NE
11-1311	Little Hattie/DNR = Hattie	29,30	139	29	RD
11-0323	Little Long	9	134	30	NE
11-0489	Little Moss	14	144	31	NE
11-0042	Little Mud	31;36	142	25;26	NE
11-0236	Little Portage	'5-8	139	29	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0302	Little Portage	14,15,22,23	145	29	NE
11-0318	Little Red Sand	12	133	30	NE
11-0002	Little Reservoir	2	139	25	NE
11-0092	Little Sand	21,22,27,28	142	26	NE
11-0230	Little Sand	6	138	29	NE
11-0031	Little Skunk	23,24	143	25	NE
11-1232	Little Swan Creek	VAR.	135	31,32	TR
11-0131	Little Swift	1,35,36	141;42	27	NE
11-0009	Little Thunder	'4-8	140	25	RD*
11-1270	Little Thunder/Michaud Cr.	7	140	25	TR
11-0388	Little Turtle	5;32	141;42	30	NE
11-0487	Little Twin	11	144	31	NE
11-0030	Little Vermillion	21,22	143	25	RD*
11-0387	Little Webb	1,2;35	140;41	30	RD*
31-0850	Little Winnibigoshish	1;36	145;46	27	GD
11-0505	Little Wolf	6,7	145	31	RD*
11-0231	Lizotte	16,21	138	29	NE
18-0416	Lizzie	34,35	139	29	NE <u>RD</u>
11-0136	Lomish	29,31,32	142	27	NE
11-0023	Long	8,9,16,17	142	25	RD
11-0142	Long	7,18;1,13,23,24,26,27	141	27;28	GD
11-0258	Long	4,5,8;33	139;40	29	RD
11-0328	Long	15,21,22	134	30	NE
11-0384	Long	22,23	140	30	NE
11-0395	Long	25,26	141	30	NE
11-0422	Long	4	136	31	NE
11-0454	Long	15,22,23	139	31	NE
11-0480	Long	4;27,28,33,34	141;42	31	RD
11-1274	Long Lake Creek	9	142	25	TR
11-0014	Loon	29,32	140	25	NE
11-0024	Loon	20	142	25	NE
11-0226	Loon	19,20,29	136	29	RD
11-0357	Loon	15	139	30	NE
11-0072	Lost	32	140	26	NE
11-0219	Lost	9	135	29	NE
11-0269	Lost	17,18	140	29	NE
11-0893	Lost	29	141	31	NE
11-0898	Lost	36	143	31	NE
11-0128	Lost Girl	22	141	27	NE
11-0156	Louise	29	139	28	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0573	Louise	21,22	140	28	NE
11-0426	Lova/Long	22,23	136	31	NE
11-0098	Lower Menton	27,28	143	26	NE
11-0080	Lower Milton	2	142	26	NE
11-0313	Lower Sucker	1,2	144	30	RD*
11-0313	Lower Sucker	31;25,35,36	145	29;30	RD*
11-0129	Lower Trelipe	26	141	27	RD*
11-0129	Lower Trelipe	27,35	141	27	RD*
11-0107	Lucille	1;36	142;43	27	NE
11-0180	Lundeen	11,14	141	28	NE
11-0314	Lydick	7;1,12	145	29;30	NE
11-0210	Lynch	4; 33	133; 34	29	NE
11-0121	Mabel	3,10	141	27	NE
11-0193	Mad Dog	21	142	28	NE
11-0282	Mann	3,4,9,10;33,34	140;41	29	RD*
11-0181	Maple	14,15,22,23	141	28	NE
11-0548	Mar/Young	17,18	140	30	NE
11-0045	Margaret	16	139	26	NE
11-0222	Margaret	17,20,29	135	29	NE
11-0046	Marion	16,17	139	26	NE
11-0407	Mark	2	145	30	NE
11-0799	Marshall	7	141	28	NE
11-1233	Martin Creek	VAR.	135,36	32	TR
11-0528	Mary Norton	13,24	141	31	NE
11-0482	May	22,27,28	142	31	RD
18-0408	Mayo	28,33	136	29	NE
11-1234	Mayo Creek	VAR.	136	29-31	TR
11-0168	McCarthy	13,24	140	28	NE
11-0140	McGinty	30;25	139	27;28	NE
11-0261	McKeown	3,10	140	29	RD*
11-1313	McMains	20	133	29	NE
11-0419	Meadow	11,12	135	31	NE
11-0038	Michaud	7;12	140	25;26	NE
11-0044	Michaud	1,2,11,12	139	26	NE
11-0433	Middle Island	16,17	137	31	NE
11-0317	Middle Sucker	30;24,25	145	29;30	NE
11-0207	Mile	9	133	29	NE
11-0892	Million	20,29	141	31	NE
11-0543	Mink	8	142	26	NE
11-0677	Mink	29	137	31	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0596	Minnie	20,21	137	31	NE
11-1235	Mississippi River	VAR.	143;44	25;25,26	MHB
11-1235	Mississippi River	VAR.	145	26,27	MHB
11-1235	Mississippi River	VAR.	146	27,29	MHB
11-0114	Mitten	14,23	140	27	NE
11-0296	Moccasin	28,28,33	141	29	RD
11-0078	Moon	5,5;31	141;42	26	NE
11-0057	Moorland	33	139	26	NE
11-0424	Moose	10,15,16	136	31	NE
11-1236	Moose River	VAR.	139, 40	25	TR
11-0006	Morrison	29,30	139	25	RD
11-1238	Mosquito Creek	VAR.	133-35	31	TR
11-0485	Moss	2,3	144	31	NE
11-0777	MPL	17-20	133	29	NE
11-0100	Mud	3-5; VAR	143;44	26	NE
11-0290	Mud	13,14,23,24	141	29	NE
11-0309	Mud	30;25	139	29;30	NE
11-0385	Mud	29	140	30	NE
11-0510	Mud	16,17	135	32	NE
11-0612	Mud	10	137	30	NE
11-0647	Mud	23	135	31	NE
11-0966	Mud	4	134	32	NE
11-0235	Mud Portage	5,8	139	29	NE
11-0047	Mule	17,20	139	26	NE
11-0200	Mule	19,20,29-31;25,36	140	28;29	RD*
11-0479	Muskrat	33,34	141	31	NE
11-0187	Nellie	27,28,34	141	28	NE
11-0206	Nelson	7	133	29	NE
11-0033	No Name	30	143	25	NE
11-0405	Nomad	34	142	30	NE
11-0013	North Fork	24,25	140	25	NE
11-0449	North Haynes	5,6	139	31	NE
11-0873	North Stocking	30	141	29	NE
11-0364	North/East Twin	24,25	139	30	NE
11-1239	Northby Creek	VAR.	140	27	TR
11-1240	Norway Brook	VAR.	137,38;39	29;30	TR
11-0307	Norway Lake	29-31; 25,36	138	29; 30	RD
31-0775	No-Ta-She-Bun/Willow	1;36	142;43	25	RD
11-0137	Nushka	34,35	145	27	NE
11-0875	Oak/Weed	31	141	29	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0103	O'connor	19,30; 24,25	140	26; 27	NE
11-0074	Ododikossi	8	141	26	NE
11-0336	Omen	31	136	30	NE
11-0319	Ondris	12,13	133	30	NE
11-0244	One	15	139	29	NE
11-0637	Ox Camp	26,27	139	31	NE
11-0035	Oxbow	6; 1	139	25; 26	NE
11-0075	Oxbow	16,17	141	26	NE
11-0355	Oxyoke	10,15	139	30	RD
11-0271	Pancake/Pick	21	140	29	NE
11-0381	Paquet/One	20,29	140	30	NE
11-0471	Pauls	17	141	31	NE
11-0055	Pavelgrit	30	139	26	NE
11-0340	Peewee	4	138	30	NE
11-0459	Perch	27,28	140	31	NE
11-0826	Perch	33	139	31	NE
11-0682	Perch/Bass	17	137	31	NE
11-0458	Perry	23	140	31	NE
11-0106	Peterson	18,19; 13,24	141	26; 27	NE
11-0154	Peterson	26	139	28	NE
11-0380	Peterson	17,18	140	30	NE
11-0126	Phelon	15,22	141	27	NE
11-0267	Pick	16,21	140	29	NE
11-0352	Pickerel	3	139	30	NE
11-0341	Pig	8,9	138	30	NE
11-0415	Pike Bay	18,19,30; VAR,	145	30; 31	GD
11-0320	Pillager	4,5; 32,33	133; 34	30	RD
11-1241	Pillager Creek	VAR.	133	30	TR
11-0292	Pine	17-20	141	29	RD*
11-0411	Pine Mountain	6; 19,30,31	138; 39	31;30	GD
11-0411	Pine Mountain	24,25,36	139	31	GD
11-1272	Pine Mtn. Creek	31,32	139	30	NE
11-1242	Pine River	VAR.	138	29	TR
11-1242	Pine River	5,6; 30	138; 39	30; 29	F
11-1242	Pine River	VAR.	139	29	TR
11-1242	Pine River	31, 32, VAR.	139	30	F
11-1242	Pine River	VAR.	139,40	31	TR
11-1242	Pine River (N. TO 371)	VAR.	137	29	F
11-1243	Pine River (S. Fork)	VAR.	137;38	29,30;30, 31	TR

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-1242	Pine River (S. TO 371)	6	137	29	GD
11-1242	Pine River(Norway I. to 371)	30, 31	138	29	GD
11-0110	Pistol	27,33,34	139	27	NE
11-0383	Pleasant	21,22,27,28,33,34	140	30	GD
11-0294	Pollywog	24,25	141	29	NE
11-0234	Ponto	3,9,10,15,16	139	29	RD*
11-0874	Popple	32	141	29	NE
11-0134	Portage	28,29,32,33	142	27	NE
11-0204	Portage	30,31;22,25-27,35,36	145	28	RD*
11-0476	Portage	23-26	141	31	RD*
11-0490	Portage	15,16,21,22	144	31	RD*
11-1244	Portage Creek	VAR.	144	29	TR
11-1307	Pot Hole Lake	20	143	25	NE
11-0149	Potshot	7,8	139	28	NE
11-0259	Primer	2	140	29	NE
11-0061	Pug Hole/L. Thunder	2,3,10	140	26	NE
11-0511	Pulvers	29	135	32	NE
11-0348	Rabbit	28,33	138	30	NE
11-0135	Rabbitt	30,31	142	27	NE
11-0356	Rainy	14,15,22,23	139	30	RD
11-0285	Rat	7,8	141	29	NE
11-0430	Rat	27,34	136	31	NE
11-0220	Ray/Bass	9	135	29	NE
11-0791	Red's Pond	27	141	28	NE
11-0003	Reservoir	11	139	25	NE
11-0138	Rice	26,27,34,35	145	27	NE
11-0162	Rice	1,2,11,12	140	28	RD*
11-0227	Rice	4	137	29	NE
11-0321	Rice	31,32	134	30	NE
11-0337	Rice	5,8	137	30	NE
11-0402	Rice	16,17,20,21	142	30	NE
11-1266	Rice Brook	2	140	26	TR
11-0720	Rice Pad	10	139	25	NE
11-0431	Rob	4,33	136;37	31	NE
11-0324	Rock	8,9,16,17	134	30	RD
11-0589	Rock and Moore	9	136	31	NE
11-0043	Roosevelt	14,23,26,27,33-35	139	26	GD
11-0239	Round	11	139	29	NE
11-0370	Round	2;35	139;40	30	NE
11-0429	Round	27	136	31	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
18-0398	Roy	9,16	135	29	NE
11-0205	Rudbeck	7	133	29	NE
11-0233	Rush	1,2,11,12	139	29	NE
11-1245	Rush Brook	VAR.	134	30,31	TR
11-0211	Ruth/School Section	9,16	134	29	NE
11-0019	Sailor	14	141	25	NE
11-0361	Sanburn	22,26,27	139	30	RD
11-0275/0279	Sand	27, 33,34	140	29	RD
11-0004	Schafer	20	139	25	NE
11-1308	Scoffner	32	141	31	NE
11-0441	Scribner	1,12	138	31	NE
11-0577	Second Dog	21	139	27	NE
11-0452	Second Perch	10	139	31	NE
11-0453	Second Trestle	10,15	139	31	NE
11-0421	Section Thirty Six	1,36	135;36	31	NE
11-1246	Seven Mile Creek	VAR.	133;34	30,31;31	TR
11-1300	Shadow	17	140	29	NE
11-0326	Shafer	11	134	30	NE
11-0390	Shell	13,24	141	30	NE
11-1247	Shingobee River	VAR.	141	31	TR
11-0166	Shurd	9,10	140	28	NE
18-0404	Sibley	9,16	136	29	GD
11-0202	Silver	19,30	141	28	NE
11-0146	Six Mile	5-8,17	144	27	RD*
11-0146	Six Mile	1,36	144;45	28	RD*
11-1248	Six Mile Brook	VAR.	144	27	TR
11-1306	Sixth Lake	8	141	31	NE
11-0027	Skunk	14,23	143	25	NE
11-1249	Skunk Brook	VAR.	143	25	TR
11-0456	Sleepy Island	22,27	139	31	NE
11-0245	Smiley	16,17,20,21	139	29	NE
18-0220	Smokey Hollow	34,35	139	26	RD*
11-0051	Snake	16,21	139	26	NE
11-1250	Snake Creek	VAR.	144	26	TR
11-0054	Snowshoe	29,30	139	26	NE
11-0640	Solar	12	134	31	NE
11-0450	South Haynes	7,8	139	31	NE
11-0434	South Island	16,17	137	31	NE
11-0297	South Stocking	30,31	141	29	NE
11-0365	South/West Twin	25,26	139	30	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0293	Spearns	24	141	29	NE
11-0221	Spider	9,16	135	29	NE
11-0500	Spider	18,19;13,24	137	31;32	NE
11-0906	Spike	17,18	145	31	NE
11-0512	Spot	34,35	138	32	NE
11-0022	Spring	7,8,17,18	142	25	NE
11-0664	Spring	33	136	29	NE
11-1251	Spring Brook	VAR.	139	26	TR
11-1252	Spring Creek	VAR.	139,40	28	TR
11-0392	Spruce	16	141	30	NE
11-0265	Squaw	15	140	29	NE
11-0729	Squaw Pond	11,14	139	26	NE
11-0266	Squeedunk	15	140	29	NE
11-0621	St. Mary's	1	133	30	NE
11-0895	Stanley	33	142	31	NE
11-0504	Steamboat	19,20,29,30	144	31	GD
11-0491	Steamboat Bay	20,21,28	144	31	NE
11-1253	Steamboat River	VAR.	143,44	31	TR
11-0213	Stephens	28,33	134	29	NE
11-0116	Stevens	22,27	140	27	RD*
11-0153	Stony	25,26,35,36	139	28	NE
11-0240	Stony	11,12	139	29	NE
11-0371	Stony	4,5,8,9	140	30	RD*
11-1254	Stony Brook	VAR.	135,36	29	TR
11-1254	Stony Brook	VAR.	136	30,31	TR
11-1255	Stony Creek	VAR.	139	30,31	TR
11-1255	Stony Creek	VAR.	140	28,31	TR
11-0409	Strawberry	18	145	30	NE
11-0629	Stump	34,35	134	30	NE
11-1256	Sucker Creek	VAR.	144	30	TR
11-0026	Sugar	3,4;27,28,33,34	142;43	25	RD*
11-0085	Sullivan	9	142	26	NE
11-0375	Surprise	11	140	30	NE
11-0483	Swamp	5-8,17,18	143	31	RD*
11-1257	Swan Creek	VAR.	134,35,36	32	TR
11-0151	Swede	20	139	28	NE
11-0165	Swede	5,8	140	28	NE
11-0368	Swede	28,29	139	30	NE
11-0712	Swede	16,17	138	29	NE
11-0133	Swift	15,22,26,27	142	27	RD*

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-1258	Swift River	VAR.	142	26,27	TR
11-0246	Sylvan	17,20	139	29	RD
11-0304	Sylvan	6;1,2,11,12	133	29;30	GD
11-0304	Sylvan	31;36	134	29;30	GD
49-0036	Sylvan Lk. Reservoir	19,30;24	133	29;30	GD
11-0373	Sylvester	9,16	140	30	NE
11-0536	Tadpole	22	141	28	NE
11-0083	Tamarack	5	142	26	NE
11-0139	Tamarack	28,29,32,33	146	27	NE
11-0150	Tamarack	19	139	28	NE
11-0189	Tamarack	35,36	141	28	NE
11-0241	Tamarack	11,14	139	29	NE
11-0249	Tamarack	20	139	29	NE
11-0347	Tamarack	27,34	138	30	NE
11-0866	Tamarack	1,2	140	29	NE
11-0881	Tanglewood	17	141	30	NE
11-0408	Tank	3	145	30	NE
11-0721	Tank	15	139	25	NE
11-0095	Taylor	5;32	142;43	26	NE
11-0436	Taylor	20	137	31	NE
11-0312	Teepee	30;25	141	29;30	NE
11-0300	Ten	10	145	29	NE
11-0467	Ten	7,8	141	31	NE
11-0413	Ten Mile	6;VAR	140	30;31	GD
11-0413	Ten Mile	31;VAR	141	30;31	GD
11-0495	Ten Section	35	145	31	NE
11-0020	Theibault	15,22	141	25	NE
11-0464	Third	4	141	31	NE
11-0001	Third Guide	1	139	25	NE
11-0821	Third Perch	10	139	31	NE
11-0488	Thirteen	12,13,14	144	31	RD*
11-0470	Thirty Four	8,9	141	31	NE
11-0173	Thirty Six	36	140	28	NE
11-0177	Three Island	7,8,17,18	141	28	NE
11-0847	Three Island	9	140	30	NE
11-0062	Thunder	4,5,8,9,15,16,22	140	26	GD
11-0094	Tidd	3	142	26	NE
11-0132	Tobique	12,13	142	27	NE
11-0372	Tower	5	140	30	NE
11-1259	Tower Creek	VAR.	135,36	32	TR

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0190	Town Line	2,3;34,35	141;42	28	RD
11-0270	Trillium/Lizard	17-18	140	29	RD*
11-0461	Tripp	29	140	31	NE
11-0401	Turtle	4,5;32	141;42	30	RD*
11-0117	Twenty Six	23,26	140	27	NE
11-0484	Twin	1,2,11	144	31	NE
11-0938	Twin	29,30	141	29	NE
11-0243	Two	15	139	29	NE
11-1305	Ulland	3;34	141;42	31	NE
11-0005	Unnamed	24	140	25	NE
11-0021	Unnamed	2	142	25	NE
11-0025	Unnamed	32	142	25	NE
11-0048	Unnamed	18	139	26	NE
11-0049	Unnamed	18	139	26	NE
11-0060	Unnamed	31,32	140	26	NE
11-0064	Unnamed	11	140	26	NE
11-0065	Unnamed	14,23	140	26	NE
11-0066	Unnamed	14	140	26	NE
11-0070	Unnamed	29	140	26	NE
11-0071	Unnamed	31	140	26	NE
11-0108	Unnamed	19	139	27	NE
11-0109	Unnamed	19	139	27	NE
11-0111	Unnamed	31	139	27	NE
11-0113	Unnamed	11,14	140	27	NE
11-0122	Unnamed	4	141	27	NE
11-0127	Unnamed	15,16	141	27	NE
11-0130	Unnamed	28,33	141	27	NE
11-0158	Unnamed	35,36	139	28	NE
11-0159	Unnamed	36	139	28	NE
11-0160	Unnamed	36	139	28	NE
11-0176	Unnamed	6	141	28	NE
11-0217	Unnamed	4	135	29	NE
11-0224	Unnamed	30,31	135	29	NE
11-0228	Unnamed	32	137	29	NE
11-0238	Unnamed	8	139	29	NE
11-0256	Unnamed	35,36	139	29	NE
11-0260	Unnamed	3,10	140	29	NE
11-0278	Unnamed	31,32	140	29	NE
11-0301	Unnamed	10,15	145	29	NE
11-0306	Unnamed	6;31	134;35	29	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0331	Unnamed	4,33	134;35	30	NE
11-0333	Unnamed	5,8	135	30	NE
11-0338	Unnamed	1,36	137;38	30	NE
11-0346	Unnamed	27	138	30	NE
11-0359	Unnamed	17	139	30	NE
11-0410	Unnamed	18;13	138	30;31	NE
11-0417	Unnamed	16,21	134	31	NE
11-0423	Unnamed	7,18	136	31	NE
11-0425	Unnamed	17	136	31	NE
11-0427	Unnamed	22,23,26,27	136	31	NE
11-0435	Unnamed	18	137	31	NE
11-0440	Unnamed	31,32	137	31	NE
11-0442	Unnamed	7,8	138	31	NE
11-0448	Unnamed	3,10	139	31	NE
11-0497	Unnamed	7;12	134	31;32	NE
11-0498	Unnamed	18;13	134	31;32	NE
11-0499	Unnamed	7,18	137	31	NE
11-0501	Unnamed	19,30	138	31	NE
11-0501	Unnamed	25	138	32	NE
11-0506	Unnamed	1	133	32	NE
11-0507	Unnamed	13	134	32	NE
11-0518	Unnamed	7	142	31	NE
11-0519	Unnamed	4	135	31	NE
11-0520	Unnamed	21	141	31	NE
11-0521	Unnamed	24,25	141	31	NE
11-0522	Unnamed	24	141	31	NE
11-0524	Unnamed	18	141	30	NE
11-0525	Unnamed	23	141	31	NE
11-0526	Unnamed	13	141	31	NE
11-0530	Unnamed	7	141	30	NE
11-0533	Unnamed	1,12	141	30	NE
11-0535	Unnamed	4,9	141	27	NE
11-0538	Unnamed	17,18	141	27	NE
11-0539	Unnamed	1	141	28	NE
11-0541	Unnamed	26,27	142	26	NE
11-0542	Unnamed	5	142	26	NE
11-0544	Unnamed	22	140	31	NE
11-0545	Unnamed	15,16,21,22	140	31	NE
11-0546	Unnamed	15	140	31	NE
11-0549	Unnamed	17	140	30	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0550	Unnamed	17,18	140	30	NE
11-0551	Unnamed	19,20	140	30	NE
11-0552	Unnamed	16,17	140	30	NE
11-0553	Unnamed	20	140	30	NE
11-0554	Unnamed	21,28	140	29	NE
11-0555	Unnamed	2,11	140	29	NE
11-0556	Unnamed	2	140	29	NE
11-0557	Unnamed	5,6;31,32	139;40	28	NE
11-0559	Unnamed	2,11	139	29	NE
11-0560	Unnamed	10	139	29	NE
11-0561	Unnamed	9	139	29	NE
11-0562	Unnamed	21	139	29	NE
11-0567	Unnamed	28,33	141	27	NE
11-0568	Unnamed	18	140	26	NE
11-0569	Unnamed	30	140	26	NE
11-0570	Unnamed	30	140	27	NE
11-0571	Unnamed	25	140	28	NE
11-0575	Unnamed	15,22	140	28	NE
11-0578	Unnamed	24	139	28	NE
11-0579	Unnamed	23,24	139	28	NE
11-0580	Unnamed	14,15,22,23	139	28	NE
11-0581	Unnamed	15,16,21,22	139	28	NE
11-0582	Unnamed	16	139	28	NE
11-0583	Unnamed	32	139	26	NE
11-0584	Unnamed	28	140	25	NE
11-0586	Unnamed	16	136	31	NE
11-0591	Unnamed	4	135	31	NE
11-0592	Unnamed	8	136	31	NE
11-0597	Unnamed	30;25	138	31;32	NE
11-0598	Unnamed	30,31	138	31	NE
11-0599	Unnamed	29,32	138	31	NE
11-0600	Unnamed	32	138	31	NE
11-0601	Unnamed	29	138	31	NE
11-0602	Unnamed	1	137	32	NE
11-0603	Unnamed	1	137	32	NE
11-0604	Unnamed	6	137	31	NE
11-0605	Unnamed	6,7	137	31	NE
11-0606	Unnamed	7	137	31	NE
11-0607	Unnamed	7	137	31	NE
11-0608	Unnamed	19	137	31	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0610	Unnamed	17	135	29	NE
11-0611	Unnamed	22,27,29	138	30	NE
11-0613	Unnamed	36	140	26	NE
11-0619	Unnamed	16	134	29	NE
11-0623	Unnamed	21	134	30	NE
11-0625	Unnamed	29	134	30	NE
11-0626	Unnamed	34,35	135	30	NE
11-0627	Unnamed	9,16	134	30	NE
11-0628	Unnamed	27,34	134	30	NE
11-0631	Unnamed	34	140	26	NE
11-0635	Unnamed	4,33	138;39	31	NE
11-0636	Unnamed	10,15	138	31	NE
11-0638	Unnamed	11,14	139	31	NE
11-0639	Unnamed	4	134	32	NE
11-0641	Unnamed	11	134	31	NE
11-0642	Unnamed	13	134	30	NE
11-0643	Unnamed	13,14	134	30	NE
11-0644	Unnamed	17	134	30	NE
11-0645	Unnamed	2	135	30	NE
11-0646	Unnamed	3	135	30	NE
11-0649	Unnamed	2,3	135	31	NE
11-0650	Unnamed	3	135	31	NE
11-0651	Unnamed	2,3	135	31	NE
11-0652	Unnamed	10	135	31	NE
11-0653	Unnamed	6	135	32	NE
11-0654	Unnamed	17-20	135	32	NE
11-0655	Unnamed	18,19	136	31	NE
11-0656	Unnamed	7,8	136	31	NE
11-0657	Unnamed	17	136	31	NE
11-0658	Unnamed	5,32	136;37	31	NE
11-0659	Unnamed	3,4	136	31	NE
11-0660	Unnamed	3,4	136	31	NE
11-0661	Unnamed	21,22,27,28	136	31	NE
11-0662	Unnamed	35	136	31	NE
11-0663	Unnamed	36	136	30	NE
11-0665	Unnamed	9	136	29	NE
11-0667	Unnamed	19	137	29	NE
11-0669	Unnamed	2,3	137	30	NE
11-0669	Unnamed	34,35	138	30;31	NE
11-0671	Unnamed	18,13	137	31;32	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0672	Unnamed	24,25	137	32	NE
11-0673	Unnamed	36	137	32	NE
11-0674	Unnamed	25	137	31	NE
11-0676	Unnamed	33	137	31	NE
11-0679	Unnamed	31	137	31	NE
11-0683	Unnamed	8	137	31	NE
11-0684	Unnamed	5	137	31	NE
11-0685	Unnamed	8	137	31	NE
11-0686	Unnamed	6	137	31	NE
11-0687	Unnamed	23,26	138	32	NE
11-0688	Unnamed	5	138	31	NE
11-0689	Unnamed	5,8	138	31	NE
11-0690	Unnamed	7,8	138	31	NE
11-0691	Unnamed	8	138	31	NE
11-0692	Unnamed	8	138	31	NE
11-0693	Unnamed	8,17	138	31	NE
11-0694	Unnamed	17	138	31	NE
11-0695	Unnamed	18	138	31	NE
11-0696	Unnamed	18,19	138	31	NE
11-0697	Unnamed	19	138	31	NE
11-0698	Unnamed	35	138	31	NE
11-0699	Unnamed	3,4	138	31	NE
11-0700	Unnamed	4	138	31	NE
11-0701	Unnamed	2	138	31	NE
11-0702	Unnamed	6,7	138	30	NE
11-0703	Unnamed	6	138	30	NE
11-0704	Unnamed	11	138	30	NE
11-0705	Unnamed	2	138	30	NE
11-0706	Unnamed	19	138	29	NE
11-0707	Unnamed	19	138	29	NE
11-0708	Unnamed	29	138	29	NE
11-0711	Unnamed	31,32	138	29	NE
11-0713	Unnamed	16	138	29	NE
11-0714	Unnamed	5	138	29	NE
11-0715	Unnamed	28	138	29	NE
11-0716	Unnamed	6	139	25	NE
11-0717	Unnamed	5,6; 31,32	139;40	25	NE
11-0718	Unnamed	5	139	25	NE
11-0719	Unnamed	12	139	25	NE
11-0722	Unnamed	15	139	25	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0723	Unnamed	28	139	25	NE
11-0724	Unnamed	8,17	139	25	NE
11-0725	Unnamed	18;13	139	25;26	NE
11-0726	Unnamed	31	139	25	NE
11-0727	Unnamed	36	139	26	NE
11-0728	Unnamed	13,14,23,24	139	26	NE
11-0730	Unnamed	20	139	26	NE
11-0731	Unnamed	20	139	26	NE
11-0732	Unnamed	30	139	26	NE
11-0733	Unnamed	30,31	139	26	NE
11-0735	Unnamed	2	139	26	NE
11-0736	Unnamed	36	139	27	NE
11-0738	Unnamed	27	139	27	NE
11-0739	Unnamed	33	139	27	NE
11-0740	Unnamed	29,32	139	27	NE
11-0741	Unnamed	28,29	139	27	NE
11-0743	Unnamed	17	139	27	NE
11-0744	Unnamed	7	139	27	NE
11-0745	Unnamed	2	139	27	NE
11-0746	Unnamed	35	139	28	NE
11-0748	Unnamed	23	139	28	NE
11-0749	Unnamed	24	139	28	NE
11-0750	Unnamed	24,25	139	28	NE
11-0751	Unnamed	16	139	28	NE
11-0752	Unnamed	9	139	28	NE
11-0753	Unnamed	4	140	28	NE
11-0755	Unnamed	30	140	27	NE
11-0757	Unnamed	34	140	27	NE
11-0758	Unnamed	29	140	27	NE
11-0759	Unnamed	21	140	27	NE
11-0760	Unnamed	21	140	27	NE
11-0761	Unnamed	10	140	27	NE
11-0762	Unnamed	15	140	27	NE
11-0763	Unnamed	31,32	140	26	NE
11-0764	Unnamed	29	140	26	NE
11-0765	Unnamed	20	140	26	NE
11-0766	Unnamed	20,21	140	26	NE
11-0767	Unnamed	17,20	140	26	NE
11-0768	Unnamed	34,35	140	26	NE
11-0769	Unnamed	26	140	26	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0770	Unnamed	30,31;25,36	140	25;26	NE
11-0771	Unnamed	31	140	25	NE
11-0772	Unnamed	30	140	25	NE
11-0773	Unnamed	19	140	25	NE
11-0774	Unnamed	33	140	25	NE
11-0775	Unnamed	6	133	29	NE
11-0776	Unnamed	19,30	133	29	NE
11-0778	Unnamed	17,18	133	29	NE
11-0779	Unnamed	17	133	29	NE
11-0780	Unnamed	17	133	29	NE
11-0782	Unnamed	29,32	134	29	NE
11-0783	Unnamed	32,33	134	29	NE
11-0784	Unnamed	32	134	29	NE
11-0785	Unnamed	31	134	29	NE
11-0786	Unnamed	30	134	29	NE
11-0787	Unnamed	6	141	27	NE
11-0788	Unnamed	7	141	27	NE
11-0792	Unnamed	14,15	141	28	NE
11-0793	Unnamed	1,2	141	28	NE
11-0794	Unnamed	4	141	28	NE
11-0795	Unnamed	16,17	141	28	NE
11-0796	Unnamed	20,21,28,29	141	28	NE
11-0797	Unnamed	28	141	28	NE
11-0798	Unnamed	8	141	28	NE
11-0801	Unnamed	2,3	142	25	NE
11-0802	Unnamed	18	142	25	NE
11-0803	Unnamed	19	142	25	NE
11-0803	Unnamed	24	142	26	NE
11-0804	Unnamed	9,16	142	26	NE
11-0805	Unnamed	9,16	142	26	NE
11-0806	Unnamed	2	142	26	NE
11-0807	Unnamed	36	142	28	NE
11-0808	Unnamed	35	142	28	NE
11-0810	Unnamed	10	142	28	NE
11-0811	Unnamed	26,35	139	31	NE
11-0812	Unnamed	26	139	31	NE
11-0813	Unnamed	26	139	31	NE
11-0814	Unnamed	23,26	139	31	NE
11-0815	Unnamed	23	139	31	NE
11-0816	Unnamed	22	139	31	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0817	Unnamed	14	139	31	NE
11-0818	Unnamed	14	139	31	NE
11-0819	Unnamed	10,11	139	31	NE
11-0822	Unnamed	16	139	31	NE
11-0823	Unnamed	22	139	31	NE
11-0824	Unnamed	21,22	139	31	NE
11-0827	Unnamed	33	139	31	NE
11-0828	Unnamed	33	139	31	NE
11-0829	Unnamed	3,4;33,34	138;39	31	NE
11-0830	Unnamed	32,33	139	31	NE
11-0831	Unnamed	20	139	31	NE
11-0832	Unnamed	28	139	31	NE
11-0833	Unnamed	7	139	31	NE
11-0834	Unnamed	8	139	31	NE
11-0835	Unnamed	2	139	31	NE
11-0836	Unnamed	1,2	139	31	NE
11-0838	Unnamed	2,11	139	31	NE
11-0839	Unnamed	2,3	139	31	NE
11-0840	Unnamed	1,2;35,36	139;40	30	NE
11-0841	Unnamed	14	140	31	NE
11-0842	Unnamed	16	140	31	NE
11-0843	Unnamed	28	140	31	NE
11-0844	Unnamed	19,30	140	31	NE
11-0845	Unnamed	6	140	30	NE
11-0846	Unnamed	5	140	30	NE
11-0848	Unnamed	16,21	140	30	NE
11-0849	Unnamed	33	140	30	NE
11-0850	Unnamed	14	140	30	NE
11-0851	Unnamed	11	140	30	NE
11-0852	Unnamed	6;1	140	29;30	NE
11-0853	Unnamed	25	140	30	NE
11-0854	Unnamed	27,34	139	30	NE
11-0855	Unnamed	27,28	139	30	NE
11-0856	Unnamed	16	139	30	NE
11-0857	Unnamed	16	139	30	NE
11-0859	Unnamed	8	139	29	NE
11-0861	Unnamed	21	139	29	NE
11-0862	Unnamed	23	139	29	NE
11-0863	Unnamed	17	139	29	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0864	Unnamed	17	139	29	NE
11-0865	Unnamed	22	140	29	NE
11-0867	Unnamed	2	140	29	NE
11-0868	Unnamed	26	141	29	NE
11-0869	Unnamed	25	141	29	NE
11-0870	Unnamed	20	141	29	NE
11-0871	Unnamed	17	141	29	NE
11-0876	Unnamed	36	141	30	NE
11-0877	Unnamed	28	141	30	NE
11-0878	Unnamed	28	141	30	NE
11-0879	Unnamed	14,23	141	30	NE
11-0880	Unnamed	14,15	141	30	NE
11-0882	Unnamed	11,12	141	30	NE
11-0883	Unnamed	1	141	30	NE
11-0884	Unnamed	17	141	30	NE
11-0887	Unnamed	33	141	31	NE
11-0888	Unnamed	23,24	141	31	NE
11-0889	Unnamed	21	141	31	NE
11-0890	Unnamed	28	141	31	NE
11-0891	Unnamed	27	141	31	NE
11-0894	Unnamed	35	142	31	NE
11-0899	Unnamed	36	143	29	NE
11-0902	Unnamed	27,28	143	25	NE
11-0903	Unnamed	35	144	26	NE
11-0907	Unnamed	16,17	145	31	NE
11-0908	Unnamed	3	145	31	NE
11-0909	Unnamed	20	145	28	NE
11-0910	Unnamed	29	145	28	NE
11-0911	Unnamed	25,36	140	28	NE
11-0912	Unnamed	35	141	29	NE
11-0913	Unnamed	9	141	28	NE
11-0914	Unnamed	9,16	142	25	NE
11-0915	Unnamed	15	142	25	NE
11-0916	Unnamed	19,20	142	26	NE
11-0917	Unnamed	34	142	27	NE
11-0918	Unnamed	3	141	27	NE
11-0919	Unnamed	2	141	27	NE
11-0920	Unnamed	11	144	31	NE
11-0921	Unnamed	1,36	144,45	29	NE
11-0922	Unnamed	27,28,33,34	145	28	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0923	Unnamed	29,30	145	27	NE
11-0925	Unnamed	28,33	146	27	NE
11-0926	Unnamed	24	145	27	NE
11-0927	Unnamed	11,12	144	25	NE
11-0929	Unnamed	30	143	26	NE
11-0930	Unnamed	31	143	26	NE
11-0931	Unnamed	31	143	26	NE
11-0932	Unnamed	34,35	140	31	NE
11-0933	Unnamed	24	140	31	NE
11-0934	Unnamed	32,33	142	31	NE
11-0935	Unnamed	21	139	30	NE
11-0936	Unnamed	36	140	30	NE
11-0937	Unnamed	12	140	30	NE
11-0939	Unnamed	18,19	141	29	NE
11-0940	Unnamed	29	139	29	NE
11-0941	Unnamed	17	139	29	NE
11-0942	Unnamed	34	141	29	NE
11-0943	Unnamed	12,13	141	29	NE
11-0946	Unnamed	6;31	141;42	28	NE
11-0948	Unnamed	7,8	143	26	NE
11-0949	Unnamed	26,27	143	25	NE
11-0950	Unnamed	27	143	25	NE
11-0951	Unnamed	9	142	26	NE
11-0952	Unnamed	21	142	26	NE
11-0953	Unnamed	2	141	28	NE
11-0954	Unnamed	10,15	141	28	NE
11-0955	Unnamed	16	141	28	NE
11-0956	Unnamed	20	141	28	NE
11-0957	Unnamed	20	141	28	NE
11-0965	Unnamed	3	139	29	NE
11-0967	Unnamed	1,2; 35,36	133;34	31	NE
11-0968	Unnamed	13,24	135	30	NE
11-0970	Unnamed	18	136	31	NE
11-0971	Unnamed	1	138	31	NE
11-0972	Unnamed	7,18	138	31	NE
11-0973	Unnamed	30	139	27	NE
11-0974	Unnamed	27	139	26	NE
11-0976	Unnamed	29	140	25	NE
11-0977	Unnamed	23	140	26	NE
11-0978	Unnamed	25	140	27	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0979	Unnamed	8	139	28	NE
11-0980	Unnamed	2	140	25	NE
11-0981	Unnamed	36	141	31	NE
11-0982	Unnamed	28	141	30	NE
11-0983	Unnamed	13	141	29	NE
11-0984	Unnamed	26,29	141	29	NE
11-1302	Unnamed	18	139	26	NE
11-1303	Unnamed	33	139	26	NE
11-1312	Unnamed	16	133	29	NE
11-1314	Unnamed	10	133	30	NE
11-0615	Unnamed (Rice)	16	134	32	NE
11-1269	Unnamed Creek	VAR.	135	30	TR
11-0218	Upper Gull	4,8,9,16,17	135	29	RD
11-0432	Upper Island	9,16	137	31	NE
11-0225	Upper Loon	18,19	136	29	NE
11-0097	Upper Menton	27	143	26	NE
11-0081	Upper Milton	2,11	142	26	NE
11-0316	Upper Sucker	19;24	145	29,30	NE
11-0105	Upper Trelipe	6,1;36	140;41	26,27,27	RD*
11-0463	Variety	32,33	140	31	RD
11-0029	Vermillion	20,21,28,29	143	25	RD
11-1260	Vermillion River	VAR.	142;43	25	TR
11-0171	Wabedo	22,23,26-28,32-34	140	28	RD*
11-0403	Wabegon	21,28	142	30	NE
11-0088	Wahneshin	15,22	142	26	NE
11-0059	Washburn/Donut	4,5,8,9,16,17; 32	139;40	26	GD
11-0288	Wawa	15,16	141	29	NE
11-0124	Wax	13,24	141	27	NE
11-0311	Webb	7,18;1,12,13	140	29;30	RD*
11-1268	Webb River	1,2	140	30	TR
11-0462	Wegwos	30,31	140	31	NE
11-0493	Welsh	25,26	144	31	RD
11-0742	West Dog	20	139	27	NE
11-0125	West Twin	14,15	141	27	NE
11-0253	West Twin	26,27	139	29	NE
11-0478	Wheeler	33	141	31	NE
11-1261	Whipholt/Bear Creek	VAR.	141	29	TR
11-1309	Whiskey	3, 10	140	25	NE
11-0016	White Oak	30-32	140	25	NE
11-0928	White Oak	12	144	25	NE

LAKE #	LAKE NAME	SEC.	TWP.	RNG.	CLASS.
11-0273	Widow	22,27	140	29	RD
11-0564	Willard	15	139	30	NE
11-1262	Willow River	VAR.	140	25	F
11-1262	Willow River	6,7	141	25	F
11-1262	Willow River	VAR.	141	26	F
11-1262	Willow River	29,31,32,28	142	25	F
11-1263	Willow River (N. Fork)	1,12,13	142	25	T
11-1263	Willow River (N. Fork)	21-24,28	142	25	F
11-1264	Willow River (S. Fork)	VAR.	142	25	TR
11-0093	Wilson	23-26	142	26	NE
11-1265	Wilson Creek	VAR.	137	30	TR
11-0010	Windy	'11-14	140	25	NE
11-0147	Winnibigoshish	VAR;27,28	145;46	27-29;29	GD
11-0201	Woman	VAR.	140;41	28,29;28, 29	GD
18-0222	Wood & West Wood	31	139	26	RD*
11-0119	Woodcamp	31	140	27	NE
11-0378	Woodchuck	16	140	30	NE
11-0056	Woods	32	139	26	NE
11-0036	Wren	6,7;12	139	25;26	NE
11-0079	Zimmerman	1	142	26	NE