



Cass County, Minnesota

Land Use

Ordinance # 2020-01



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90 ACRONYMS

AF – Agriculture Forestry
ASZ – Airport Safety Zone
ASZO – Airport Safety Zone Ordinance
BOA – Board of Adjustment
C-1 – Commercial 1 zone
C-2 – Commercial 2 zone
CUP – Conditional Use Permit
ESD – Environmental Services Department
FOR – Forested River Segment
GD – General Development Lake
IUP – Interim Use Permit
JAZB – Joint Airport Zoning Board
MHB – Mississippi Headwaters Board
MN DNR – Minnesota Department of Natural Resources
MN DOH – Minnesota Department of Health
MN DOT – Minnesota Department of Transportation
MPCA – Minnesota Pollution Control Agency
MS – Minnesota Statute
MR – Minnesota Rule
NE – Natural Environment Lake
NEC – National Electric Code
NEG – Net Excess Generation
NRCS – Natural Resources Conservation District
OHWL – Ordinary High-Water Line
PUD – Planned Unit Development
PC – Planning Commission
RD – Recreational Development Lake
RP – Resource Protection District
RR-1 – Rural Residential 1 acre
RR-2.5 – Rural Residential 2.5 acre
RR-5 – Rural Residential 5 acre
RR-10 – Rural Residential 10 acre
RR-20 – Rural Residential 20 acre
RV – Recreational Vehicle
SIZ – Shore Impact Zone
SRAM – Shoreline Rapid Assessment Model
SR – Shoreline Residential
SRUA – Shoreland Recreational Use Area
SSTS – Subsurface Septic Treatment System
SWCD – Soil and Water Conservation District
TRIB – Tributary River Segment
USGS – U.S. Geological Survey
WOC – Water Oriented Commercial



100 TITLE

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

200 PURPOSE, AUTHORITY, AND JURISDICTION

201 PURPOSE

This Ordinance is intended to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, watersheds, natural landforms, and open spaces of Cass County for future generations. Further, it is the goal of this Ordinance to promote the health, safety, general welfare, and orderly development of Cass County by:

- A. Regulating land use under 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 the property.
- K. Bringing all non-complying subsurface sewage treatment systems into compliance.
- L. Controlling or preventing erosion, sedimentation, siltation, and related pollution to preserve natural resources, ensure continued soil productivity, protect water quality, reduce damages caused by floods, preserve wildlife, protect the tax base and protect public lands and waters.

This Ordinance is also intended to protect the shoreland of public waters and the lakes, rivers, and watersheds in the County and thus preserve and enhance the quality of surface and ground waters, conserve the economic and natural environmental values of shoreland, 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 Statute (MS) § 394, and the Cass County Comprehensive Land Use Plan. The shoreland section herein is



adopted pursuant to MS § 103F.201 to 103F.221, and Minnesota Rules § 6120. Regulation of campgrounds, recreational vehicle parks, and manufactured housing parks are pursuant to MS § 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 Cass County, Minnesota, Subdivision and Platting Ordinance; Subsurface Sewage Treatment System Ordinance; Definitions Ordinance; Solid Waste Ordinance; Comprehensive Plan; and the Mississippi Headwaters Management Plan.

- A. Shoreland. Shoreland regulations apply to that area within 1,320 feet of the Ordinary High-Water Level (OHWL) of all public waters and are adopted pursuant to MS § 103F.201 to 103F.221 and Minnesota Rule § 6120.
- B. Campgrounds, Recreational Vehicle Parks, and Manufactured Housing Parks. Adopted pursuant to MS § 145A.01 to 145A.07, 327.14 to 327.28, 375.51, and 394.
- C. Airport Safety Zone (ASZ). The Commissioner of MN DOT under the authority established pursuant to the applicable sections of MS § 360.015 through 369.90 requires that government jurisdictions (counties, municipalities, townships) having airport facilities partially or totally within their boundaries create and maintain a separate ASZ ordinance for every covered facility including airports and landing strips.
 - 1. If the safety zones for a particular airport extend into multiple government jurisdictions, the Airport Safety Zoning Ordinance (ASZO) will usually be developed under the authority of a Joint Airport Zoning Board (JAZB), which in some cases, may also be chartered to consider and act on various land use issues including variance applications on private or public property totally or partially within the airport safety zones.
 - 2. Both building and land use regulations within airport safety zones, especially within zones A and B, are typically more restrictive as to density, use restrictions, heights, than the county and/or municipal ordinances applicable to properties outside the safety zone. In all cases, the more restrictive requirements will apply.
 - 3. Consistent with Commercial-1 and Commercial-2, applications received by Environmental Services Department (ESD) for land use permits and CUPs will be reviewed by ESD to:
 - a. Verify if any portion of the property described in the application is totally or partially within an established ASZ and county jurisdiction.
 - b. Determine if the proposed activity complies with the county land-use Ordinance well as the ASZO if applicable. If the proposed activity is determined to not be in compliance with the requirements of the ASZO, the applicant may seek a variance which may be heard by the Cass County PC for properties within its jurisdiction or by the JAZB, if one has been previously established by a recorded ASZ ordinance.
 - c. Determine if the applicable ASZO has established a JAZB, if it is active and if it is chartered to consider land use matters including variances. If ESD finds in the affirmative for each of the above questions, then the application for a variance may be heard by the JAZB rather than the municipality or county PC.



- d. Provide legally required notices to the JAZB and/or those units of government that are party to an inactive JAZB. For example, the Walker ASZO stipulates that the representatives of the City of Walker, Cass County, Hubbard County, and Leech Lake Township are to be represented on the JAZB.

203 REPEALOR

This Ordinance repeals related land use Ordinance #2018-02.

204 JURISDICTION

The provisions of this Ordinance shall apply to all unincorporated areas of Cass County, Minnesota, and incorporated areas by agreement, pursuant to MS § 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 (Comprehensive Plan) was updated and adopted on January 5, 2010. The County Board of Commissioners (Board) may amend the Comprehensive Plan from time to time in accordance with the procedures set forth in MS § 394.

206 COUNTY RESOURCE MANAGEMENT PLANS

The County by the action of the Board is a party to a Memorandum of Agreement (MOA) to implement the Leech Lake Comprehensive Watershed Plan and the County by the action of the Board may become party to additional Comprehensive Water Management Plans for other watersheds in the County. The County may leave participation in such agreements at any time.

Additional Cass County Resource Management Plans include the following which is all subject to revision or amendment over time:

- A. The Cass County Long Range Resource Management Plan was adopted in November 2003.
- B. The Cass County Local Water Management Plan 2017-2027 was adopted on May 16, 2017.
- C. The Leech Lake River Comprehensive Watershed Management Plan was adopted on March 11, 2019.
- D. Pine River Comprehensive Watershed Management Plan was adopted on December 12, 2019.



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 provision 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 zone as defined herein, then if more than 50% of the parcel lies within the shoreland zone, the provisions in Section 1125.1 of this Ordinance shall apply to the entire parcel. If more than 50% of the parcel lies outside the shoreland zone, the provisions in Section 1125.2 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 more than 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 SSTS UPGRADE ON CONVEYANCE OF PROPERTY

- A. Any Subsurface Sewage Treatment System (SSTS) located on real property lying within Cass County shall be brought into compliance with the requirements of the current SSTS standard promulgated by the Minnesota Pollution Control Agency (MPCA) in Minnesota Rules, Chapter 7080, hereinafter known as "Chapter 7080", or the Cass County SSTS 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 SSTS on the property by delivering to the buyer either a sworn affidavit by the seller that no SSTS 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 licensed inspector holding a Designer I or Inspector certification. A certificate of compliance or notice of non-compliance meeting all provisions of Chapter 7080 shall be submitted to ESD and the seller within 30 days after the compliance inspection. SSTS are subject to the provisions of the Cass County SSTS Ordinance #2007-2, as currently in effect and hereafter may be amended.
- 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 SSTS. The security shall be placed in an escrow with ESD. The amount escrowed shall be equal to 125% of a written estimate to install a complying SSTS 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 a written agreement, assign a third party to receive the disbursement from the escrow account. After a complying SSTS has been installed and a certificate of compliance issued, ESD 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 buyer or seller shall provide to ESD or the County Recorder one of the following: (1) a sworn affidavit by the buyer or seller certifying that no SSTS exists on said property to the best of their knowledge after diligent investigation (affidavit), or (2) a certificate of compliance on forms approved by ESD, or (3) a packet consisting of the following documents to be referred to as an escrow packet: (1) an escrow agreement as provided by subdivision "C" of this section, (2) an attached written estimate to install a complying SSTS provided by a licensed and certified installer, and, (3) an attached SSTS permit for the installation of the SSTS (packet), or (4) an SSTS permit application and SSTS 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 ESD 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 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 SSTS at the time of sale and knew or had reason to know of the existence of an SSTS liable to the buyer for costs relating to bringing the SSTS into compliance with the Cass County SSTS Ordinance, and reasonable attorney's fees for collection of costs from the seller, if the action is commenced within one year after the date the buyer closed the purchase of the real property where the SSTS 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 SSTS compliance cannot be determined due to frozen soil conditions shall require a winter agreement, which includes an application for an SSTS permit and an SSTS compliance inspection agreement. The compliance inspection shall be completed by following June 1st by a state-licensed compliance inspector. If upon inspection the SSTS 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.

303 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

Unless specifically defined in the Cass County Environmental Definitions Ordinance 2020-1, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

- A. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive.
- B. All distances, unless otherwise specified are measured horizontally and expressed in feet.

500 ADMINISTRATION

The purpose of this section is to identify administrative provisions to ensure this ordinance is consistent with its purpose.



501 PERMITS REQUIRED

- A. A permit is required for the placement of structures, movement of an existing structure or structure additions but not limited to such activities as construction of residences, garages, decks, signs, second story additions, basements, accessory structures, the installation and/or alteration of SSTS, re-construction of any structure and those grading and filling activities not exempted by this Ordinance. Permits are also required for construction, activity, and uses approved by variance or CUP.
- B. Applications will be considered based upon the Ordinance provisions that are in effect on the date an application is received by ESD. Application for a permit shall be made by the landowner or their agents with the landowner's written consent to ESD on the forms provided by ESD. The application shall include the information necessary so that the ESD Director or other designated member of ESD to determine the site's suitability for the intended use. Photographs of existing conditions on the property may be required.
- C. All permit applications for new construction or an addition, expansion, and or change of use to a sewer structure, CUP, or variance shall include an SSTS certificate of compliance or SSTS permit application including site evaluation and design. Winter Agreements for SSTS as identified in Section 1006 of the Cass County SSTS Ordinance are allowed between November 15th and April 15th, a winter agreement shall be signed by the applicant and filed with ESD including fees and a permit application per Section 302D. Winter agreements are not permissible for new construction projects or situations where variances or CUP approvals are required.
- D. All permits shall be valid for a period of two years from the date of issuance except for SSTS systems found to be non-compliant. The SSTS permit shall only be valid for a period of one year from the date of issuance.
- E. ESD or the PC shall attach such conditions to the issuance of a permit, variance, or CUP as deemed necessary to fulfill the purposes of this Ordinance.
- F. A site inspection may be requested by completing a site inspection request form and submitting it to ESD with a site inspection request fee per the current Cass County Fee Schedule. A preliminary site inspection may be essential for bluff determinations, OHWL setbacks, wetlands, and other pre-planning for future permitting activities. A site inspection request may also include conducting a preliminary compliance inspection at the request of the homeowner, potential purchaser, or agent before buying or selling a property to evaluate compliance with the Cass County Land Use Ordinance.

501.1 Staff Review of Planning and Zoning Applications

ESD shall conduct the following reviews of CUPs, variances, reclassifications, or interim use permit (IUP) applications:

- A. **Pre-application Conference & Sketch Plan.** To make sure all applicants for permits are informed of the application process and procedure, as well as the requirements of this Ordinance and related ordinances, the applicant is required to consult with ESD at an initial



conference. At the time of the initial conference, the applicant shall present a sketch plan for review.

1. The sketch plan need not be drawn to scale but must show the property boundaries, intended use of the property, proposed location of structures, significant topographical and physical features including shoreline edge vegetation, and adjacent land use.
2. The sketch plan shall also include a concept statement describing the project and explaining how it is designed and will function.

B. Review of Application for Completeness. After the initial conference has been conducted, the applicant may submit an application as provided in this Section 501. ESD shall review the application and shall determine if the application is complete pursuant to the requirements of this Ordinance. If ESD determines the application is not complete, then the application shall be returned to the applicant, and the applicant shall be informed in writing as to the additional information needed.

C. On-site Review by Staff. Within 15 working days of receipt of a completed application, ESD will conduct an on-site review of the property to gather information and photographs to aid in the review of the application and to ensure there are no violations of County Ordinances on the property.

1. For an existing structure, before the on-site review by staff, the applicant must locate and identify by flags or stakes all key elements of the expansion or structure replacement, such as: boundaries of any expanded property, locations of structures and features to be added and/or replaced, existing and proposed water-oriented features.
2. For a new structure, before the on-site review by staff, the applicant shall locate and identify by flags or stakes all key elements of the property, such as: property boundaries and access locations, locations of structures and features, and proposed water-oriented features.
3. For all properties, before the on-site review by staff, the applicant shall locate and identify by flags or stakes all areas of land surface erosion and shore erosion.

501.2 Responsibility to obtain other permits.

The granting of any permit, variance or use permit 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 or from the necessity to apply for a permit described in this Ordinance.

501.3 Payment and Delinquent Taxes and Fees

In processing an application for a permit, variance, or conditional use ESD 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 ESD finds that such delinquent taxes, special assessments, penalties, interest, or fees are outstanding, it shall so notify the



applicant in writing within 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.

501.4 Right of Inspection

An applicant for any land use permit, variance, CUP, interim use permit (IUP), subdivision, plat, or Planned Unit Development (PUD) under this Ordinance does hereby give ESD and/or their agent the right of access to the property for inspection, and enforcement of this Ordinance. Additionally, ESD and/or their agent is authorized to enter upon lands within unincorporated areas of the County to carry out the duties and functions imposed under this Ordinance, and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted when warranted.

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 ESD determines that the permit is a part of resolving the violation(s).

503 FINANCIAL ASSURANCE

The County may require financial assurance which may be in the form of a surety bond or cash escrow before 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 financial assurance may be set at up to 150% of the estimated cost of conformance and compliance. The financial assurance shall be returned to the applicant based upon the completion or fulfillment of the project or use described in the approved permit or other approved action.

504 NOTIFICATION OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES

504.1 Notification of Ordinance Amendment

All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. Cass County ESD will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.



504.2 Notices of Public Hearing

All notices of public hearings to consider variances, ordinance amendments, CUPs, or IUPs under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

504.3 Notices of Approval

All approved ordinance amendments and subdivisions/plats, and final decisions approving variances, interim use permits, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. 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 shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

505 FEES

505.1 Schedule

The 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, CUP, IUP, PUD, CD, 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 using cash, check or money order, or another acceptable form of payment to 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 collectible.

505.3 Refunds

Should an application for a permit be denied, the fee shall be refunded, less the processing/administrative fees. No refunds will be issued for any variance, conditional use, interim use, or reclassification applications that are denied by the PC. Withdrawal of any planning and zoning application will be assessed administrative fees as identified in the Cass County Fee Schedule consistent with the time and resources spent processing the application at the time of withdraw.



600 ENFORCEMENT

The Cass County Board of Commissioners and ESD 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 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. ESD, the Cass County Sheriff, MN DNR, and Tribal Conservation Officers, as provided in Section 204, 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 ESD, may sue for injunctive relief on any violation, including restoration of the premises to its condition existing before the violation.

601 PROSECUTION

ESD 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. Criminal prosecution for a violation shall not be a bar to a civil remedy.

602 DUTY TO ENFORCE

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

603 STOP WORK ORDERS

Stop-work orders may be issued when ESD 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 stop-work order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees, and or after the fact fees to be paid, and the order lifted.

604 ADMINISTRATIVE AND AFTER THE FACT FEES

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 in accordance with the current fee schedule based upon Board approved rates verified by the County Auditor. In addition, the PC, or ESD 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 before approval of said permit.

Permits which are intended to correct a non-compliant septic system or a situation where there is an imminent threat to human health will not be required to correct other outstanding violations at the time of issuance. The property owner must consult with ESD staff, to identify the correct Land Use Permits needed to remedy their immediate needs and to work towards future compliance following completion of that necessary permit action.

- A. **Administrative Fees** shall be assessed to all denied or withdrawn land use or planning and zoning applications and in conjunction with violations if restoration or revegetation plans are necessary. Administrative fees are based upon the amount of time required for processing applications and/ or the development of site-specific plans.
- B. **After the Fact Fees** shall be assessed to permits applied for after the fact when the applicant is the property owner of record at the time the unpermitted activity took place. After the fact fees are not intended for property owners who have recently purchased property with outstanding violations looking to bring their property into compliance with the Ordinance.

605 PUBLIC NUISANCES

605.1 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 the 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 ESD 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 are determined by ESD 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 more than 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 the creator of such disturbance.

605.2 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 ESD 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 ESD, including but not limited to, liability for any violations of this Ordinance.
- C. ESD may choose to abate any public nuisance through any of the abatement methods outlined 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 ESD's ability to concurrently or consecutively use any of those proceedings as ESD may deem are applicable. Proceeding under this section will not preclude ESD from proceeding under other sections of this Ordinance.
- D. Nothing in this section shall be construed as requiring ESD to enforce the prohibitions in this section against all or any properties that may violate the Ordinance nor shall failure to enforce preclude enforcement against any other property. In ESD prosecutorial discretion, and as the ESD 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 ESD to enforce such other provisions of law.

700 PLANNING COMMISSION (PC)

701 AUTHORITY

The PC is hereby established and vested with such authority as hereinafter provided and as provided by MS, Chapter 394. Additionally, the PC shall act as the Cass County Board of Adjustment and shall be vested with such authority as provided in MS § 394.27.



702 MEMBERSHIP

- A. The PC shall be comprised of seven members who shall serve as the PC. One member shall be appointed from each County Commissioner District, one member shall be appointed at large by the Board, and one member shall be appointed by the Cass Soil and Water Conservation District (SWCD). One alternate member may also be appointed from each County Commissioner District at the Board's discretion. Most 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 PC shall be an officer or employee of the County. No voting member of the PC 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.
- B. The members of the PC may be compensated in an amount determined by the County Board. All PC members may be paid necessary expenses in attending meetings of the PC. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to PC members pursuant to MS § 394.
- C. The PC shall elect a Chair and Vice-Chair from among its members. The Vice-Chair shall conduct meetings in the Chair's absence. ESD shall provide such administrative support as may be necessary to carry out the duties of the PC effectively and efficiently. All PC meetings shall be held in accordance with their approved Rules of Business.
- D. The County Board may assign additional duties and responsibilities to the PC including but not restricted to the conduct of public hearings pursuant to MS § 394.30 Subd. 5. The County Attorney shall act as the legal advisor to the PC.

703 TERMS OF OFFICE

PC members shall be appointed by the County Board. The removal of any member for non-performance, misconduct, or malfeasance in office shall be the responsibility of the County Board. Non-performance shall include attendance at less than 10 out of 12 regularly scheduled PC meetings annually.

704 DUTIES AND RESPONSIBILITIES

The PC/Board of Adjustment shall exercise the following duties and responsibilities as assigned by the County Board and shall be identified as PC throughout this document:

- A. Acting in its capacity as the PC, the PC is designated by the County Board to:
 1. Review all plats, PUDs, land use district map amendments, amendments to the land use ordinance text, and make recommendations to the County Board.
 2. Review and make final decisions regarding all CUP applications, IUP applications, variance applications, plats, PUD applications, and Conservation Developments.
 3. Review and make final decisions regarding all environmental assessment worksheets, environmental impact statements, and another applicable environmental reviews.



4. Exercise all powers and perform all duties granted to a PC by MS § 394.
 5. Adopt and annually review rules of business necessary to conduct its affairs.
 6. Perform other functions as delegated by the County Board.
- B. Acting in its capacity as the Board of Adjustment, the PC is hereby designated by the County Board to:
1. Review and make final decisions regarding all variance applications.
 2. Hear appeals of all administrative orders, requirements, administrative decisions, or determinations.
 3. Adopt and annually review rules of business necessary to conduct its affairs.

705 CONDITIONAL USE PERMITS (CUP)

705.1 Purpose and Process

A conditional use is a use that may or may not be compatible with other uses in the district within which it is located. The compatibility of the proposed use shall be judged based on the circumstances and may require imposing conditions. A CUP can be denied if it is not consistent with the intent of the Land Use and other County Ordinances, Comprehensive Plan, and various Watershed Management Plans. The CUP process is as follows:

- A. The application and review process shall comply with Section 501.
- B. ESD shall refer the application to the PC 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 10 days before the hearing. Written notice shall be sent to the landowner, the applicant, owners of record within 0.5 miles of the affected property, or to the nearest 10 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 of the affected property. It shall be the responsibility of ESD to cause said notice of the date, time, and place at which the PC anticipates it will consider the application to be mailed to the applicant. All notices shall be required to be mailed at least 10 calendar days prior to the date upon which the application will be considered. Failure of any property owner to receive such notice shall not invalidate the proceedings.
- C. The PC shall consider the application at its next regular meeting, after compliance with the 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 PC.
- D. The PC shall consider each conditional use applied for under this section. If the permit is denied, the PC shall advise the applicant of the reasons therefore in writing.



- 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. ESD shall record conditional uses on the property 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 proposed changes in an approved use will require that a new CUP be applied for and approved.
- H. Valid CUPs are transferrable upon change of ownership.
- I. Any violations of conditions placed on a CUP by the PC may result in revocation of the CUP.
- J. The types of uses, and the number of watercrafts that the project will generate **must be** compatible in relation to the suitability of public waters to safely accommodate these watercrafts per MN Rule 6120.3900 3aB.

705.2 Conditional Use Review

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

- A. Evaluation of water bodies, rivers, wetlands, topographic features, 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 SSTS present, or there is an approved SSTS site evaluation and design for the intended use of the property.
 - 4. To limit or mitigate impact to designated critical habitat.
- B. Consistency with the policies and provisions of the Comprehensive Plan and various Watershed Management Plans and the intent, purposes, and requirements of this Land Use Ordinance and the various other Ordinances.
- C. Compatibility of the proposed use with present land uses in the area.
- D. Ability of existing transportation and utility infrastructure to support the proposed use.
- E. The degree to which the proposed use impacts natural, scenic, or historic features of major importance.
- F. Other factors specific to the application that impact public health, safety, and welfare.

705.3 Conditions Attached

The PC, upon consideration of the criteria listed in Section 705.2 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, SSTS, and vehicle parking areas.
- D. Financial Assurance as indicated in Section 503 of this Ordinance.
- E. Provisions to ensure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties.
- F. Provisions to ensure the location and character of the proposed development are consistent with a desirable pattern of development for the locality in general.
- G. Provisions to ensure that all recreational camping vehicle park campgrounds, recreational camping areas, and manufactured housing parks shall be approved in accordance with the applicable ordinances and statutes.
- 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.
- J. Compliance with all applicable local, state, and/or federal rules and/or regulations.
- K. Provisions to ensure the intent of the CUP as applied and granted are being followed.
- L. Advanced stormwater management and/or treatment may be necessary based upon the nature of the use.

705.4 Lapse of Conditional Use

A CUP and the use approved by a CUP lapses unless the use is commenced within two years of the date the CUP was approved.

706 INTERIM USE PERMITS (IUP)

706.1 Authority

Pursuant to MS § 394.303, the PC has the authority to issue interim use permits (IUP). IUPs allow for the temporary use of the property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. Any interim use may be terminated by a change in the zoning regulations.

706.2 Interim Use Review

An IUP may be granted if:

- A. The use conforms to the zoning regulations.



- B. The date or event that will terminate the use can be identified with certainty.
- C. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- D. The user agrees to any conditions the County deems appropriate for permission of the use.
- E. IUPs are not transferrable with ownership.
- F. The PC considers and evaluates the same criteria required for CUPs outlined in Section 705.2 of this Ordinance.

706.3 Conditions Attached

The PC, upon consideration of the criteria listed in Section 706.2 and the purposes of this Ordinance, shall attach such conditions to the issuance of the interim use as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include but are not limited to, the conditions outlined in Section 705.3.

707 LAND USE RECLASSIFICATION

707.1 Initiation of Request

Land use reclassification requests and amendments to land use district boundaries may be initiated by the owner of the property in question, ESD, the PC, or the County Board.

707.2 Procedure

Requests for reclassification shall be filed with ESD on an official application form. Upon receipt of the complete application and all supporting information, ESD shall refer said application, along with all related information, to the County Board to review. The County Board has the authority to request additional information and may refer the matter to the PC for consideration.

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 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.

ESD, the PC, and the County Board shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the PC or County Board in reviewing the request.

707.3 Notice of Hearing

The PC shall hold at least one public hearing on the proposed land use reclassification request within 30 days after the request for land use reclassification has been received.



Written notice of time, place, and purpose of the public hearing shall be published in the official newspaper designated by the County Board and sent to owners of record within one-half mile of the affected property at least 10 days prior to the date upon which the application will be considered. This distance shall be extended to ensure that a minimum of 10 property owners are so notified. In addition, notice shall be sent to adjoining counties, incorporated municipalities, or townships within the proposed district change.

The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

707.4 Reclassification Criteria

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

A. General Considerations and Criteria for Land Classifications:

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 an industry, by its nature, requires location in shoreland areas.
11. The necessity to preserve and restore certain areas having significant historical or ecological value.
12. The nature and use of surrounding lands.
13. The necessity to protect public waters and the lakes, rivers, and watersheds in the County and thus preserve and enhance the quality of surface and ground waters, conserve the economic and natural environmental values of land resources, and provide for the wise use and protection of waters and related land resources.

B. Additional Factors and Criteria for PUDs and other forms of development:

1. Existing recreational use of the surface waters and likely increases in use associated with PUDs.
2. Physical and aesthetic impacts of increased density.
3. Suitability of lands for the PUD approach.



4. Level of current development in the area.
5. Amounts and types of ownership of undeveloped lands.

707.5 Planning Commission Recommendation

Upon conclusion of the public hearing, the PC shall make findings of fact and recommend such actions or conditions relating to the request to the County Board.

707.6 County Board Action

Upon receiving the report and recommendation of the PC, the County Board shall approve, modify, or deny the request and state the findings of its action. Approval of a request shall require passage by a majority vote of the County Board.

707.7 Judicial Review

Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or the state shall have the right to appeal the decision of the County Board to the District Court on questions of law and fact. Said appeal shall be made within 30 days after receipt of notice of the decision.

708 ORDINANCE AMENDMENT PROCEDURES

- A. The County Board, the PC, and ESD 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 County Board or ESD.
 2. The County Board shall refer such ordinance amendment requests to ESD for review and drafting of amendment language. ESD shall refer the draft amendments to the PC for public hearing. The PC shall provide notice and review the draft amendments in accordance with the provisions of applicable statutes and their adopted Rules of Business. The PC may recommend approval, denial, or further amendment of the draft amendments.
 3. Not more than 60 days from the receipt of the PC recommendation, the County Board shall schedule a second public hearing. The County Board shall provide notice and review the draft amendments in accordance with the provisions of applicable statutes and their adopted Rules of Business.
 4. Following their public hearing, the County Board shall make a report of its decision to approve or deny the amendments within 30 days. The enactment of any changes shall take effect no sooner than 30 days after the date of their approval.



709 ENVIRONMENTAL REVIEW

An environmental review may be required for projects that could result in significant impacts. The Minnesota Environmental Policy Act of 1973 and Minnesota Rule § 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary environmental reviews or alternative urban area-wide reviews (AUAR) ordered by the local governmental unit (LGU). The LGU is the designated review authority.

- A. The County Board delegates its authority as the responsible LGU in determining the necessity for the preparation of an EAW and an EIS to the PC.
- B. ESD and the PC shall follow the Minnesota Environmental Quality Boards' procedures for environmental review.
- C. ESD shall require a bond as identified in the County's fee schedule. ESD is entitled to recover expenses directly associated with the preparation of the environmental review document and shall refund any balance of the bond to the applicant. Use of funds within the bond shall follow Section 604.1, Administrative Fees.

800 VARIANCES AND APPEALS

801 VARIANCES

801.1 Applications and Notices

- A. The application and review process shall comply with Section 501.
- B. No variance application will be accepted from landowners or for the property on which there is an existing violation(s) of any Cass County ordinance unless ESD determines that the variance is a part of resolving the violation(s).
- C. The PC shall have exclusive power to order the issuance of variances from the requirements of the Land Use Ordinance, the Subdivision & Platting Ordinance, and the SSTS including restrictions placed upon nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the applicable ordinance and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Ordinance. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth-sheltered construction as defined in MS § 216C.06, subdivision 14, when in harmony with the ordinances. No variance may be granted that would allow any use not



allowed in the zoning district in which the subject property is located. The PC may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

- D. Written notice of time, place, and purpose of the public hearing shall be published in the official newspaper designated by the County Board and sent to the landowner, the applicant, and owners of record within one-quarter mile of the affected property at least 10 days prior to the date upon which the application will be considered. This distance shall be extended to ensure that a minimum of 10 property owners are so notified. In addition, notice shall be sent to adjoining counties, incorporated municipalities, or townships within the proposed area. 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 PC.

801.2 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 PC 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 landforms, vegetation, or wetlands of Cass County.
- F. The result from the circumstances created by the landowner.

801.3 Findings and Fact

In ruling on a variance request, the PC shall make written findings of fact upon the considerations and the criteria in Sections 801.1 and 801.2 and MS § 394.27.

801.4 Conditions

Conditions, as deemed appropriate by the PC, may be attached to enforce the general purpose and intent of this Ordinance including but not limited to financial assurance as indicated in Section 503.1 of this Ordinance, shoreline buffers as prescribed in Section 1123 of this Ordinance, or SSTS upgrade. Violations of conditions of a variance are enforceable under Section 600 and 601. Any violations of conditions placed on a variance by the PC may result in revocation of the variance.



801.5 Lapse of Variance

A variance and the use approved under a variance lapses unless the use is commenced within two years of the date the variance or appeal (issuance of a variance through the appeal process) was approved.

802 APPEALS

802.1 Appeals of Administrative Decisions

An appeal from any permit, order, requirement, decision, or determination made by the ESD shall be filed with the PC 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 \$500. The PC 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 30 days of the appeal hearing. An appeal stays all proceedings in furtherance of the action appealed from unless the PC certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. The PC 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 rationale for the PC decision shall be stated in writing. If the decision of ESD is overturned, the full amount of the appeal bond shall be refunded to the appellant. If the decision of ESD is upheld or modified, ESD is entitled to recover expenses directly associated with the appeal and shall refund any balance of the appeal bond to the appellant.

802.2 Appeals of PC Decisions regarding Variances or Administrative Decisions.

The procedure for appealing the PC's decision regarding variances or appeals of administrative decisions is set forth in MS § 394.27.

803 RECORDS

All written reports and recommendations to the PC shall be made a part of the permanent written record of the County Board's meeting. When a variance is approved after the DNR has recommended denial in the hearing record, the notification of the approved variance required in Section 504 shall also include the PC summary and findings of fact which supported approval of the variance.

900 LAND USE DISTRICTS AND MAPS

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.



901 LAND USE DISTRICT CATEGORIES AND DESCRIPTIONS

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

- A. Shoreland GD, RD, NE, RP, FOR and TRIB
- 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. Agricultural/Forestry (AF);
- H. Commercial (C-1 & C-2)
- I. Water Oriented Commercial (WOC)
- J. Resource Protection (RP)

901.1 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 sub-districts according to the class of public water to which the shoreland in the sub-district relates, 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. FOR – land within the shoreland of a forested river segment.
- E. TRIB – land within the shoreland of a tributary river segment.
- F. WOC – Water Oriented Commercial.
- G. RP – Resource Protection.

901.2 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 PUDs, surface water-oriented commercial, parks, and historic sites are allowed primarily as conditional uses.



901.3 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 manufacturing activities.

901.4 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 PC determines that larger lot sizes are required to protect agricultural areas or critical habits, or forest resources, or surface or ground water resources.

901.5 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.

901.6 Commercial (C-1)

The purpose of this district is to provide adequate areas for general retail, wholesale, office, and service activities located as permitted uses in the growth and development areas adjacent to incorporated municipalities. C-1 commercial districts shall be located along federal, state, or county highways and shall include all the parcels so designated.

901.7 Commercial (C-2)

The purpose of this district is to provide adequate space areas for general retail and service activities as conditional or interim uses in rural areas. C-2 commercial districts shall be located along federal, state, county, or township roads and shall include all the parcels so designated.

901.8 Water Oriented Commercial (WOC)

The purpose of this district is to accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral part of the business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.



901.9 Resources 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 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. Riparian and non-riparian RP zones shall follow lot standards consistent with NE lakes.

902 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 ESD.

903 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 OHWL 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 or court order thereto.
- B. Whenever any street, alley, or other public right-of-way is vacated by official action of the County or Township, the land use district on each side of such street, alley, or public way shall automatically be extended to the center line.
- C. Appeals from ESD's determination concerning the exact location of district boundary lines shall be determined by the PC or by court action.

904 DISTRICT LAND USE REGULATIONS

This Section establishes the allowed, permitted, interim or conditional uses within the land use districts of the County. If a specific zoning district or use is not identified within this Ordinance or in the use table in Section 904.1, please consult with ESD to determine what process should be followed.

For the following uses identified in Table 1:

- A Allowed use without a permit but with Performance Standards
- CU A use requiring a conditional use permit



IU	A use requiring an interim use permit
N	A use that is not allowed
P	A use requiring a permit
AF	Agriculture/Forestry
C-1	Commercial adjacent to a municipality
C-2	Commercial in a rural area
RR-1	Rural Residential – 1-acre minimum lot size
RR-2.5	Rural Residential – 2.5-acre minimum lot size
RR-5	Rural Residential – 5-acre minimum lot size
RR-10	Rural Residential – 10-acre minimum lot size
RR-20	Rural Residential – 20-acre minimum lot size
SR	Shoreland Residential
WOC	Water Oriented Commercial

904.1 Use Table

Table 1: Zoning and Land Use

Land Use	SR	AG/F	RR-1	RR-2.5	RR-5 to 20	C-1	C-2	WOC
A. Agricultural Uses								
Agricultural Structure	P	A	P	P	A	P	P	N
Land Conversions	N	CU	N	N	N	N	N	N
B. Residential and Related Structures								
Accessory Structure	P	P	P	P	P	P	P	P
Group Homes*	CU	CU	CU	CU	CU	CU	CU	CU
Home Occupation	A	A	A	A	A	A	A	A
Home Business	CU/IU	CU/IU	CU/IU	CU/IU	CU/IU	P	P	P
Multi-Family Dwelling	N	CU	CU	CU	CU	CU	CU	CU
Accessory Dwelling Unit**	P	P	P	P	P	P	P	N
Energy Conversion Wind/Solar	P	P	P	P	P	P	P	P
Single Family	P	P	P	P	P	P	P	P
C. Recreational Uses, Public and Private								
Family Campground	CU/IU	CU/IU	N	CU/IU	CU/IU	CU/IU	CU/IU	N
Family Compound	CU/IU	CU/IU	N	CU/IU	CU/IU	CU/IU	CU/IU	N
Private Access Ramps	CU/IU	CU/IU	N	N	N	CU/IU	CU/IU	CU/IU
Outdoor Shooting Range	N	CU/IU	N	N	CU/IU	N	N	N
Indoor Shooting Range	N	CU	CU	CU	CU	CU	CU	N
D. Civic, Educational and Institutional Uses								
Athletic Field, Stadium, Arena	N	CU	N	CU	CU	CU	CU	N
Cemetery – must be platted	N	A	A	A	A	N	N	N
Temporary Camps/Church Camp	N	CU/IU	CU/IU	CU/IU	CU/IU	N	N	N
Churches/Chapels	P	P	P	P	P	P	P	N



Land Use	SR	AG/F	RR-1	RR-2.5	RR-5 to 20	C-1	C-2	WOC
D. Civic, Educational and Institutional Uses (cont.)								
Public Building	P	P	P	P	P	P	P	N
E. Commercial and Industrial Uses								
Mobile Home Park	N	CU	N	CU	CU	CU	CU	CU
RV Park	N	CU	N	CU	CU	CU	CU	CU
Extractive Use and Facilities	N	CU/IU	N	N	CU/IU	CU/IU	CU/IU	N
Airport Private	N	CU/IU	N	CU/IU	CU/IU	CU/IU	CU/IU	N
Adult Use	N	CU/IU	N	N	N	N	N	N
Energy Conversion Wind/Solar	N	CU	N	N	CU	P	P	P***
Light Manufacturing	N	P	N	CU	CU	CU	CU	N
Salvage Yard	N	CU/IU	N	N	N	CU/IU	CU/IU	N
Solid Waste Facility	N	CU	N	N	CU	CU	CU	N
Onsite Ad. Signs-Class A/B	P	P	P	P	P	P	P	P
Resorts	N	CU	N	CU	CU	CU	CU	CU
Marinas	N	N	N	N	N	N	N	CU
Restaurant	N	CU	CU	CU	CU	CU	CU	CU
Outdoor Storage Facility	N	CU/IU	N	CU/IU	CU/IU	P	P	N
Outdoor Recreation Facility	N	CU/IU	CU/IU	CU/IU	CU/IU	CU/IU	CU/IU	CU/IU
Commercial Retail	CU	CU	CU	CU	CU	P	P	CU
Commercial Kennel Operations	N	A	N	CU/IU	CU/IU	CU/IU	CU/IU	N
Bed and Breakfast	CU/IU	CU/IU	CU/IU	CU/IU	CU/IU	A	A	CU/IU
F. Public Service and Utility Uses								
Telecommunication Tower	N	CU	CU	CU	CU	CU	CU	CU
Essential Services	A	A	A	A	A	A	A	A
*0-6 allowed without CUP; 6-16 requires a CUP for a multi-family residential property.								
**Includes guest cottages, guest quarters, bunk houses, and all forms of additional residential units on a property.								
***Solar and wind farms are not permitted on WOC lots.								

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 HANDICAP ACCESSIBILITY STANDARDS

Commercial structures shall comply with applicable handicapped access standards per MS § 16B and Minnesota Rule § 1341.



1102 SUBSURFACE SEWAGE TREATMENT SYSTEM STANDARDS

All SSTS shall be installed in accordance with the provisions of the Cass County SSTS Ordinance.

1103 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 MPCA.

1104 AGRICULTURAL USES

Structures and activities in areas identified for agricultural use shall comply with the following standards:

- A. Existing agricultural activities are allowed in all districts; however, permits shall be required for all new agricultural activities in all zoning districts except AF and rural residential properties 5 acres or more in size.
- B. On properties with agricultural activities (identified in 1104 A), agricultural structures (identified in 1104 D) **do not** require land use permits; however, the following structures **do** require land use permits:
 - 1. Primary residential structures.
 - 2. Accessory dwelling units.
 - 3. Accessory structures not used for agricultural purposes.
 - 4. Individual SSTS.
- C. Guest quarters are not allowed to be located in agricultural structures.
- D. Agricultural structures and uses shall be identified as follows:
 - 1. Agricultural structures are designed and used exclusively for farming and agricultural practices.
 - 2. Farming and agricultural practices may include but not be limited to growing and harvesting of crops and raising livestock and farm animals.
 - 3. Examples of agricultural structures include Barns, greenhouses, and storage buildings for farm equipment/animal supplies/farm products.
- E. In addition, in areas zoned AF, farmers may, without a land-use permit, use their land for the landing and takeoff of aircraft to perform agricultural crop dusting and similar activities provided there are no permanent services, fuel storage, aircraft storage or other facilities.
- F. An agricultural use shall be considered terminated if no such use has taken place within five years.
- G. Land enrolled in the Conservation Reserve Program is considered an ongoing agricultural use.



H. Agricultural land may be converted to non-agricultural use in all districts; however, a CUP or IUP shall be required for conversions greater than 5 acres in size. Uses on converted properties shall be subject to all other provisions of this ordinance.

1104.1 Agricultural Easements

As a part of any permit for residential development adjacent to the land being used for agricultural use, the owners of the property on which the residential development is located shall prepare and grant to the owners of all property adjacent to the development, a perpetual non-exclusive easement which contains the following information:

- 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 for 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 enforcement of the easement.

1104.2 Feedlots

Feedlots shall comply with the applicable Federal and State Regulations.

1104.3 Animal Density Regulations

- A. Maximum Animal Units (AU) for Horses and Farm Animals of 0.25 AU or less within Shoreland and all other AUs in the Non-Shoreland and classed RR-10 or smaller.



Table 2: Animal Density Allowances

ACRES	AU RIPARIAN SHORELAND	AU NON-RIPARIAN SHORELAND	AU NON-SHORELAND
< 1.00	0.25	1.00	1.00
1.00 – 1.99	1.00	2.00	2.00
2.00 – 2.99	2.00	2.00	4.00
3.00 or >3.00	2.00	3.00	6.00

- B. Domestic animals commonly kept as pets are allowed on all parcels.
- C. Containment for horses must meet a 300-foot setback from all public waters and all other A.U.'s less than 0.25 must meet all other setbacks.
- D. The keeping of wild or exotic animals shall be permitted only in AF zones with a CUP and other required state and federal permits.
- E. Manure management BMP's must be in place.
- F. All animal units shall be kept or pastured meeting the required lake setback to the OHWL of public water.

1105 AIRPORTS, HELICOPTERS, AND LANDING STRIPS

A private airport or heliport requires a CUP in allowed zones 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.

1106 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.



1107 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 DNR 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 injuries.
- 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 three months of the completion of cutting.
- D. Forest management operations shall comply with all other provisions of this Ordinance.

1108 EXTRACTIVE USE AND FACILITIES

An extractive use shall include the pit area, stockpiles, haul roads, entrance roads, scales, crushing, and all related facilities. Mining of minerals and peat shall be CUPs or IUPs and be done in accordance with the provisions of MS, § 93.44 to 93.51.

1108.1 Permitting of Existing Commercial Extractive Uses

- A. Existing extractive uses shall not be expanded or intensified beyond the parcel on which the present (pre-1995) extractive use is located without a CUP. 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 MN DNR.
- B. Environmental review in the form of an Environmental Assessment Worksheet (EAW) is required when an aggregate mining operation is expected to exceed or be expanded by 40 acres in size to a mean depth of 10 feet. Environmental Impact Statements (EIS) are mandatory for operations exceeding 160 acres. EAWs can be conducted on a discretionary basis if a proposed project is below the mandatory threshold under certain conditions.
- C. Financial assurance for reclamation per Section 503 shall be included as a part of any CUP or IUP required under this section. The amount of the financial assurance shall be calculated at the rate of \$1,500 per acre of pit area if topsoil is stockpiled and reused, or up to \$7,500 per acre if topsoil must be brought in for reclamation.

1108.2 Application Requirements – New Extractive Uses

A CUP or an IUP is required for all new extractive uses except as described in Section 1108.4. Applicants for extractive uses shall meet the following standards:

- A. A 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 ESD 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 ESD 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, up to one-half of the buffer area may be used for storage of topsoil and 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 CUP or IUP.
- 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 CUP or IUP 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 surface or ground waters 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 all new extractive use applications. The information must 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 ESD. 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

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 ESD. Sanitary facilities shall be provided for workers during pit operation and a copy of an agreement with a septic pumper provided to ESD.
- 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 MN DNR. Reclamation plans will be reviewed in accordance with those standards and the technical standards of the Cass SWCD.
- 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 including compliance with all applicable MPCA approval/permits. 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 and/or operator shall maintain all such practices until the pit area is permanently stabilized and reclaimed.
- P. Applications for new extractive uses shall also include:
 - 1. A USGS map showing topographic features within one 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 property, 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 \$1,500 per acre of pit area if topsoil is stockpiled and reused and \$7,500 per acre if topsoil shall be brought in for reclamation.

1108.3 Review Criteria

In addition to the above standards, the following criteria shall be used by the PC in issuing an extractive use conditional permit:

- A. The ability of roads to handle pit-related traffic, in consultation with the affected road authority.
- B. Air quality, dust and noise control measures, and ability to limit impact upon any residential properties per MPCA permit standards.
- C. Groundwater protection.
- D. Public safety.



- E. Control of erosion and sedimentation and the necessity for an MPCA storm water permit.
- F. Impact upon watershed.
- G. The ability of the owner/operator to implement the requirements of this Ordinance.
- H. Daily hours of operation.

1108.4 Extractive Uses involving Township/County/State/Federal Road Projects

- A. Those extractive uses associated with Township, County, State, or Federal road maintenance or construction projects shall not require CUPs or IUPs in land use districts where extractive uses are allowed provided that:
 - 1. The contractor, authorized agent, or landowner shall notify ESD of planned work and area of extraction.
 - 2. The extractive use is only for specific road maintenance or construction project. Any subsequent use for other commercial purposes shall require a separate CUP or IUP.
 - 3. All requirements of Sections 1108.2 and 1108.3 are met.
 - 4. Engineering specifications require an inspection to assure compliance with Sections 1108.2 and 1108.3 of this Ordinance and financial assurance for reclamation in accordance with Section 1108.2 B are integral parts of the road project.
 - 5. Adjacent landowners are notified of the nature of the extractive use. Neighborhood concerns, as deemed appropriate by the Federal, State, County, or Township road authorities and with regards to the requirements of Sections 1108.2 and 1108.3 shall be considered.
 - 6. Reclamation of the extractive use area in accordance with Section 1108.2M. of this Ordinance shall commence within 30 days of the completion of the road project.
- B. before the construction season for which the proposed road project is planned, Federal, State, County, or Township road authorities exercising their authority under this section shall report to the PC those projects that will require such extractive uses.

1109 RENEWABLE ENERGY SYSTEMS

1109.1 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 or Shoreland Alteration permit including a site plan and not allowed in Shoreland Residential Areas.
 - 2. Towers are free-standing or guyed, non-latticed, and do not exceed 75 feet in height.

3. The maximum electrical output does not exceed 20 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/commercial use outside of Shoreland Residential zoning. The system may be connected to the commercial electrical grid and electricity sold. State and Federal standards must be met.
1. Require a land-use permit for towers 170 feet or less in height including a site plan.
 2. Require a CUP 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. The 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 NEC.
 8. Applications for wind energy systems that directly connect to the commercial electrical grid shall be accompanied by a 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 and are not permitted in Shoreland Residential zoning.
1. Require a CUP.
 2. Towers shall not exceed 300 feet.
 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 NEC.
 6. Applications shall be accompanied by a NEG contract with the respective electrical power company.

1109.2 Additional Standards

In addition to the standards in Section 1109.1, 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 the manufacturer's requirements by qualified personnel. Annual tower inspection reports shall be provided to ESD 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 the manufacture's requirements by qualified personnel. Annual electrical equipment inspection reports shall be provided to ESD 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 five seconds after a grid outage.
- E. The use of any portion of a wind energy tower for signs/placards other than a warning, identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet (SF).
- 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 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 using 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 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 suitable protective anti-climbing fencing with a minimum height of six feet shall be provided around any tower and guy wires.
- J. Setbacks
 - 1. Towers shall be setback from all property lines and public road rights-of-way 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 CUP may include a utility building for the protection of associated equipment not to exceed 100 sf.



1109.3 Solar Panels or Banks

Solar panels or banks may require a land use permit and are intended to generate power for a specific residential or commercial use on a single property, and must meet the following standards:

- A. Solar panels or banks attached to an existing structure where there is no increase in overall structure height do not require a land-use permit.
- B. Ground-mounted solar panels or systems require an appropriate land use permit before installation.
- C. Solar panels or banks must meet all structure setbacks and comply with ordinances and relevant plans within the County.

1109.4 Solar Farms

A CUP and associated land-use permit(s) for all Solar Farms are required before construction. Solar Farms are intended to generate power for a commercial purpose or multiple users, and must meet the following standards:

- A. Maintain a 50' vegetated buffer from adjoining property boundaries to minimize potential adverse visual effects.
- B. Must be consistent with relevant County Ordinances and Plans.
- C. Applicant must obtain and maintain all other relevant permits and authorizations, before the development of the proposed project.
- D. Solar energy systems and associated equipment shall be maintained and inspected according to the manufacturer's requirements by qualified personnel.
- E. Solar energy system electrical and mechanical equipment that is connected to a commercial electrical grid shall be maintained and inspected according to the manufacture's requirements by qualified personnel.

1110 COMMUNICATIONS TOWERS

A CUP and associated land-use permit(s) for all communications towers are required before construction. Tower applicants shall also obtain all appropriate local, state, and federal permits and approvals including but not limited to compliance with FAA and FCC regulatory guidelines.

1110.1 Purpose

These regulations are intended to:

- A. Facilitate the provision of communications services and facilities including commercial wireless telecommunication services in the County.
- B. Minimize adverse visual effects of towers through careful design and siting standards.



- C. Avoid potential damage to adjacent properties from the 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 to minimize the number of towers needed to serve the county.

1110.2 CUP Application Requirements

In addition to the general requirements per Section 705 of this Ordinance, CUPs for new cellular communications towers shall also meet the following criteria:

- A. A site plan(s) identifying all structural components of the tower facility including perimeter fencing, landscaping, access roads, tower height, and any on-site lighting.
- 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. Visual renderings looking to and from the proposed tower facility to demonstrate what type of visual impact the tower may have on neighboring properties.
- D. The applicant shall provide verification of fall-zone in the event the tower becomes compromised. If the tower is designed to collapse within a specific fall zone radius, then provide a copy of such letter signed by a licensed professional engineer.

1110.3 Tower and Antenna Design Requirements

Proposed or modified towers and antennas shall meet the following design requirements along with meeting all other federal and state requirements related to the tower or antenna engineering and construction:

- A. Towers and antennas shall blend into the surrounding environment using 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. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- D. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

1110.4 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 or as verified by a letter from a structural engineer identifying the engineered fall zone radius of the tower (Fall Zone Letter) which may be less than the height of the tower.

- 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 six feet, shall be provided around any tower and guy wires.

1110.5 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 a one-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 three additional antennas if the tower is 200 feet or over in height, or for at least two 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 CUP. This agreement shall become a part of the permit.



1110.6 Antenna Mounted on Existing Towers or Buildings

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 land use permit shall be submitted to ESD as part of the permitting process.

1110.7 Accessory Utility Buildings

All buildings and structures accessory to a tower shall require commercial land use permits and:

- A. Shall comply with 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.

1110.8 Tower Lighting

Towers shall be illuminated by artificial means only as required by the FAA or the FCC or state agency.

1110.9 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 ESD.

1110.10 Public Safety Telecommunications Interface

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

1110.11 Non-conforming Towers

To avoid requiring new towers and to minimize the number of towers needed to serve the county the following provisions shall apply to non-conforming towers. Existing telecommunication towers may be permitted to increase tower height after being issued a CUP. The PC shall consider the following criteria as part of the CUP 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.



1111 SIGNS

1111.1 Purpose

These provisions intend 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.

1111.2 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 10 feet. No projecting sign shall extend more than 4.5 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 must 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 outlined in MS concerning any abandoned, dangerous or dilapidated sign.

1111.3 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 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 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 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.

1111.4 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 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.

1111.5 Performance Standards

- A. Class A on-site advertising signs
 - 1. Free standing signs in commercial districts.
 - a. One free-standing sign with a maximum square footage of 100 sf shall be allowed on all lots having 200 feet or less of frontage.
 - b. Two free-standing signs of 100 sf or less or one free standing sign of 200 sf or less shall be allowed on all lots having frontage of >200 feet to 500 feet.
 - c. Three free standing signs of 100 sf or less or one free standing sign of 300 sf or less shall be allowed on lots having frontage of more than 500 feet. To calculate 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 to the top of any Class A free-standing sign shall not exceed 35 feet.
 - 3. Spacing. No Class A free standing sign shall be closer than 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 of 10 feet and may be placed up to the road right-of-way.
- B. Class B off-site advertising signs
1. Location. Class B signs will be a permitted use in conjunction with MN DOT 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 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, Motley, and Pillager.
 - b. Within 1.5 miles of the corporate limits of Remer, Longville, Bena, and Chickamaw Beach,
 - c. Within one mile of the junction of TH #371 and TH #87 East and within one mile of the junction of TH #371 and TH #87 West.
 - d. Within one mile of the junction of TH #200 and TH #371.
 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 400 sf. Class B signs may be placed back-to-back or in a "V" type construction, which is not to exceed 45 degrees, but not more than one face is allowed on each side of the sign structure (no stacked signs) and only one display is allowed on each sign face. For purposes of calculating the area of a back-to-back or "V" type construction sign, one sign face shall be counted.
 4. Height. The maximum height to the top of any Class B free-standing sign shall not exceed 35 feet.
 5. Spacing. No Class B free-standing sign shall be closer than 1000 feet to any other Class B sign on the same side of a highway.
 6. Lighting. Class B signs may be illuminated.
 7. Setback. Class B free-standing signs shall be placed outside of the road right-of-way.
- 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 32 sf.
 3. Height. The maximum height for all Class C signs shall not exceed 10 feet.
- D. Class D exempt signs
1. Temporary construction. One temporary construction or identification sign of not more than 32 sf 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 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 30 days or less each calendar year.
4. Informational signs. Signs of a non-advertising nature that inform, direct, provide address information, warning, 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 allowed in all districts. They shall not remain on the location more than 10 days after the election. Removal of signs shall be the responsibility of the owner or occupant of the lot upon which the sign is located.
6. Garage/yard/rummage sale/realtor signs. Sign's advertising garage, yard, or rummage sales shall be allowed in all districts provided that the signs shall be located on private property and removed immediately after the sale date.

1111.6 Non-Conforming Signs

- A. Existing nonconforming 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 nonconforming 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.
 4. Additional sign face shall be prohibited.
- C. Nonconforming 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 12 months of the effective date of this Ordinance.



1112 GENERAL COMMERCIAL ACTIVITIES

If a use requires an IUP or a CUP, it is the responsibility of the applicant to work with ESD per Section 501 to determine which application is appropriate for the proposed use.

1112.1 Convenience Stores – Retail/Service

Convenience store, retail, and service uses shall require a permit in C-1 and a CUP in C-2 and comply with the following standards:

- A. Pump islands and canopies shall be set back a minimum of 50 feet from the road right-of-way.
- B. When adjacent to residential property, there shall be screening provided. Screening shall be at least six 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 an 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 of the permit or CUP.
- F. A minimum of five off-street parking spaces or one off-street parking space per 250 sf of the gross retail building footprint, whichever is more, shall be provided.
- G. All off-street parking and loading areas shall be located not less than 25 feet from any residential property line.

1112.2 Commercial Kennels

Commercial kennels shall require an IUP or a CUP for all allowable land use districts except property zoned agricultural/forested as identified in Section 904.1 and must 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 feet 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.

1112.3 Motor Vehicle Service Stations and Equipment Repair

- A. New motor vehicle service stations and equipment repair facilities shall require a permit in C-1 and a CUP in C-2.
 - 1. The use shall comply with all applicable local, state, and federal laws and rules.
 - 2. A minimum of five off-street parking spaces or one off-street parking space per 250 sf 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 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 outdoor 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 six feet in height, 80% opaque year-round, and of neutral-colored material and/or vegetation.
 - 8. The grounds and all structures shall be maintained cleanly and safely.
 - 9. Signs shall meet the requirements of 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 in C-2 unless conditions of the CUP specifically allow them. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales.

1112.4 Outdoor Entertainment

Outdoor entertainment uses shall require a permit in C-1 and C-2 and an IUP or a CUP in all other allowable zoning districts, and comply with the following standards:

- A. A plan shall be submitted with the conditional or interim use application addressing the nature of the proposed event or activity, 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.

1112.5 Outdoor Recreation Facilities

Outdoor recreation facilities shall require a permit in C-1 and C-2 and an IUP or a CUP in all other allowable zoning districts, and comply with the following standards:

- A. Information shall be submitted to ESD 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 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 the 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/manager 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.

1112.6 Commercial Outdoor Storage

Commercial outdoor storage shall require a permit in C-1 and C-2 and an IUP or a CUP in all other allowable zoning districts, and comply with the following standards:

- A. The outdoor storage use shall be accessory to a home occupation, home business, agriculturally oriented business, or commercial use.
- B. Outdoor storage areas shall meet all setback requirements, Section 1129.1.
- 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, railroad cars, manufactured houses, shipping containers, or similar structures shall not be used for storage unless appropriate land use permits are obtained.

1112.7 Salvage Yards

All junk, wrecking, or salvage yards within Cass County shall require an IUP or a CUP in all allowable zoning districts and shall meet the following minimum standards:

- A. Salvage yards shall include a lot or yard for the keeping of more than two unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment.
- B. All salvage yards shall comply with applicable federal US EPA standards and Minnesota Statutes and Minnesota Rules including but not limited to § 7045 regarding the management of hazardous waste.
- C. No material shall be disposed of or placed in a wetland.
- D. All such uses shall have a minimum rear, side, and road setback of 100 feet. No activity except fencing, berms, or other screening may take place in the setback area.
- E. All such uses shall comply with the Cass County Solid Waste Ordinance.
- F. 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.
- G. 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.
- H. Fire breaks and roads shall be approved by the appropriate fire department.
- I. Financial assurance per Section 503 shall be provided to Cass County sufficient to cover the cost of removal and proper disposal of all salvaged material and waste on the property. The County shall determine the amount and type of financial assurance.
- J. The salvage yard shall conform to all on-site sewage treatment regulations.
- K. The salvage yard shall conform to all standards for wells of the State Health Department including the sealing of abandoned wells.
- L. All-access roads and bridges shall be able to handle traffic generated by the salvage yard as determined by the County Engineer.

1113 HOME BUSINESS

A home business shall require a permit in C-1 and C-2 and an IUP or a CUP in all other allowable zoning districts, and comply with the following standards:

- A. 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.



- B. There may be one sign with a permit on the parcel advertising the business which shall not be illuminated and shall not measure greater than 70 sf in area.
- C. Persons other than those that occupy the dwelling may be regularly employed.
- D. In addition to the off-street parking requirements for the residents and employees, there shall be a minimum of one off-street parking space for the business.
- E. 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 Waters, and public recreational facilities.
- F. All motorized vehicle businesses or generators of hazardous waste as defined in MS § 116.06, Subd.11 shall be considered home businesses.
- G. The PC may impose conditions on home businesses such as, but not limited to, hours of operation, parking provisions, lighting, and equipment storage.
- H. Home businesses cannot include light manufacturing or outdoor storage.

1114 HOME OCCUPATION

A home occupation is allowed without a permit in all districts if the following criteria are met:

- A. 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.
- B. There may only be one sign on the parcel advertising the business which shall not be illuminated and shall not measure greater than 70 sf in area.
- C. No person other than those that occupy the dwelling may be regularly employed.

1115 WATER ORIENTED COMMERCIAL ACTIVITIES

New WOC activities on land not classified as WOC must first be reclassified before obtaining any additional permits or zoning approvals, please refer to Section 707.

1115.1 Water Oriented Restaurants

Restaurants require a CUP in a WOC district and shall comply with the following standards:

- A. Short-term watercraft mooring for restaurant patrons shall be centralized, to avoid obstructions of navigation, and be the minimum size necessary to meet the need.
- B. Uses that depend on restaurant 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 (SIZ). The signs shall not be located higher than 10 feet above the ground and shall not exceed 32 sf. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across Public Waters.
 - 2. Other outside lighting may be located within the SIZ 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 the use of navigational lights.

- C. The total number of off-street parking spaces provided shall equal 10 spaces for each 1,000 sf of dining room, plus one space for each employee.
- D. Sewage treatment systems shall comply with the requirements of the Cass County SSTS Ordinance and the MN DOH.

1115.2 Marinas

Marinas require a CUP in a WOC district and shall comply with the following standards:

- A. All marinas require an approved MN DNR permit under Minnesota Rules § 6115.0211.
- B. Short-term watercraft mooring for marina patrons shall be centralized, to avoid obstructions of navigation, and be the minimum size necessary to meet the need.
- C. The number of spaces available for long-term mooring of watercraft shall be consistent with the number approved in the MN DNR marina permit.
- D. Boat launching facilities may be permitted as part of a marina.
- E. Uses that depend on marina 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 SIZ. The signs shall not be located higher than 10 feet above the ground, and ground and shall not exceed 32 sf. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across Public Waters.
 - 2. Other outside lighting may be located within the SIZ 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 the use of navigational lights.
- F. The total number of off-street parking spaces provided shall equal one space for each short-term and long-term slip provided in the marina. One boat trailer parking space shall be provided for every two short-term and long-term slips provided in the marina.
- G. Sewage treatment systems shall comply with the requirements of the Cass County SSTS Ordinance and the MN DOH.

1116 RESORTS

This section provides standards for new resorts, structure replacement within an existing resort, expansions to existing resorts, conversion of resorts between different types of resort organization, and conversion of resorts to residential uses. Resort is defined in the Definitions Ordinance.



Except as otherwise provided in this section, resort uses require a CUP, which requires a pre-application on-site meeting with ESD, and are permitted only in those land use districts as provided in Section 904.

1116.1 General Performance Standards for Resorts

- A. **Staff Review of Application.** ESD shall conduct the following reviews of applications pursuant to Section 501.
- B. **Processing of Applications for Resort.** Applications for resort developments shall be processed according to the following provisions:
 - 1. **Permitted Use.**
 - a. Applications for structure maintenance and replacement within an existing resort pursuant to Section 1116.4 and MS § 103F.227.
 - b. Resort expansion pursuant to Section 1116.5.
 - 2. **Conditional Use.** Other than permitted uses identified in this Section, all other applications regarding resorts shall be processed as a conditional use as provided for in Section 705 in this Ordinance, subject to all other applicable provisions of the Land Use Ordinance.
 - 3. **Additional studies or information.** In considering an application for resort development (new or expansion), the PC may request a report by ESD or other County staff; a report from a consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

1116.2 Site Plan

A site plan for a new or existing resort with proposed replacement, expansion, or new development must be established, note that the types of information requested will be contingent upon the permits necessary to proceed but generally include the following:

- A. Name and address of the commercial establishment and applicant.
- B. If an expansion of resort property, legal description of the property involved and certificate of survey of the expanded resort property.
- C. All current and proposed property boundaries and area of shoreland tiers, Section 1106.3.
- D. The total acreage of property involved.
- E. Location of all on-site sanitary waste treatment facilities, existing and proposed, and domestic water supply. Including all necessary compliance inspections.
- F. All structures, recreational and/or accessory facilities, both existing and proposed, including but not limited to cabins, campsites, housing facilities, lodges, offices, sheds, swimming pools, tennis courts, laundries, stores, boat storage, and fish cleaning houses, etc.
- G. Any surface water features such as lakes, rivers, streams, and wetlands.



- H. Existing or proposed marinas, harbors, permanent mooring sites, docking facilities, and other related implements, including swimming areas,
- I. Percent of impervious surface existing and proposed.

1116.3 Suitable Area and Density Evaluation

Suitable Areas and Density shall be calculated as indicated in Sections 1117.12 for areas within the shoreland zone and Section 1117.14 for areas outside the shoreland zone.

1116.4 Application Requirements for Existing Resorts – Structure Replacement

Resorts can maintain and replace any nonconforming structures, so long as the commercial establishment continues to operate as a resort and provided all the following standards are met:

- A. **Site Plan.** See Sections 501 and 1116.2.
- B. **Maintenance and replacement** are pursuant to MS § 103F.227, Subd. 3.
- C. **Expansion** is pursuant to MS § 103F.227, Subd. 4.
- D. A written **shoreline buffer plan** that meets the standards in Section 1121 and 1123 of this Ordinance must be reviewed and approved by ESD, and implemented, as a condition to any approved structural maintenance or replacement under this Section.

1116.5 Application Requirements for Existing Resorts – Resort Expansion

- A. **Site Plan.** See Sections 501 and 1116.2.
- B. **Density Calculation.** Calculations showing all information necessary to determine conformance with the density standards in Section 1117.4. Applications for resort expansion exceeding the allowed density shall not be accepted.
- C. **Resorts Existing before August 15, 2005.** A resort currently licensed by, and in good standing with, the State of Minnesota, and in existence prior to August 15, 2005, and in compliance with applicable state law and Cass County ordinances, is allowed to add up to six dwelling units during the life of the resort (not per owner) on the footprint of the resort as existing on August 15, 2005, without obtaining a new or amending an existing CUP, provided:
 - 1. There is available additional density as calculated in Section 1117.4, and the impervious surface limit is not exceeded.
 - 2. The resort has implemented or will implement, a stormwater management plan for the added units designed by a Minnesota licensed professional engineer or other qualified licensed professional meeting the standards in Section 1124, and the resort shall comply with the provisions of Section 1117.9, as determined by ESD.



- 3. Each additional dwelling unit meets all applicable setbacks and dimensional requirements of this Ordinance and the resort shall adopt and implement a written shoreline vegetation management plan approved by ESD.
 - 4. For each dwelling unit expansion to be located within the SIZ, the resort shall adopt and implement a written shoreline vegetative management plan approved by ESD.
 - 5. The resort meets all other additional requirements of applicable statutes and ordinances for each new or expanded dwelling site.
- D. **Expansions Adding Resort Real Property.**
- 1. A resort may add real property and expand on that property provided it meets all of the requirements of 1116.6.
- E. **Other Resort Expansions.** All other resort expansions require the resort to obtain a new or amended CUP authorizing such expansion. In addition to other requirements and standards, as a condition authorizing such use the PC may:
- 1. Require the resort to implement a stormwater management plan designed by a Minnesota licensed professional engineer or other qualified licensed professional meeting the standards in Section 1124 and require the resort to comply with the provisions of Section 1117.9.
 - 2. Require the resort to adopt and implement a written shoreline vegetative management plan for the resort approved by ESD and the PC.
 - 3. Require the resort to document its existing design of facilities in the SIZ and water-oriented features, in which case the resort shall not thereafter change its facilities or water-oriented features to result in a more intensive or expanded use without obtaining an amended CUP. Water-oriented features include but are not limited to, structures, swimming areas, areas for beaching and mooring of watercraft, docks, and boat slips.

1116.6 Application Requirements for New Resorts

All new resorts must meet the minimum lot criteria as identified in LUO Section 1125.1, be zoned WOC, and follow the application process as defined in Section 501. If a new resort is being developed as a PUD, please refer to Section 1117. If a property must be reclassified per Section 707 of the Ordinance, the PC will evaluate whether the proposed resort is consistent with applicable Ordinances and Plans.

The applicant for a new resort development must submit all applicable land use and planning and zoning applications to ESD including all applicable fees following the pre-application meeting and consistent with the following requirements:

- A. **Site Plan.** See Sections 501 and 1116.2.
- B. **Density Calculation.** Calculations showing all information necessary to determine conformance with the density standards in Section 1117.4. Applications for resort expansion exceeding the allowed density shall not be accepted.



- C. **Access.** A resort development, which fronts on a principal arterial, minor arterial, or collector road, shall be served by a frontage road as determined by the PC based on information provided by the applicable road authority.
- D. **Shoreland Vegetation Buffer.** Resort developments shall meet vegetative management standards in Section 1121 and 1123, except as specifically allowed in the CUP, and **must** have a written vegetative management plan.
- E. **Stormwater Management.** Resort development shall have and implement a stormwater management plan designed by a Minnesota licensed professional engineer or other qualified licensed professional meeting the standards in Section 1124 and shall comply with the provisions of Section 1117.9.
- F. **Centralization and Design of Facilities.** Centralization and design of facilities (Appendix B) and structures must be done according to the following standards, except as specifically allowed in the CUP:
 - 1. Resorts shall be connected to both publicly owned water supply and sewer systems, if available. Onsite water supply and SSTS must be centralized, designed, installed, operated, and maintained to meet or exceed applicable standards or rules of the MN DOH and MPCA and the requirements of Cass County Ordinances. SSTS must be located on suitable areas of the development and a secondary site must be identified and protected from future development.
 - 2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the standards in Section 1125 for Structures – Placement, Design, and Height.
 - 3. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, or other relevant factors. Boating facilities shall be located adjacent to the deepest water available.
 - 4. Continuous docking space shall only be used by transient lodgers at the resort, except for the allowance of one dock for the primary service provider. Launching ramp facilities including a small dock for loading and unloading equipment may be provided for use by occupants of dwelling units/sites. Non-moored watercraft shall be stored so they are not visible from the lake.
 - 5. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the PC, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 - 6. Roads and cul-de-sacs must meet the minimum standards as identified in the Subdivision and Platting Ordinance.



7. Accessory structures and facilities must meet the required principal structure setback and must be centralized.
 8. Marinas, if any, are subject to the permit requirements of the MN DNR Rules 6115.0211 for the development, and the marina is subject to the provisions of Section 1115.2.
- G. Marinas, recreational camping grounds and recreational camping vehicle park campgrounds, manufactured housing parks, and other commercial facilities included in a resort shall meet requirements of all County Ordinances and applicable state statutes and are not permitted unless authorized by the CUP.
- H. **Documentation.** A summary of how the resort will be operated and function as a resort. This Summary should include but not be limited to documents establishing ownership, operation, and function. A resort must maintain appropriate licensing with the Department of Health and any other necessary permits integral to the operation.
- I. **Lake study** showing aquatic vegetation in the water, water depth in one (1) foot intervals, and bottom substrate type and conditions to a depth of six (6) feet.
- J. **Open Space Requirements.** Resort developments must contain open space meeting all the following criteria:
1. At least 50% of the total project area must be permanently preserved as open space; however, at least 25% of the open space must be a suitable area for recreational use. Creation of stormwater ponds or rain gardens on an area originally considered upland may be included in open space.
 2. The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, and areas of 25 feet around each structure, all road right-of-way and all land covered by impervious surfaces, road surfaces, parking areas or structures, are developed areas and shall not be included in the computation of minimum open space.
 3. Open space must include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or un-platted cemeteries.
 4. Open space may include commercial resort facilities and outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in units or sites, and by the public.
 5. Open space may include SSTS if the use of the space is restricted to avoid adverse impacts on the systems.
 6. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved using restrictive deed covenants, permanent easements, public dedication, and acceptance or equally effective and permanent means.
 7. The shore and bluff impact zones, based on normal structure setbacks, shall be included as open space. At least 60% of the SIZ area must be preserved in or restored to its natural state.



1116.7 Resort Compliance Reporting

- A. A commercial establishment that meets the resort definition and changes its form of ownership to a form by which the commercial establishment does not own or lease or does not control the entire parcel of land on which the resort is operated shall report such change to ESD within 30 days after the change is made.
- B. A commercial establishment that meets the resort definition but does not own or lease or does not control the entire parcel of land on which the resort is operated shall submit annually to ESD written verification that its operations continue to meet the resort definition and that the resort is in compliance with MS 103F.227 Subd 2. The annual verification shall be due March 1st of each year and shall cover the period ending December 31st of the prior year.
 - 1. The verification shall include, but not be limited to, a summary explanation of how the resort is owned, operated, and functions, and how the resort at all times conducts its operations to be in compliance with the definition of "Resort".
 - 2. The verification shall include for each unit or site particular information that the unit or site (except dwelling units including manufactured housing or sites occupied by service providers) was available for rent to the public for transient occupancy not less than 51% of the days the unit or site was open for occupancy and the number of days the unit or site was rented to the public for transient occupancy.
 - 3. The verification shall include the deed restrictions, covenants, permanent easements, or other instruments that:
 - a. set forth rental requirements including restrictions on personal/residential use if applicable, and
 - b. ensure that the resort will, at all times, meet the definition of "Resort".

1116.8 Resort Conversion – Residential Development

Conversion shall be deemed and processed as a PUD, Section 1117, or a subdivision that meets the criteria of Section 1125 and the Subdivision and Platting Ordinance. Any residential development shall be subject to all applicable county ordinances.

- A. Resort Conversion to residential property requires a reclassification from WOC to SR.
- B. PUDs must follow Section 1117 as well as meeting the requirements of the Subdivision and Platting Ordinance.
- C. Old resorts that have been used as "family compounds" for over a year, before April 1, 2020, shall be required to reclassify their property to SR and acquire an IUP or a CUP to continue the current use. See Section 1128.3 for performance standards for family compounds.



1117 PLANNED UNIT DEVELOPMENT (PUD)

The following criteria apply to residential and commercial PUDs and conversions to PUDs. If an applicant wishes to develop their property using more restrictive criteria (Appendix A) it is allowable and encouraged; however, the following represents the minimum criteria that is necessary to establish developments that are not a conventional lot and block developments.

1117.1 Purpose

The purpose of these regulations is to establish procedures and criteria to evaluate residential and commercial planned developments. It is intended to provide a relationship between buildings and between building and site that cannot be accomplished by the one building-one lot application of the land use provisions of this ordinance. 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. PUDs are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. PUDs shall be processed as a CUP concurrent with the platting process.

1117.2 Application for PUD

The applicant for a PUD shall simultaneously follow the Subdivision and Platting Ordinance to secure both preliminary and final plat design approval from the PC.

The applicant for a PUD must submit the following documents before final action being taken on the application request.

- 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 for residential PUD's with mandatory membership.
- 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, how beaching of watercraft will be regulated, and if construction of commercial buildings is allowed.
 - 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 if necessary.
- D. A master plan/drawing describing the project and the floor plan for all structures.
- E. As may be available, information on the project parcel including topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, significant vegetation;



bluff impact zones; soil types; swales; drainage; storage tanks; lakes, ponds, rivers, streams.

- F. A brief narrative explaining consistency with the Cass County Comprehensive Plan.
- G. Those additional documents as requested by ESD and the PC that are necessary to explain PUD design and function. These documents may include but not be limited to grading and drainage plans, restoration/revegetation plans, stormwater pollution prevention plans, etc.

1117.3 Environmental Review

ESD shall hold a pre-application meeting with applicants for all PUDs to review project plans. ESD shall determine whether an Environmental Assessment Worksheet (EAW) must be prepared for the proposed project at that time.

1117.4 Suitable Area and Density Evaluation

Suitable Areas and Density shall be calculated as indicated in Sections 1117.12 for areas within the shoreland zone and Section 1117.13 for areas outside the shoreland zone. Density calculations will be rounded to the nearest whole number.

1117.5 Criteria for Evaluation

Before recommending the approval of the Preliminary Development Plan or Plat and CUP for a PUD, the PC must determine that the following criteria are met:

- A. The PUD shall 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 PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the PUD.
- C. The minimum area of land to be included in the PUD shall be as designated in the land use district in which it is proposed to be located per Section 1125.
- D. All streets within the PUD, whether public or private, shall be constructed to meet the specifications in Appendix B of the Cass County Subdivision and Platting Ordinance.
- E. Impervious surface coverage for the entire parcel must not exceed 25%.
- F. Access in the form of dedicated right-of-way or easement, as appropriate, shall be provided to adjacent undeveloped properties that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.

1117.6 Maintenance Design and Administration Requirements

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

- B. Deed restrictions, covenants, permanent easements, public dedication, and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all the following protections:
1. Commercial uses prohibited (for residential PUDs).
 2. Vegetation and topographic alterations shall be prohibited other than routine maintenance in SIZ 2.
 3. Construction of additional buildings or storage of vehicles and other materials prohibited.
 4. Uncontrolled beaching of watercraft prohibited.
 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, when applicable, all residential PUDs must use an owner's association with the following features:
1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 2. Each member must pay a -pro-rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 3. Each owner or member in the development shall have undivided ownership in the common open space and other common elements.
 4. Assessments must be adjustable to accommodate changing conditions.
 5. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities including SSTS.

1117.7 Design Changes

- A. During the development of the approved PUD, ESD 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 or Plat 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 or Plat by the PC.

1117.8 Open Space Requirements

PUD's must contain open space meeting all of the following criteria:

- A. At least 50% of the total area must be preserved as open space and at least 25% of the open space must be a suitable area for recreational use.



1. To the maximum reasonable extent, all open space shall be part of a larger continuous and integrated open space system within the parcel being developed. Areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
 2. Natural features included in open space shall generally be maintained in their natural condition, but may be managed to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with the long-term management plan approved by the County. Permitted management activities may include:
 - a. Woodland management.
 - b. Reforestation.
 - c. Meadow management.
 - d. Wetlands management.
 - e. Water body bank protection.
 - f. Buffer area landscaping.
 - g. Wildlife management
 - h. Recreation management
 3. The common open space shall maximize common boundaries with existing or future open space on adjacent lands.
 4. Common open space shall properly serve and enhance all dwelling unit lots, cluster groups, and other common facilities.
- 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 must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or un-platted cemeteries.
- D. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
- E. Open space may include SSTs if the use of the space is restricted to avoid adverse impacts on the systems.
- F. Open space must not include commercial facilities or uses but may contain water-oriented accessory structures or facilities.
- G. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved using restrictive deed covenants, permanent easements, public dedication, and acceptance, or other equally effective and permanent means.
- H. The shore impact zone, based on normal structure setbacks, must be included as an open space. For residential PUD's, at least 60% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be



preserved in its natural or existing state. For commercial PUD's, at least 60% of the shore impact zone must be preserved in its natural state.

1117.9 Erosion Control and Stormwater Management

Erosion control and storm water management plans must be developed, and the PUD must:

- A. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure and utilizing appropriate Best Management Practices.
- B. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features.
- C. Erosion control plans approved by an SWCD may be required if the project size and site physical characteristics warrant.
- D. A Stormwater Pollution Prevention Plan is required to be submitted to MPCA if more than one acre of ground is disturbed.

1117.10 Centralization and Design of Facilities

Centralization and design of facilities and structures must be done according to the following standards, except as specifically allowed in the CUP:

- A. PUDs must be connected to a publicly owned water supply and sewer system, if available. SSTSS must be centralized, and all systems be evaluated, designed, and installed to meet the provisions of the Cass County Individual Sewage Treatment System Ordinance by state-licensed evaluators, designers, and installers. A secondary site must be identified and protected from future development to allow for a replacement SSTSS.
- B. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high-water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high-water level must be increased in accordance with Section 1117.12 of this Ordinance for developments with density increases.
- C. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas must be centralized and located in suitable areas. Evaluation of suitability must 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. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). A lake access area plan must be submitted and approved by the Department in conjunction with the review process.



- E. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to ESD, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- F. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.

1117.11 Conversions

Existing resorts or other land uses, and facilities may be converted to residential PUDs provided that the land is reclassified to the residential use category and all the following standards are met:

- A. Proposed conversions must be initially evaluated using the same procedures for residential PUDs involving all new construction. Inconsistencies between existing features of the development and these standards must be corrected or managed following the below criteria as applicable.
- B. Deficiencies involving water supply and sewage treatment, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the CUP.
- C. Shore and bluff impact zone deficiencies must be evaluated, and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - 1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
 - 2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
 - 3. If existing dwelling units are in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

1117.12 Shoreland Suitable Area and Density Evaluation

- A. Proposed new or expansions to existing PUDs must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in this section. Density calculations will be rounded to the nearest whole number.



1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the OHWL at the following intervals, proceeding landward:

Table 3: Shoreland Tier Dimensions

Public Water Class	Unsewered Structures (ft)	Sewered Structures (ft)
General Development Lakes		
First Tier	200	200
Second and Additional Tiers	267	200
Recreational Development Lakes	267	267
Natural Environmental Lakes	400	320
All River Classes	300	300

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the OHWL of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial PUD density evaluation steps to arrive at an allowable number of dwelling units or sites.
- B. Residential and commercial PUD density evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body but must not be transferred to any other tier closer.

1. Residential PUD "base" density evaluation:
 - a. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth unless the local unit of government has specified an alternative minimum lot size for rivers that shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential PUDs are then compared with the tier, density, and suitability analyses herein.
2. Commercial PUD "base" density evaluation:
 - a. Determine the footprint of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of the footprint need not include decks, patios, stoops, steps, garages unless they are habitable space.
 - b. Select the appropriate floor area ratio from Table 4:

Table 4: Commercial Planned Unit Development

Public Water Class	First Tier	Second and Additional Tiers
General Development Lakes	0.120	0.090
Recreational Development Lakes	0.080	0.065
Natural Environmental Lakes	0.038	0.038
All River Classes	0.038	0.038



- c. Covered Surface Area. Multiply the area within each tier, excluding all public road rights-of-way, easements, wetlands, bluffs, and land below the OHWL of public waters by the ratio in Table 4 above to yield the total land surface area that can be covered by structures in each tier. However, overall impervious surface limits cannot be exceeded.
- d. Transfer of Density. Allowable densities may be transferred from any tier to any other tier further from the shoreline of the public waterway, but allowable densities cannot be transferred to tiers closer to the shoreline.
- e. Proposed locations and numbers of dwelling units or sites for the commercial PUD are then compared with the tier, density, and suitability analyses herein.

1117.13 Non-Shoreland Suitable Area and Base Density

The suitable area is calculated by excluding all wetlands, bluffs, public road rights-of-way, or easements. Density calculations will be rounded to the nearest whole number. The procedures for determining the "base" density of a PUD are as follows:

- A. The suitable area is multiplied by the PUD density building footprint percentage. For this section, the building footprint must include all dwellings plus garages
- B. The minimum dwelling unit size shall be 1500 sf.
- C. PUD building footprint not to exceed 20%.

1118 RECREATIONAL CAMPING AREAS AND RECREATIONAL CAMPING VEHICLE PARK CAMPGROUND

1118.1 Permits Required

- A. A recreational camping area or recreational camping vehicle park campground within Cass County shall require a CUP.
- B. The applicant shall provide a site plan at a scale of not less than 100 feet to the inch with topography at a contour interval of not greater than 10 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 ESD.

1118.2 Density

- A. **Maximum Allowable Building Footprint:** The total building footprint on a parcel shall not exceed the maximum allowable density, Refer to Section 1117.12 to determine the maximum allowable building footprint in each tier. Section 1117.13 identifies non-shoreland density standards. The process to determine density for the recreational camping or RV campground is as follows
 - 1. Determine maximum allowable density per tier, then,

2. Subtract the building footprint of all existing buildings in each tier, then,
 3. Subtract 500 sf for each existing RV site, then,
 4. Subtract 500 sf for each existing transient or tent site to determine the remaining allowable density.
- B. Maximum Number of New Sites:** The maximum number of new sites on a parcel for camping areas and recreational vehicle park campgrounds shall be determined by the following: Divide the remaining allowable density per tier by 500 sf to determine the number of recreational vehicle sites and 200 sf to determine the number of transient sites.
- C.** Transient sites shall not include building additions and accessory structures. There must be 10 feet of open space between adjacent recreational vehicles and their attachments. The sites must be 25 feet from the right-of way of a street, road, or highway and 10 feet from all other property boundary lines.
- D.** Recreational camping areas and recreational camping vehicle park campgrounds must meet all the requirements from the Minnesota Department of Health and also maintain Minnesota Department of Health licensure.

1119 MANUFACTURED HOUSING PARKS

1119.1 Permits Required

Manufactured housing parks within Cass County shall require a CUP. All applications for manufactured housing parks shall be processed as PUDs or CDs, except those located on licensed resorts, and must include the following:

- A.** Preliminary development plan prepared by a registered 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.
 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. Storm water management and grading plans showing existing and proposed topography at 10-foot intervals.
 7. Areas to be set aside for recreation and open space.
 8. A typical lot plans.
 9. Elevation drawings of community building, a typical lot with a mobile housing situated on it, and of any pertinent features of the park.
 10. Any other information which the PC or ESD deems necessary to 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.
 4. A sample lot lease agreement.

1119.2 Permitted Uses

The following uses are permitted within a manufactured housing park.

- A. One residence per lot for single-family occupancy.
- B. Accessory structures with a combined square footage not exceeding 600 sf 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.

1119.3 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 MN DOH and the MPCA. Under no circumstances shall SSTS 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 density criteria in Section 1117.4.
- C. The minimum distance from the nearest manufactured house and a property line shall be 20 feet.
- D. Not more than 25% of the manufactured housing park shall be covered by manufactured houses, storage buildings, and other structures.
- E. A 20-foot vegetated buffer 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 based on one 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 to facilitate traffic movement and to control undesirable through traffic. The interior street system shall be designed to provide 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 the specifications of a cartway.

1120 EARTHMOVING – LAND ALTERATIONS

A shoreland or land alteration, land use 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.

1120.1 General Non-Shoreland Zone Standards

A 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 to the following:

- A. The movement of more than 200 cubic yards of earthen material.
- B. The movement of more than 1,000 cubic yards of earthen material requires a CUP and the following:
 - 1. Stormwater run-off and grading plans including cost estimates prepared by a registered engineer or stormwater design professional.
 - 2. MPCA Storm Water Permit if applicable.
 - 3. Financial assurance, Section 503.
- C. All projects shall be designed in accordance with the technical standards of the Natural Resource Conservation Service (NRCS).

1120.2 General Shoreland Zone Standards

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

- A. The movement of up to 50 cubic yards of earthen material within the structure setback and/or up to 200 cubic yards behind the structure setback requires a 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 also requires a CUP and may include conditions as determined by ESD.
 - 1. Stormwater control and grading plans prepared by a registered engineer or storm water design professional, including cost estimates which include but may not be limited to a designed-to-scale drawing, contours, cross-sections, erosion control measures, and vegetative stabilization as determined by ESD and or the PC.
 - 2. MPCA Storm Water Permit if applicable.
 - 3. Financial assurance, Section 503.



1120.3 Bluff Impact Zone Standards

These standards apply to the bluff impact zone or slopes greater than 18%, within the setback of Public Waters:

- A. No movement of earthen material is allowed except in conjunction with a shoreland alteration permit to accommodate the placement of stairways, landings, or access paths.
 - 1. Walkout basements are not allowed.
 - 2. Mechanized earth moving equipment shall not be used except as authorized by ESD.

1120.4 Public and Private Roads and 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 NRCS or other applicable technical standards.
- C. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluffs or the structure setbacks to public waters unless no other reasonable and feasible placement alternatives exist.

1120.5 Harbor Excavation

- A. Excavations for new inland harbors or expansions of existing harbors and related uses such as boat slips and canals require a CUP. The application must include:
 - 1. A plan, including cost estimates, prepared by a registered engineer including all erosion control measures and retaining structure design.
 - 2. Financial assurance equal to 150% of the engineer's estimate of construction cost.
 - 3. A MN DNR Harbor Permit.
 - 4. A shoreline buffer plan as prescribed in Section 1124.
 - 5. Harbors shall not be allowed in bluff impact zones or wetlands.
 - 6. Harbors shall not extend landward of the OHWL greater than 200 feet.
- B. Excavation and maintenance of existing harbors shall require a shoreland alteration permit and must include:
 - 1. A MN DNR Harbor Maintenance Permit.
 - 2. A site plan indicating where spoil material will be deposited.
 - 3. An erosion and sediment control plan for the harbor area and the soil deposition site.

1120.6 Shoreland Alterations – Earthmoving

All alterations within SIZ-1 and SIZ-2 (Table 5) require a land use permit for land and shoreland alterations. Alterations are restricted to a corridor (Shoreland Recreational Use Area (SRUA)) 8 feet in width in areas of bluff or steep slope, 20 feet in width for residential

properties, and 50 feet in width for water-oriented commercial properties. One SRUA is allowed per property and must be contiguous. Shoreland alterations involving earthmoving activities are included below; structural components also require a permit and are located in Section 1129.

Table 5: Shore Impact Zones from OHWL

Waterway Classification	Shore Impact Zone-1 (ft)	Shore Impact Zone-2 (ft)
GD Lake	0.0 to 37.5	37.5 to 75.0
RD Lake	0.0 to 50.0	50.0 to 100.0
NE Lake	0.0 to 75.0	75.0 to 150.0
Remote Riparian	0.0 to 100.0	100.0 to 200.0
Forested and Transition	0.0 to 75.0	75.0 to 150.0
Urban and Tributary	0.0 to 50.0	50.0 to 100.0

1120.7 Shore Impact Zone – 1 Standards

These standards apply to earth movement in SIZ-1, Table 5:

- A. Walkout basements excavations shall not extend into SIZ-1.
- B. When mechanized equipment is used for earthmoving in SIZ-1, an erosion control plan must be approved by ESD before construction. The measures prescribed in the plan must be implemented including all conditions and financial assurance as determined appropriate by ESD or as directed by the PC.
- C. The maximum width of a shoreland alteration area through SIZ- 1 shall be:
 1. 20 feet wide at the OHWL on residential lots
 2. 50 feet wide at the OHWL on commercial lots.
 3. 8 feet in width on all lots where there is a steep slope or bluff.
- D. Beach Sand Blankets
 1. Beach sand blankets on residential lots above the OHWL shall not exceed 20 feet in width parallel to the shoreline and shall be incorporated in the shoreline alteration areas as described in Section 1120.6. The beach sand blanket shall not exceed 20 cubic yards of sand within the 20 feet area and requires a shoreland alteration permit.
 2. One addition of not more than 10 cubic yards of sand may be placed on existing beach areas on residential lots with a shoreland alteration permit.
 3. Beach sand blankets on WOC properties shall not exceed 50 feet in width and 50 cubic yards of volume.
 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. All activity below the OHWL requires applicable MN DNR and US ACOE approval and permits.



E. Annual Ice Ridge. An ice ridge created within the last year by ice action may be graded to the original shoreline contour with a shoreland alteration permit and comply with the following standards.

1. There shall be no topsoil or vegetative matter deposited in the lake.
2. Work shall be completed by November 1st after the damage takes place.
3. An erosion, sediment control, and vegetation stabilization plan must be approved by ESD for the project area and implemented before any construction begins.
4. All disturbed material shall be graded landward or removed from the site.
5. Any activity below the OHWL requires applicable MN DNR and US ACOE approval and permits.

F. Historic Ice Ridge: An ice ridge that has well-established vegetative cover requires a shoreland alteration permit to modify for lake access and must comply with the following standards:

1. One alteration site is allowed per lot, or per group of contiguous nonconforming lots under the same ownership.
2. On residential lots, the maximum bottom width shall be 20 feet at the top with 2:1 side slope at each end.
3. On WOC lots the maximum bottom width shall be 50 feet at the top with 2:1 side slope 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, sediment control, and vegetation stabilization plan must be approved by ESD for the project area and be implemented before any construction begins.
6. All disturbed material shall be graded landward or removed from the site.
7. Any activity below the OHWL requires applicable MN DNR and US ACOE approval and permits.

G. Shoreline with No Ice Ridge. Alterations require a shoreland alteration permit and comply with the following standards.

1. One alteration is allowed per lot, or per group of contiguous nonconforming lots in the same ownership.
2. On residential lots, the maximum bottom width shall be 20 feet.
3. On WOC lots, the maximum bottom width shall be 50 feet.
4. An erosion, sediment control, and vegetation stabilization plan must be approved by ESD for the project area and be implemented before any construction begins.
5. All disturbed material shall be graded landward or removed from the site.



6. Any alteration below the OHWL requires applicable MN DNR and US ACOE approval and permits.
- H. Riprap. Placement of natural rock riprap, including associated grading of the shoreline, requires a shoreland alteration permit and shall be done in accordance with this Ordinance.
 1. Riprap will only be allowed in situations where active erosion problems exist.
 2. Any permit for riprap must contain a plan to establish a vegetative buffer with the depth to be determined by ESD for the entire width of the lot, except for lake or river access areas. Plans for such buffers shall be approved by ESD and shall be implemented immediately.
 3. The placement of natural rock riprap and retaining walls, where allowed, shall comply with MS 103G.245. Natural rock riprap shall only be used for the correction of an established erosion problem that cannot be controlled using suitable vegetation, slope stabilization using *natural* mulch, biomat or similar bioengineering means. Slope stabilization methods must be approved by ESD.
 4. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes are prohibited within Shore Impact Zone 1, Shore Impact Zone 2, and the bluff impact zone. (M.S. 103G.245 covers work in Public Waters).
- I. No wetland alteration is allowed.

1120.8 Shoreland Impact Zone – 2 Standards

These standards apply to earth movement in SIZ-2, Table 5:

- A. Walkout basement excavations may extend into SIZ-2. Total excavation volume shall not exceed 50 cubic yards.
- B. Mechanized earth moving equipment may be used.
- C. No wetland alteration is allowed.

1120.9 Land/Shoreland Alteration 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 all of which require permits.
- C. An erosion and sediment control plan may be required for any permit issued by ESD. Each plan must include a sketch, a 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 NRCS, or other applicable technical standards as approved by ESD.



- D. Depending on site conditions and project scope, ESD and the PC may also require the preparation of a grading plan prepared by a registered engineer including cost estimates, and financial assurance.
- E. Fill or excavated material shall not be placed within the bluff impact zones.
- F. Any alterations below the OHWL of Public Waters shall be authorized by the DNR and US ACOE as authorized by MS § 103G.245.
- G. Alterations of topography shall not direct additional runoff to or otherwise adversely affect adjacent properties.

1121 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 land use permit for shoreland alterations except for the removal of dead, down, or safety hazard trees.

Vegetative alterations are restricted to a corridor or SRUA to 8 feet in width in areas of bluff or steep slope, 20 feet in width for residential properties, and 50 feet in width for water-oriented commercial properties.

1121.1 Bluff Impact Zones and Steep Slopes

No trees or shrubs shall be removed within a bluff impact zone or slopes greater than 18% except to accommodate the placement of stairways, landings, lifts, or access paths. Clearing width shall not exceed eight feet. Mechanized equipment shall not be used in bluff impact zones or slopes greater than 18% except as authorized by ESD.

1121.2 Shoreland Impact Zone – 1

A shoreland alteration permit or ESD approval is required to remove any vegetation in the SIZ.

- A. All cuttings shall be done by hand and topsoil is not disturbed.
- B. No burning is allowed except campfires.

1121.3 Shoreland Impact Zone – 2

A shoreland alteration permit or ESD approval is required to remove any vegetation in the SIZ.

- A. All clearing activities must be reviewed and approved by ESD.
- B. No burning is allowed except campfires

1121.4 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, the existing shading of water surfaces is preserved.
- C. An erosion and sediment control plan must be approved by ESD for the project area before any construction begins and is implemented immediately.
- D. No application of commercial fertilizer or herbicide shall be allowed within the building setback area.

1122 WILDLIFE PONDS

- A. Wildlife ponds require a land use permit for land/shoreland modifications which must 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.
- C. Applicants shall use the MN DNR standards for Excavated Ponds for Wildlife.
- D. Wildlife ponds require MN Wetlands Conservation Act approval.

1123 SHORELAND BUFFER STANDARDS

- A. As a condition of issuance of certain permits, conditional uses, interim uses, and variances, practices may be required to mitigate the adverse impacts of development, nonconforming structures, or uses on ground and surface water quality. ESD and/or the PC may require the following mitigation:
 - 1. Implement erosion control and stormwater management according to an approved plan.
 - 2. Restore, implement, and permanently maintain a shoreland buffer within SIZ- 1 as may be determined appropriate.
 - 3. Implement other mitigation practices.
- B. ESD or the PC may consider the use of all suitable plant materials for the shoreland buffer, including but not limited to those that are included on the Cass County SWCD Native Plant Lists Plant, according to landscape position, water table, soil type, and exposure of the site, giving appropriate consideration to the inclusion of multiple vegetation stratum types as appropriate for a shoreland buffer.
- C. The extent, nature, and scope of a shoreland buffer plan shall be determined by ESD or the PC as applicable.



1124 STORMWATER MANAGEMENT STANDARDS

1124.1 General Standards

- A. Existing natural or platted drainage ways, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to Public Waters.
- B. The 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 storm water 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. All activities shall comply with applicable MPCA approval/permits.
- E. Developments with one acre or more of impervious surface shall also have a stormwater pollution prevention plan.

1124.2 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.

1125 LOT STANDARDS

1125.1 Lot Standards for Shoreland Classifications

The lot area, buildable area standards, and lot width standards for single-family residential lots and for lake and river classifications shall be as specified in the tables below. The land below the OHWL of public waters, shall not be used to meet lot area and buildable area standards.

The total area of all impervious surfaces shall not exceed 25% percent of the lot for all lots in the shoreland zone. Paved and all other non-vegetated areas on a lot are considered impervious.



Table 6: Single Family Residential Lot Standards

Lake Classification	Minimum Lot Area (ft ²)	Minimum Lot Width (ft)	Minimum Buildable Area (ft ²)*
GD – Riparian	37,500	100	12,000
GD – Non-Riparian	50,000	150	20,000
RD – Riparian	50,000	150	16,000
RD – Non-Riparian	50,000	150	20,000
NE – Riparian	100,000	200	40,000
NE – Non-Riparian	100,000	200	40,000
River Classification			
Forested – Riparian	75,000	200	18,000
Forested – Non-Riparian	150,000	200	24,000
Tributary – Riparian	50,000	150	18,000
Tributary – Non-Riparian	100,000	200	20,000

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

Any new WOC lot shall not contain less than four acres, and not be less than 300 feet wide at the OHWL and structure setback, and not contain less than three acres buildable area. If it is determined by the County Board and the PC a property be approved for reclassification to WOC with the intent of the applicant to operate a resort or other business, a variance from minimum lot standards shall not be required provided a proper Reclassification and Conditional Use Process is followed.

1125.2 Lot Standards for Non-Shoreland Classifications

Table 7: Non-Shoreland Lot Standards

Zoning Classification	Min. Lot Area (acres)	Min. Lot Width (ft)	Max. Lot Impervious Coverage (%)
Rural Residential – 1	1.0	150	40
Rural Residential – 2.5	2.5	200	25
Rural Residential – 5	5.0	300	20
Rural Residential – 10	10.0	300	15
Rural Residential – 20	20.0	300	10
Agricultural/Forested	40.0	300	5
Commercial 1 and 2	2.5	300	60

1125.3 Water Access Lots and Access Easements

To manage water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface water by suspension of sediment, to maintain property values, and to maintain natural characteristics of shoreline, shoreland controls must regulate access to public waters.

- A. Alternative lake access lots or parcels of land intended or used to provide access to public waters for owners of riparian lots within subdivisions, shall be allowed where direct riparian



access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots are **not** allowed where it is intended to provide riparian access for owners of non-riparian lots or parcels. Alternative lake access lots shall meet or exceed the following standards:

1. All alternative lake access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot. These access lots shall also comply with all of the dimensional standards in Section 1125.1 of this Ordinance. Where more than six lots are served, the width and area of the alternative lake access lot shall be increased 25% for each additional lot in excess of six served not to exceed 50 feet in total width or 8 feet in areas of steep slope or bluff.
 2. Alternative lake access lots must be jointly owned by all of those purchasers of riparian lots having rights of usage of the access lot.
 3. Alternative lake access lots shall be suitable in its natural state for the intended activities. All facilities must be centralized and located in areas suitable for them. Evaluation of suitability will include consideration of land slope, lake or river water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater, or other relevant factors.
 4. Permitted activities include watercraft launching, loading, beaching, mooring, or docking area, but shall **not** include residential or commercial uses. A single dock and boat launching ramp may be permitted and no owner shall own or use an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served, and that space shall not be allowed to be rented out. These access lots may include other outdoor recreational activities that do not conflict with general Public use of the Public water or the enjoyment of normal property rights by adjacent property owners. Examples of such activities include but may not be limited to swimming, sunbathing, or picnicking. Covenants governing alternative lake access lots shall limit the total number of vehicles allowed to be parked and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities shall be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
 5. Alternative lake access lots shall meet or exceed the shoreline buffer standards in Section 1123 and the vegetative alteration standards in Section 1121 and have a vegetation management plan approved by ESD.
 6. The impervious surface coverage for alternative lake access lots must not exceed 12% of the lot area, and stormwater management must meet the standards in Section 1124.
- B. Controlled access lots or parcels of land intended or used to provide access to public waters for owners of non-riparian lots, is **prohibited**.
- C. Easements to non-riparian lot owners to allow access to public waters are **prohibited**.



1126 NON-CONFORMITIES

It is the purpose of this section to provide for the regulation of nonconforming lots, uses, structures, and noncompliant SSTS. It is necessary to satisfy the purposes and intent of this Ordinance that nonconforming lots, uses, structures, and noncompliant SSTS not be permitted to continue without restriction.

1126.1 Non-Conforming Uses

A use that was permitted or allowed before the passage or amendment of these standards, but which does not conform to the provisions of this Ordinance may be continued. The non-conforming use will be managed according to applicable state statutes and other regulations of the County for alterations, expansions discontinuance of use for one year, or intensification of use.

1126.2 Non-Conforming Structures

- A. Maintenance and replacement. Existing nonconforming structures may be replaced pursuant to the most current version of MS § 394.36.
- B. Except as provided in Section C, additions or expansion to an existing nonconforming structure where the addition or expansion meets all setback requirements may be permitted.
- C. Other additions or expansions. All other expansions that add area or volume to a nonconforming structure shall require a variance. These shall include, but not be limited to, any additions of living areas, storage spaces, and walkout basements, except for construction or replacement of non-walkout basements, crawl spaces, or permanent support footings. All additions or expansions to the outside dimensions of an existing nonconforming primary residential structure shall meet the following criteria:
 1. PC may require an inspection by a licensed building inspector to verify the structural integrity of the nonconforming structure before granting a variance to expand.
 2. In the shoreland zone, shoreland buffers as prescribed in Section 1123 shall be implemented and permanently maintained.
 3. No expansions of non-conforming Accessory Dwelling Units are allowed.
- D. No existing non-conforming structure may be converted into an Accessory Dwelling Unit or Dwelling Unit.

1126.3 Construction on Non-Conforming Lots

- A. Lots of record recorded before zoning regulations.
 1. An individual lot that was of record in the office of the County Recorder before 1972 in shoreland areas that does not meet the requirements of Section 1125.1 may be allowed as a residential building site without a variance from total lot area, buildable lot area, and lot width requirements provided that the following criteria are met:
 - a. All setbacks as prescribed in Section 1129.1 of this Ordinance can be met.



- b. A site for a Type I SSTS is identified pursuant to the Cass County SSTS Ordinance.
 - 2. Development on a lot that does not meet the criteria in Section 1126.2.A requires an application for a variance. In evaluating the variance, the PC may require shoreline buffers as prescribed in Section 1123 of this Ordinance. An SSTS site evaluation prepared by a state licensed SSTS evaluator/designer must be submitted with the variance application. The PC shall deny the variance if adequate SSTS facilities cannot be provided.
 - 3. The sale or development of groups of two or more contiguous lots under the same ownership in the shoreland zone shall be governed by MS § 394.36.
- B. Lots of record in the shoreland zone recorded subsequent to zoning regulations
- 1. An individual lot that became of record in the office of the County Recorder after 1971 in the shoreland area that does not meet the requirements of Section 1125 and does not currently have residential structures may be allowed as a residential building site without variances from the total lot area, buildable lot area, and lot width requirements provided the following criteria are met:
 - a. The lot was created compliant with official controls in effect at that time it was created.
 - b. All setbacks as prescribed in Section 1129.1 of this Ordinance can be met.
 - c. A site for a Type I SSTS is identified pursuant to the Cass County SSTS Ordinance.
 - 2. Development on a lot that does not meet the criteria in Section 1126.2.A above requires an application for a variance. In evaluating the variance, the PC may require shoreline buffers as prescribed in Section 1123 of this Ordinance. An SSTS site evaluation prepared by a state licensed SSTS evaluator/designer must be submitted with the variance application. The PC shall deny the variance if adequate SSTS facilities cannot be provided.
 - 3. The sale or development of groups of two or more contiguous lots under the same ownership in the shoreland zone shall be governed by current M.S. § 394.36.
 - a. Those lots of record that do not meet the present lot size requirements because of a lake or river classification change approved by the MN DNR may be allowed as separate lots exempt from Section 1126.2.B provided, they were each created after 1971.
 - 4. Lots in the shoreland zone that became of record in the office of the County Recorder after 1998 shall meet all lot area requirements in this Ordinance, except existing riparian lots on GD lakes that were of record before December 1, 2002 and met the 20,000-sf total lot size and 8,000 sf buildable area standards effective before that date.

1127 RESIDENTIAL LOTS, SINGLE FAMILY

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



- A. No more than one principal residential structure may be placed on a single-family residential lot.
- B. One accessory dwelling unit (ADU) may be permitted on a single-family residential lot if the lot meets or exceeds all lot requirements for accessory dwelling units as specified in Section 1125 and Section 1131.
- C. A primary residential structure that does not meet the standards of Sections 1129.1 and 1131 may not be converted into an accessory dwelling unit.
- D. ADUs cannot be connected by a breezeway or other covered walkway feature and considered one structure.

1128 RESIDENTIAL LOTS, MULTIPLE FAMILY

1128.1 New Residential Multi-Family Structures

New multiple-family residential structures must meet minimum lot standards as indicated in Section 1125 of this Ordinance and:

- A. Multiple family residential structures including two dwelling units per structure shall be processed as CUPs.
- B. Multiple family residential structures including three or more dwelling units per structure shall be processed as PUDs and require a CUP.

1128.2 Family Campgrounds

A family campground shall require an IUP or a CUP, must be owned and managed for private use, and meet the following standards:

- A. The parcel must be owned and managed for private use.
- B. The number of allowable RV/campsites shall not exceed two per acre of total parcel size.
- C. Individual camp/RV sites shall not be available for rent or sale.
- D. An application for a family campground shall include SSTS compliance or design information, a stormwater management plan, and a shoreland buffer plan meeting the requirements of Section 1123 of this Ordinance, if applicable.

1128.3 Family Compounds

A family compound shall require an IUP or a CUP, must be owned and managed for private use, and meet the following standards:

- A. Family compounds permitted before the adoption of LUO 2020-01 following the criteria for family campgrounds shall be allowed to exist pursuant to their approved CUPS.
- B. Individual cabins shall not be available for rent or sale. If cabins are to be rented or sold the property must be converted to a PUD or CD.
- C. The number of pre-existing cabins shall not exceed two per acre of total parcel size.
- D. No new residential or accessory dwelling units are permitted for family compounds.



- E. The property must not exceed impervious surface, Sections 1120.1 and 1120.2.
- F. Existing non-conforming structures cannot be expanded without variance approval or being moved to meet all setbacks.
- G. A secondary site must be provided for pre-existing non-conformities to allow for future replacement when available.
- H. An application for a family compound shall include SSTS compliance or design information, a stormwater management plan, and a shoreland buffer plan meeting the requirements of Section 1123 of this Ordinance, if applicable.
- I. Only one centralized mooring or docking site is allowed for family compounds with a maximum width of 20 feet through the shoreland recreational use area consistent with residential lot standards.

1129 STRUCTURES – PLACEMENT, DESIGN, AND HEIGHT

All structures require land use permits per Section 501:

1129.1 Structure Setbacks

All structures and facilities including temporary must meet all setbacks identified in the tables below. All setbacks shall be measured as the shortest horizontal distance between the structure and the feature from which the setback is required. All setbacks are measured from the structure unless the overhang exceeds 30 inches.

A. The structure and SSTS setbacks from the OHWL shall be as specified:

Table 8: Structure Setbacks from OHWL

Public Water	Structure (ft)*	SSTS (ft)
GD Lake	75	50
RD Lake	100	75
NE Lake	150	150
Forested/Transition River	150	100
Urban/Tributary River	100	75

**Some structures may be permitted within the structure setback area, see performance*

B. Additional structure setbacks shall be as follows:

Table 9: Additional Property Setbacks

Feature	Setback (ft)
Top of Bluff	30
Significant Cultural or Historic Site	50
County State or Federal Road ROW*	20
Township and Public Road ROW*	20
Road, Trail and Utility Easement	10
Property Line	10
SSTS Tank to Inhabited Structure	10



Feature	Setback (ft)
SSTS Treatment Area to Inhabited Structure	20
MN DNR Permitted Harbor	50% of the Public Water Setback.

**Where a ROW has not been identified, the setback shall be measured from the edge of the maintenance area as identified by the road authority.*

C. Commercial uses without water-oriented needs shall be located on lots without Public Waters frontage or if located on lots with Public Waters frontage shall either be setback double the structure OHWL setback or be substantially screened from view from the water by vegetation or topography assuming summer leaf-on conditions.

1129.2 Height of Structure

The maximum height of a **primary residential structure** shall not exceed 30 feet from grade to peak unless otherwise noted in the performance standards. Walkout basements, as identified in Appendix B and defined in the Environmental Definitions Ordinance are not included in the total height of the structure.

1129.3 Flood Prevention

The elevation at which the lowest floor, including the 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.

1129.4 Stairways, Lifts, and Landings – Lake Access

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Landings in this section only apply to those needed for access up and down bluffs and areas of steep slopes. Stairways, lifts, and landings shall meet the following design requirements:

- A. Stairways and lifts shall not exceed four feet in width on residential lots or eight feet if a combination of a stairway and a lift are installed. Up to eight feet wide stairways may be used for commercial properties.
- B. Landings for stairways and lifts shall not exceed 32 sf in the area for both residential and commercial properties.
- 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 the bluff impact zone or slopes greater than 18%, within the structure setback of Public Waters, except as authorized by ESD.
- F. Stairways, lifts, and landings shall be 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 Rule § 1340.

1129.5 Landings and Stairways – Structures

This section provides guidance for landings and stairways associated with access into structures, both commercial and residential.

- A. Stairways and Landings must meet all setbacks as identified in Section 1129.
- B. Stairways or steps used for accessing structures cannot exceed 4 feet in width unless otherwise approved by permit.
- C. Landings cannot exceed four foot by four foot in size for side entry and four foot by two foot for front entry unless compliance with the American Disabilities Act is applicable or necessary.
 - 1. Legally non-conforming cabins or units in resorts must have one cabin or unit that provides for handicap access.
 - 2. Landings exceeding what is allowable must acquire appropriate permits.
- D. Landings and stairways cannot be added to legal non-conformities where such addition further reduces structure setbacks as identified in Section 1129.

1129.6 Platform/Patio

Platforms and patios may be placed within the structure setback and require a shoreland alteration, land use permit, and shall comply with the following standards. Canopies, roofs, pergolas, or other forms of enclosures are not permitted. Please refer to commercial accessory structures, Section 1130.2, to determine criteria for platforms on water-oriented commercial properties.

- A. Platforms within the building setback area shall meet the following conditions.
 - 1. Freestanding.
 - 2. No railings.
 - 3. Not more than 150 sf.
 - 4. Not be more than one foot below or above ground level.
 - 5. Setback 10 feet from the OHWL.
 - 6. No more than one platform within the setback area.

- B. Patios within the building setback area for structures, built before 1972, require a shoreland alteration permit and shall meet the following conditions.
1. The patio encroachment toward the OHWL does not exceed 15% of the existing structure setback.
 2. The patio does not encroach closer than 40 feet from the OHWL.
 3. The patio or portion of the patio adjacent to a residential structure located within the building setback shall not exceed 400 sf.
 4. The patio or portion of the patio adjacent to a resort cabin located within the building setback shall not exceed 200 sf.
- 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.

1129.7 Decks

- A. All decks adjacent to structures built after 1971 shall meet the structure setback standards.
- B. For 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 OHWL does not exceed 16 feet or 15% of the existing structure setback, whichever is less.
 2. The deck does not encroach closer than 40 feet from the OHWL.
 3. The deck is not roofed, screened, or enclosed.
 4. The total size of the nonconforming portion of a deck adjacent to a residential structure shall not exceed 400 sf. The total size of the nonconforming portion of a deck adjacent to a resort cabin shall not exceed 200 sf.

1129.8 Retaining Walls

- A. Retaining walls may be installed with a permit in the setback area above the OHWL provided:
1. ESD 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. No tier of the retaining wall shall exceed 20 feet in width, without the approval of ESD and if necessary, the PC.
 4. A design plan, showing elevations, stormwater drainage patterns, soil erosion factors, and critical area seeding recommendation is submitted.
 5. One tier of retaining wall may be permitted adjacent to a lake or river to retain a slope other than a bluff to create an area within the 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 and do not create runoff or erosion problems. No tier of a retaining wall shall exceed four feet without a plan signed by a registered engineer.

1129.9 Fences

- A. A permit is not required for a fence for agricultural use. A permit is required for all other boundary fences, and such fences are structures that are subject to setbacks from Public Waters.
- B. Construction and maintenance of fences shall comply with the requirements of MS § 344.01 to 344.20. Construction and maintenance of non-agricultural fences shall meet the following conditions:
 - 1. A four-inch right-of-way setback is required for road easements or rights-of-way.
 - 2. All fences need to be entirely located on the property.
 - 3. Height shall not exceed eight feet.
 - 4. No fence shall be constructed to obstruct the view for drivers exiting a driveway or otherwise present a safety hazard.
 - 5. Construction design plans must be included with the permit application.
 - 6. Both sides of the fence shall be of a similar earth-tone finish.

1129.10 Docks

- A. The landward end of all docks shall meet a 10 feet 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 SRUAs.

1129.11 Boardwalks and Walkways

- A. Boardwalks shall be used for lake access over wetlands within the building setback area. Boardwalks require a shoreland alteration permit.
 - 1. Shall not exceed six feet in width on residential properties or eight 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.
 - 6. The height of the proposed boardwalk above the wetland area shall be determined by ESD as a condition of the approved permit.
 - 7. Shall not have a canopy, roof, or be enclosed.
- 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 four feet in width.
2. Shall be constructed of pervious materials.
3. Shall meet property line setbacks.
4. Shall be located within the shoreland alteration area.
5. Shall not have a canopy, roof, or be enclosed.

1129.12 Watercraft Access Ramps

All watercraft access ramps including associated approach roads and access related parking areas require an IUP or a CUP:

- A. Are permitted for private residential lots only on lakes without available access.
- B. Are permitted for PUD Controlled Access Lots or WOC uses on any Public Waters.
- C. Shall be constructed of pervious materials in the shoreland impact zone (structure setback from the OHWL) for activities regulated by this section.
- D. Shall not exceed 20 feet in width from the lake to the structure setback line and shall be part of an SRUA.
- E. No wetland alteration is allowed.

1129.13 Swimming Pools

A private swimming pool with a filtration system in the ground or prefabricated installation above the ground located within the shoreland zone shall require a shoreland alteration permit and shall meet all setback requirements in Section 1129.1. Water discharged from swimming pools cannot be discharged to wetlands, public waters, or other hydrologic features.

1130 ACCESSORY STRUCTURES

1130.1 Residential Accessory Structures

Residential accessory structures shall comply with the following standards:

- A. Riparian Lots maximum building height to the peak is 24 feet. Non-Riparian Lots maximum building height to the peak is 30 feet.
- B. No accessory structure shall be used for living quarters unless the structure meets Accessory Dwelling Unit standards in Section 1131.
- C. No accessory structures shall be permitted on an Outlot created after 1971, unless the Outlot is re-platted according to the provisions of the Cass County Subdivision and Platting Ordinance or if such use is expressly permitted in a plat.
- D. Semi-trailers, railroad cars, manufactured houses, shipping containers, or similar structures shall not be used for storage unless prior approval from ESD and applicable land use permits are obtained.



- E. A permit shall not be required for one or up to two accessory structures with a combined total of no more than 150 sf if all applicable building setbacks are met, see Section 1129.1 for building setbacks.
- F. A permit shall be required for **one** accessory storage structure with a reduced setback to public waters provided the following criteria are met:
 - 1. The storage structure must not exceed 10 feet in height as measured from the foundation to the peak of the roof and cannot occupy an area greater than 48 sf of total area.
 - 2. The setback of the structure from the OHWL must be at least 20 feet.
 - 3. The storage structure must be earth tone in color and screened with vegetation to reduce visibility as viewed from public waters and adjacent shorelines.
 - 4. The accessory structure must meet all other setbacks and be situated within the SRUA.
 - 5. The roof of the structure cannot be used as a deck or storage area.
 - 6. The structure cannot be designed or used for human habitation and must not contain a water supply or sewage treatment facilities.
 - 7. Where grading or filling or excavation is necessary for construction, a shoreland alteration permit shall be required and there shall be no excavation waterward of the building line.
 - 8. Any structure or facility not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards, Section 1129.1.

1130.2 Water Oriented Commercial Accessory Structures

WOC accessory structures. WOC property may have one water-oriented accessory structure not meeting the normal structure setbacks in Section 1129 of this Ordinance if this water-oriented accessory structure complies with the following provisions. Examples of such structures and facilities include but are not limited to boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks and platforms.

A. New WOC Structures:

- 1. The structure shall not exceed 10 feet in height, including a minimum 4:12 pitch roof, and cannot occupy an area greater than 250 sf.
- 2. The minimum setback of the structure or facility from the OHWL shall be 20 feet 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 shoreland 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.



- B. Maintenance of existing water-oriented accessory structures. Structures constructed before 1991 may be maintained with a shoreland alteration permit on the same site provided that:
 1. There is no increase in size or aerial coverage.
 2. The structure does not exceed 10 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 shoreland by vegetation, topography, or color assuming summer leaf-on conditions.
 4. The structure shall not be used for human habitation.

1131 ACCESSORY DWELLING UNIT STANDARDS

1131.1 Shoreland Zone

The following standards apply to all accessory dwelling units in the Shoreland Zone:

- A. A residential lot in the shoreland zone may have one accessory dwelling unit to be constructed with a permit on lots meeting or exceeding all lot requirements per Section 1125.1 of this ordinance.
- B. All required setbacks shall be met.
- C. The maximum impervious limits for the lot shall not be exceeded.
- D. The maximum building footprint shall not exceed 700 sf.
- E. A standalone accessory dwelling unit shall not exceed 15 feet in height.
- F. An accessory dwelling unit within an accessory structure shall not exceed 24 feet in height.
- G. An accessory dwelling unit must be located or designed to reduce visibility as viewed from public waters by vegetation, topography, and/or increased setback.
- H. An analysis shall be conducted by ESD of existing shoreland vegetation according to the Shoreline Rapid Assessment Model (SRAM, Appendix C). The development and implementation of a shoreland restoration plan shall be agreed to be implemented, if applicable. The plan may include Financial Assurance.
- I. An SSTS must be properly sized to accommodate additional bedroom area(s) in the accessory dwelling unit as verified by SSTS design and inspection as per MPCA rules. Holding tanks are not allowed for Accessory Dwelling Units.
- J. An accessory dwelling unit cannot be converted from or contained within a non-conforming structure.

1131.2 Non-Shoreland Zone

The following standards apply to all accessory dwelling units in the Non-Shoreland Zone:

- A. A residential lot in the non-shoreland zone may have one accessory dwelling unit to be constructed with a permit on lots meeting or exceeding all lot requirements per Section 1125.1 of this ordinance.



- B. All required setbacks must be met.
- C. The total square footage of the accessory dwelling unit is only limited by impervious surface limitations.
- D. An SSTS must be properly sized to accommodate additional bedroom area(s) in the accessory dwelling unit as verified by SSTS design and inspection as per MPCA rules. Holding tanks are not allowed for Accessory Dwelling Units.
- E. An accessory dwelling unit cannot be converted from or contained within a non-conforming structure.

1200 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 those 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 ESD. A list of public waters and their classifications is included as Appendix D.

- A. **Criteria.** Per Minnesota Rule § 6120.3000 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 shoreland.
 - 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, 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.

1201 AMENDMENTS TO LAKE OR STREAM CLASSIFICATION

- A. Lake or stream classification may be amended by filing a petition signed by not less than 50% of the riparian landowners, along with substantiating data to ESD. ESD shall set a date for a public hearing within 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 County Board and sent to owners of record within ¼ mile of the lake in question at least 10 days prior to the date upon which the application will be considered. This distance shall be extended to ensure that a minimum of 10 property owners are so notified. In addition, notice shall be sent to the MN DNR and adjoining counties, incorporated municipalities, or townships within two miles of the proposed change. ESD shall refer the application to the PC. Failure of any property owner to receive such notice shall not invalidate the proceedings.
- C. The PC shall hear the request and, if affirmed, shall submit a resolution to the Commissioner of the MN DNR 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 MN DNR.

1300 ADOPTION

BE IT ORDERED THAT:

ORDINANCE #2020-01 IS HEREBY ADOPTED BY THE CASS COUNTY BOARD OF COMMISSIONERS ON THIS 20th DAY OF April 2021.

Chairman, Cass County Board of Commissioners

ATTEST:

Cass County Administrator







Appendix A Conservation Design Development

Conservation Development Standards

Conservation development standards are 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. 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.

Conservation Development Design Process, Criteria, and Density Evaluation

- A. Before applying, applicants are required to demonstrate to the Planning Commission that the following design process was used to determine the layout of proposed streets, dwelling unit lots, and open space as shown on the site plan:
1. Step One: Identifying conservation areas:
 - a. First, primary conservation areas such as wetlands, bluff impact zones, and structure setback areas and secondary conservation areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats, and cultural features such as historic and archeological sites and scenic views shall be identified and delineated.
 - b. Second, the developable area shall be identified and shall consist of land completely outside primary conservation areas, and, to the maximum extent feasible, outside secondary conservation areas.
 2. Step Two: Calculate the number of dwelling unit lots allowable under the density section and locate the approximate sites of individual houses within the developable area. Include the delineation of private yards and shared amenities to reflect an integrated community, with emphasis on consistency with the County's Comprehensive Plan.
 3. Step Three: Aligning the streets and trails. Align streets to access the dwelling unit lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
 4. Step Four: Draw in the lot lines.
 5. Step Five: Identify on a design plan map all parts of the project parcel to be permanently protected as part of the open space.
- B. Conservation development design criteria:
1. At least 50% of the total project area shall be permanently preserved as a common open space. Common open space shall include structure setbacks and bluff impact zones, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries. No more than 25% of the required open space may consist of wetlands for developments in the shoreland zone not abutting public waters.



- a. To the maximum reasonable extent, all open space shall be part of a larger continuous and integrated open space system within the parcel being developed. Areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
 - b. Natural features included in open space shall generally be maintained in their natural condition, but maybe managed to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with the long-term management plan approved by the County. Permitted management activities may include:
 - (1) Woodland management.
 - (2) Reforestation.
 - (3) Meadow management.
 - (4) Wetlands management.
 - (5) Waterbody bank protection.
 - (6) Buffer area landscaping.
 - (7) Wildlife management
 - (8) Recreation management
 - c. The common open space shall maximize common boundaries with existing or future open space on adjacent lands.
 - d. Common open space shall properly serve and enhance all dwelling unit lots, cluster groups, and other common facilities.
2. Dwelling unit lots areas designated as common elements, all road rights-of-way, and all land covered by impervious surfaces, shall not be included in the computation of common open space.
 3. Dwelling unit lots may be clustered into one or more groups located on suitable areas of the development and must meet all external property line, road, and structure setbacks.
 4. The average dwelling unit lot size shall not exceed 30,000 square feet.
 5. Dwelling unit lot impervious surface coverage shall not exceed 25%, except as approved by the Planning Commission.
 6. There shall be at least one access corridor to the structure setback as approved by the Planning Commission. The corridor shall:
 - a. Be accessible to all residents of the conservation development.
 - b. Have a minimum width of 50 (fifty) feet.
 - c. Provide upland access to the structure setback area without impacting wetlands.
 - d. Have a trail and vegetation management plan addressed in the long-term management plan.



- 7. New developments and redevelopments of existing developments shall meet vegetation management standards in Sections 1123 and 1128 of this Ordinance.
 - 8. No impervious surfaces shall be allowed within the SIZ, except, stairways, lifts, or landings. Those portions of boat launching ramps greater than ten (10) feet landward from the OHWL shall be constructed of pervious materials.
 - 9. Roads within and serving conservation developments shall be constructed according to American Society of Civil Engineers (ASCE) standards (Residential Streets, 2001, 3rd edition or later), (ASCE) and the development plan approved by the Planning Commission, and the local road authority, if applicable.
 - 10. The boundaries of the permanent conservation easement area and the common open space shall be clearly and visibly marked.
- C. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for connection to adjacent undeveloped properties or public lands that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.

Conservation Development Density Evaluation

A. Shoreland District:

- 1. The project parcel must be divided into two tiers:
 - a. The first tier shall consist of all areas within the following distances landward from the OHWL of public waters:

Lake or River Class	First Tier Landward (ft)
General Development	200
Recreational Development	267
Natural Environment	400
Resource Protection Districts	400
All River Classes	300

- b. The second tier shall consist of all remaining areas in the project parcel.
- 2. The number of dwelling unit lots allowable in each tier is calculated by dividing the suitable area in square feet within each tier by the density factor for the shoreland class from the following table:

Possible Launch Ramp			Launch Ramp Prohibited**		
Lake Class	First Tier	Second Tier	Lake Class	First Tier	Second Tier
GD	25,500	40,000	GD	22,500	34,000
RD	34,000	40,000	RD	30,000	34,000
NE & RP	68,000	80,000	NE & RP	60,000	60,000
River Class			River Class		
Remote	85,000	200,000	Remote	75,000	170,000
Forested	51,000	120,000	Forested	45,000	102,000
Transition	68,000	160,000	Transition	60,000	136,000
Tributary	34,000	80,000	Tributary	30,000	68,000



Density Factors

**--Use of launch ramp prohibited density factors means that launching ramps are prohibited by permanent conservation easement placed upon the development.

3. Allowable dwelling unit lots may be transferred from the first tier to the second tier, but not from the second tier to the first tier. Dwelling unit lots may straddle tier lines.

B. Non-Shoreland District:

1. The number of dwelling unit lots allowable is calculated by dividing the total project parcel area in square feet by:
 - a. 15,000 in the Urban Growth District.
 - b. 32,670 in the Rural Residential-1 District.
 - c. 81,675 in the Rural Residential-2.5 District.
 - d. 163,350 in the Rural Residential-5 District.
 - e. 326,700 in the Rural Residential-10 District.
 - f. 653,400 in the Rural Residential-20 District.

Centralization and Design of Facilities

A long-term management plan shall be submitted to and approved by the Planning Commission. In addition to other required provisions, the plan must include or provide for:

- A. Conservation developments shall be connected to publicly owned water supply and sewer systems, if available. Sewage treatment systems may be centralized and shall have an operating plan and third-party manager.
- B. A lake use and access area plan including:
 1. The location and configuration of pathways, launching ramps, dock configuration and location, and other facilities within the structure setback area, if any.
 2. Provisions that allow all residents of the conservation development to use the shore recreation area, exclusive of the dedicated continuous mooring spaces.
 3. The size, location, and configuration of the shore recreation area, including but not limited to swimming areas, docks, launching ramps, and watercraft mooring areas, if any.
 - a. The total width of the shore recreation area(s) shall not exceed the greater of 50 feet or a distance equal to 10% of the Lot Width, Riparian. The depth of the shore recreation area may extend to the structure setback line, subject to the stormwater plan approved by the Planning Commission.
 - b. All such facilities shall be centralized and located in areas most 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, or other relevant factors.
 - c. Identification of potential safety issues created by and addressing conflicts among the uses permitted under the plan.



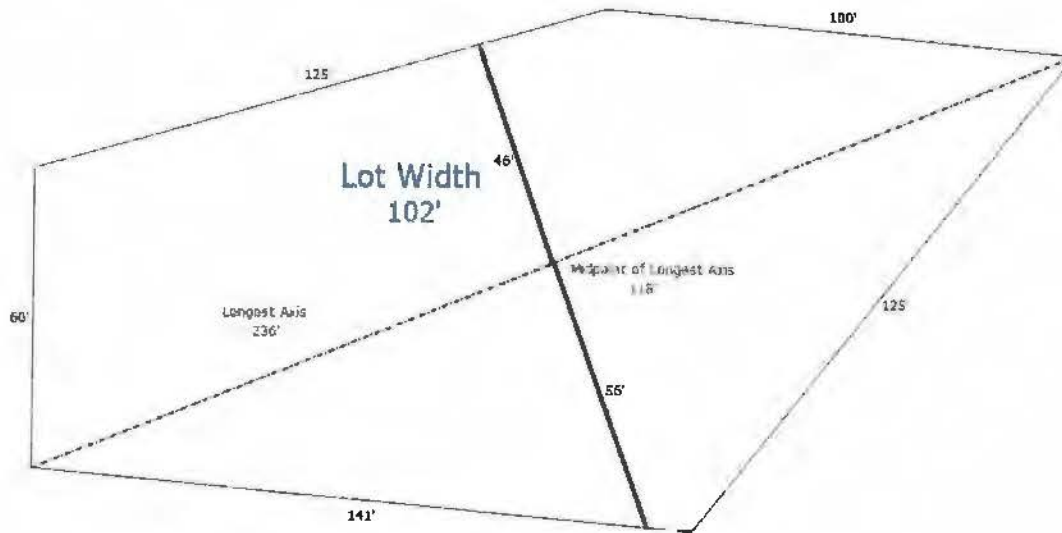
- d. All such facilities may be used by all occupants of the conservation development, based upon the community bylaws or covenants as defined by the association.
 - 4. Prohibit shore recreation facilities or uses outside of the designated lake use and access area and adjacent littoral areas.
 - 5. The number of allowable continuous watercraft mooring spaces for conservation developments abutting public waters shall not exceed the number of allowable dwelling unit lots in the first tier. Individual docks are not allowed.
 - 6. Unless prohibited by conservation easement launching ramp facilities, including a dock for loading and unloading equipment may be used by all occupants of the conservation development, provided that all watercraft, other than those afforded continuous mooring spaces, are stored outside the structure setback area such that they are not visible from the public water.
- C. Accessory structures, parking areas, storage, and other facilities shall meet the required principal structure setback and be centralized, be treated to reduce visibility as viewed from Public Waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to ESD, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.
- D. Prohibit commercial uses.



Appendix B Lot Width, Bluff, Height of Structure, and Centralized Facilities Examples

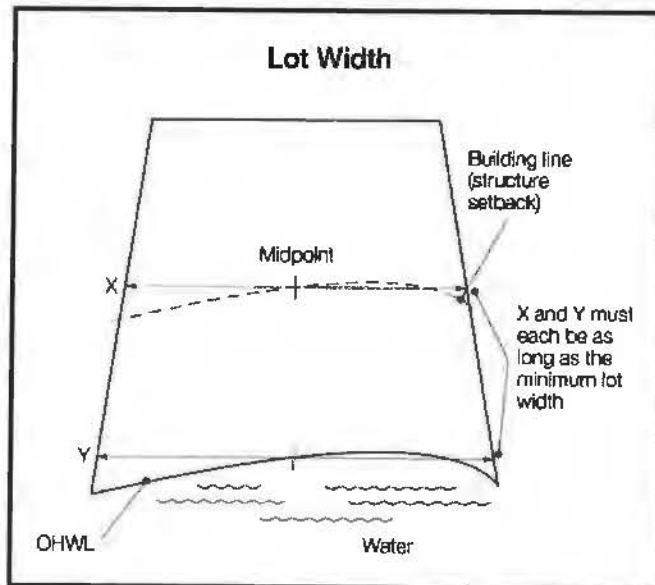
I. Lot Width, Non-Riparian Example

"The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot."



II. 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 OHWL of the adjacent lake or river."



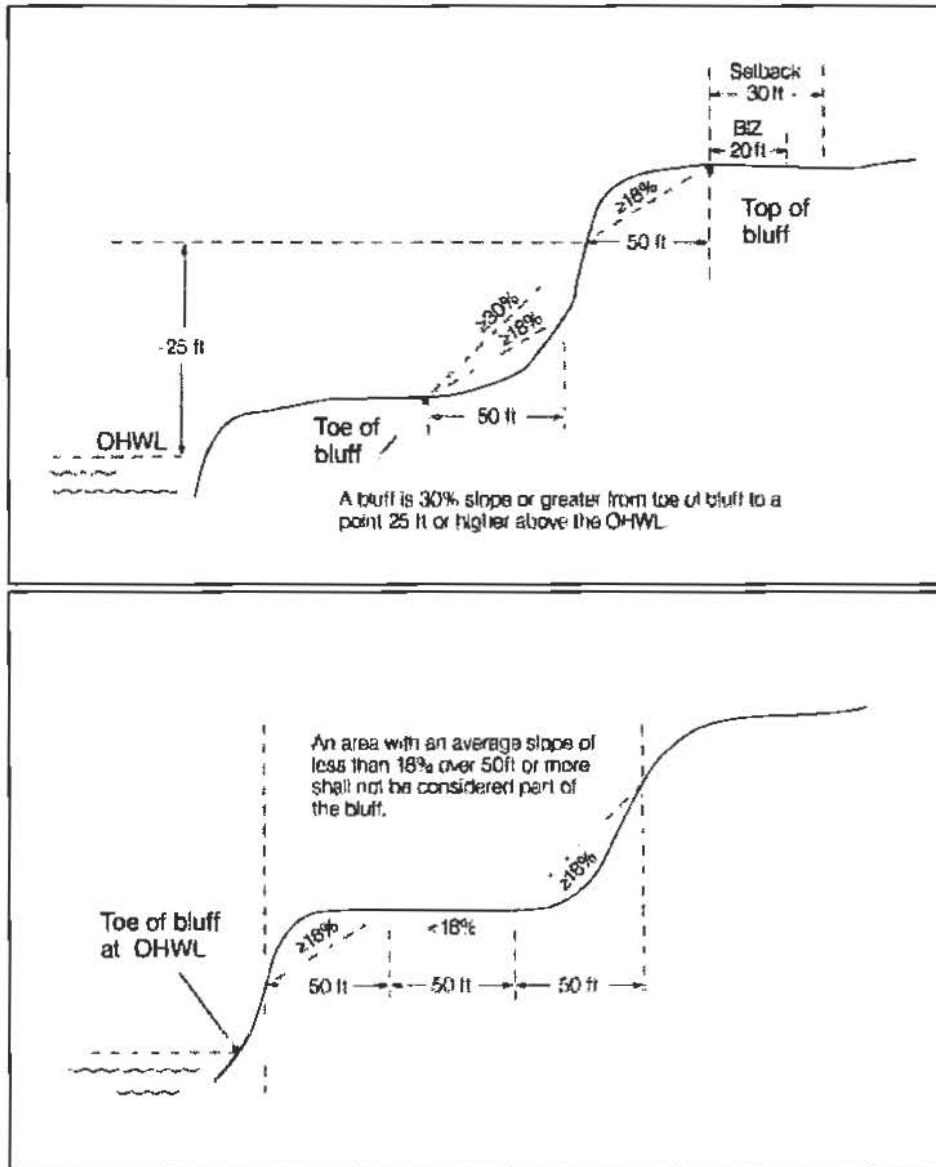


III. Bluff Criteria

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

- Rises at least 25 feet vertically, and;
- The grade of the averages 30% or greater, and;
- The slope drains toward a Public Water, and;
- Part or the entire feature is in a shoreland area.

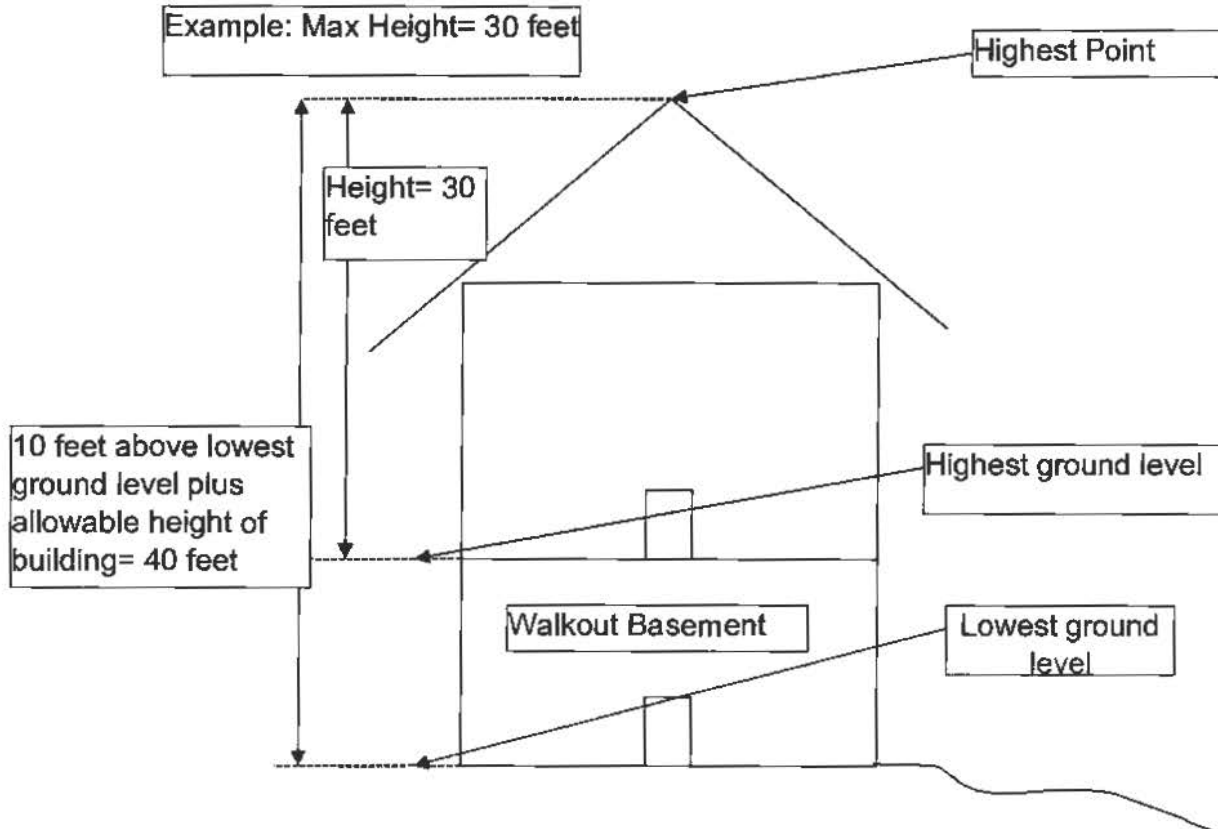
"Bluff Impact Zone" A bluff and land located within 30 feet inland from the top of the bluff."





IV. Height of Structure Example

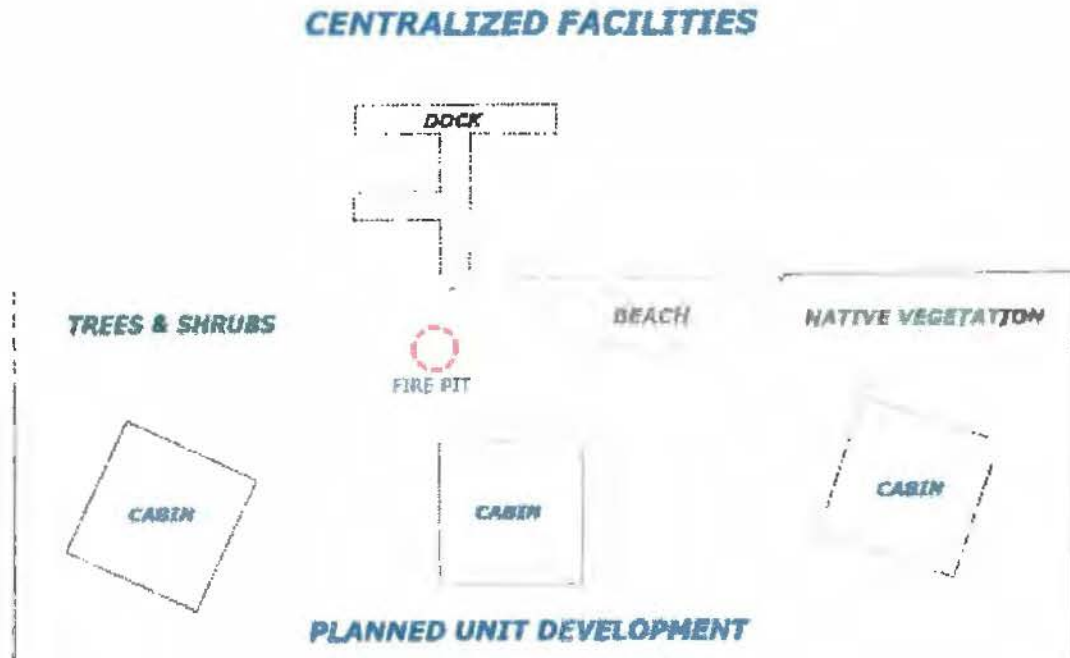
The vertical distance between the highest ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or the highest gable of a pitched or hipped roof.





V. Centralized Facilities

The following represents a simplified example of centralized facilities, including docking a fire pit and beach which are for the use and enjoyment of the development. The remainder of the shoreline within the structure setback must be maintained as native vegetation, including trees, shrubs, and forbs.



Appendix C Shoreline Rapid Assessment Model

SHORELINE RAPID ASSESSMENT MODEL



Cass County's Shoreline Rapid Assessment Model (SRAM) is a tool for quickly and objectively determining the degree of natural vegetation along a shoreline and the amount of natural buffer required to meet Ordinance requirements. With this model, the Shore Impact Zones (SIZ-1 & SIZ-2) are evaluated for natural vegetative cover and a cumulative score is tallied. Vegetative restoration that may be necessary must be performed according to Section 1123 of the Cass County Land Use Ordinance.

Shoreline:

Condition of Shoreline	Score:
Stable shoreline	0
< 25% of shoreline is eroding or unstable	-1
25-50% of shoreline is eroding or unstable	-2
50-75% of shoreline is eroding or unstable	-3
> 75% of shoreline is eroding or unstable	-4

Score: 0

Ground cover:

% Naturally Vegetated Cover in SIZ 1 and SIZ 2	Points:	
	SIZ 1	SIZ 2
< 25% natural ground cover	1	1
25-50% natural vegetative cover	3	3
50-75% natural vegetated cover	5	5
> 75% natural vegetated cover	7	7

Score: _____

Trees / shrubs:

% Naturally Vegetated Cover in SIZ 1 and SIZ 2	Points:	
	SIZ 1	SIZ 2
< 25% of surface is covered by shrubs and trees	1	1
25-50% of surface is covered by shrubs and trees	3	3
50-75 % of surface is covered by shrubs and trees	5	5
> 75% of surface is covered by shrubs and trees	7	7

Score: _____



If score is 0-8:

Applicant will be required to leave a 20' No Mow Buffer and provide financial assurance until buffer is established. The amount of financial assurance required will be based on the score. A score of 8=\$200.00, a score of 0=\$1600.00

If score is 9-15:

Applicant will be required to leave a 15' No Mow Buffer. No financial assurance is required for a score of 9 or more. Above buffers shall allow for an access area to lake, per ordinance requirements.

Cass ESD recognizes that all lake parcels are not identical and need to be scored on merits of each. We also recognize the importance of critical shoreline habitat and try to accomplish a balance between landowner and lake health.

Total Parcel Score: _____

Max Score: 28

Landowner _____ Parcel Number _____

Environmental Services Staff Signature _____ Date _____



Appendix D Waterbody Classification in Cass County



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
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
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
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
11-0280	Donkey	31;36	140	28;29	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
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
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
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
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
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
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	GD
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	RD
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
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
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
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
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	GD
11-0019	Sailor	14	141	25	NE
11-0361	Sanburn	22,26,27	139	30	RD
11-0279	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
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*
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
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
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
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
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
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
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11-0717	Unnamed	5,6; 31,32	139;40	25	NE
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11-0733	Unnamed	30,31	139	26	NE
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11-0738	Unnamed	27	139	27	NE
11-0739	Unnamed	33	139	27	NE
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11-0745	Unnamed	2	139	27	NE
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11-0750	Unnamed	24,25	139	28	NE
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11-0753	Unnamed	4	140	28	NE
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11-0757	Unnamed	34	140	27	NE
11-0758	Unnamed	29	140	27	NE
11-0759	Unnamed	21	140	27	NE
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11-0764	Unnamed	29	140	26	NE
11-0765	Unnamed	20	140	26	NE
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11-0768	Unnamed	34,35	140	26	NE
11-0769	Unnamed	26	140	26	NE
11-0770	Unnamed	30,31,25,36	140	25,26	NE
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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
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11-0795	Unnamed	16,17	141	28	NE
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11-0803	Unnamed	19	142	25	NE
11-0803	Unnamed	24	142	26	NE
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11-0805	Unnamed	9,16	142	26	NE
11-0806	Unnamed	2	142	26	NE
11-0807	Unnamed	36	142	28	NE
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11-0819	Unnamed	10,11	139	31	NE
11-0822	Unnamed	16	139	31	NE
11-0823	Unnamed	22	139	31	NE
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11-0836	Unnamed	1,2	139	31	NE
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11-0839	Unnamed	2,3	139	31	NE
11-0840	Unnamed	1,2;35,36	139;40	30	NE
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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



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11-0851	Unnamed	11	140	30	NE
11-0852	Unnamed	6;1	140	29;30	NE
11-0853	Unnamed	25	140	30	NE
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11-0856	Unnamed	16	139	30	NE
11-0857	Unnamed	16	139	30	NE
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11-0862	Unnamed	23	139	29	NE
11-0863	Unnamed	17	139	29	NE
11-0864	Unnamed	17	139	29	NE
11-0865	Unnamed	22	140	29	NE
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11-0869	Unnamed	25	141	29	NE
11-0870	Unnamed	20	141	29	NE
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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
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11-0883	Unnamed	1	141	30	NE
11-0884	Unnamed	17	141	30	NE
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11-0909	Unnamed	20	145	28	NE
11-0910	Unnamed	29	145	28	NE
11-0911	Unnamed	25,36	140	28	NE
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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
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11-0921	Unnamed	1,36	144,45	29	NE
11-0922	Unnamed	27,28,33,34	145	28	NE
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
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11-0932	Unnamed	34,35	140	31	NE
11-0933	Unnamed	24	140	31	NE
11-0934	Unnamed	32,33	142	31	NE
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11-0936	Unnamed	36	140	30	NE
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11-0939	Unnamed	18,19	141	29	NE
11-0940	Unnamed	29	139	29	NE
11-0941	Unnamed	17	139	29	NE
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11-0943	Unnamed	12,13	141	29	NE
11-0946	Unnamed	6,31	141,42	28	NE
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11-0949	Unnamed	26,27	143	25	NE
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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
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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
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11-0979	Unnamed	8	139	28	NE
11-0980	Unnamed	2	140	25	NE
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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
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



Appendix E Cass County Flexibility Agreements with DNR

February 28, 2017

John P. Ringle, Director
Cass County Environmental Services Department
PO Box 3000 Courthouse
Walker, MN 56484

RE: CONDITIONAL APPROVAL OF AMENDMENTS AND REQUEST FOR IMPLEMENTATION FLEXIBILITY OF CASS COUNTY LANDUSE ORDINANCE

Dear Mr. Ringle,

Thank you for sending Cass County's Landuse & Environmental Definitions Ordinance amendments and flexibility request dated May 2, 2016. I apologize for us not getting back to you sooner with this conditional approval. We have also received the county's most recent ordinance amendments dated January 17, 2017. Your original flexibility request was to amend the guest cottage/guest quarters provisions in the ordinance to allow for what are now defined as alternative dwelling units on any lot meeting or exceeding the single family residential lot standards. In return, you were proposing or have agreed to mitigate this flexibility through the following actions currently in your ordinance which are more restrictive than or not included in the statewide minimum standards:

1. "Lot Standards" Section 1113, which specifies minimum lot areas and minimum buildable areas for single family residential lots for different lake and river classifications are more restrictive than the MN DNR shoreland rules. This includes greater lots areas and widths than statewide minimums as well as a minimum buildable area that removes area within setbacks, road ROW's, road easements, and bluffs from the total area of lot.
2. Cass County does not allow Planned Unit Developments unless developed using the more restrictive Conservation Development Standards in Section 1116.7. This was incorporated in Cass County as part of the Alt Standards work from the 2000's.
3. Controlled Access lots are prohibited in Cass County.
4. Cass County now discourages rip-rap and is only allowed if accompanied by a vegetative buffer of a minimum of 10 feet.
5. Vegetation outside of a 20 ft. lake access corridor cannot be altered in shore impact zone 1 and only up to 30% of trees and shrubs in shore impact zone 2.
6. A Bluff or steep slope (>18%) can only have vegetative alteration removed in an 8 ft. corridor using hand tools only. No mechanized removal of vegetation or soil on a bluff or steep slope.
7. An analysis of existing shoreline vegetation using the Rapid Shoreline Assessment Model must be conducted, and development of a shoreland restoration plan shall be required, if applicable, which may include financial assurance for issuance of certain permits, conditional uses & variances.
8. Alternative dwelling units must meet the required OHWL setback and must not exceed impervious limits.
9. Guest Cottage does not exceed 15 ft. in building height and Guest Quarters does not exceed 24 ft. in building height.



10. No existing nonconforming structure or principal residential structure may be converted into an alternative dwelling unit. No expansions of existing non-conforming alternative dwelling units are allowed.
11. Alternative dwelling units cannot be rented separately from the primary residence, and
12. An SSTS must be properly sized to accommodate additional bedroom area in an alternative dwelling unit on a parcel as verified by design and inspection per MPCA rules.

I understand Darrin Hoverson, the Cass County Planning Commission and you had discussed both the 2016 & 2017 submissions numerous times and I believe we have come to an agreement regarding your flexibility request. This agreement included the reduction in maximum building footprint for guest cottages and livable areas from 900 square feet to 700 square feet to align with the statewide minimum standards and that only one accessory dwelling unit may be permitted on a single family residential lot if the lot meets or exceeds all lot requirements as specified in Section 1113 and Section 1126.5. Darrin has informed me the county has approved both the 2016 Landuse & Environmental Definitions Ordinance amendments effective September 2, 2016. I also understand the January 2017 proposed ordinance changes are to clarify the language regarding no existing, portion of an existing non-conforming accessory structure or primary residential structure is allowed to be converted into an alternative dwelling unit along with some other changes. We have no concerns and agree with these additional amendments to the ordinance.

Conditional Approval

The DNR supports Cass County's efforts to protect shoreland areas and lake water quality through higher shoreland standards. The DNR believes that the above conditions along with the higher standards currently in your ordinance mitigate the use of guest cottages on lots not meeting the duplex requirement. The DNR conditionally approves Cass County's 2016 & 2017 Landuse & Environmental Definitions Ordinance amendments and approves flexibility from the duplex lot size requirement in MN Rule 6120.3300 Subp. 2 C. as long as the above listed conditions are implemented.

Should Cass County weaken any of the existing provisions described above (items 1 – 12) or change the 700 square foot allowance for alternative dwelling units in the future, the DNR may require that duplex lot size requirements for guest cottages be restored to the ordinance.

Additional Protection Recommendations

The DNR would also like to suggest other items to be incorporated which we consider enhancements but would not be required. Below are some recommendations;

- 1) Impervious surface coverage - Scientific research on the amount of impervious surface coverage has found that it is a key indicator of the quality of water flowing into our lakes. Research consistently shows that as the amount of impervious surface increases in the watershed, water quality decreases. More than 12% imperviousness has been shown to consistently result in a degradation of water quality. The DNR believes it is important for Cass County to evaluate the current 25% maximum allowable impervious surface and consider something lower such as 15-20% for new lots while still allowing for some exceptions. The DNR feels this is one of the most important actions moving forward as lot development continues to trend towards larger dwellings, accessory structures and driveways. Being proactive in this front will only further protect Cass County's water resources for the future.



- 2) Centralized is used throughout the document to describe allowable placement of facilities or units and there continues to be confusion about what centralized means. The DNR doesn't have any suggestion at this time but a definition or illustrated example may be helpful. There are numerous examples where an LGU has allowed multiple docks spread out all the way along a large percentage of a property's shoreline and would not meet most people view of centralized and this could be one of the simplest ways to preserve aquatic and riparian habitat and reduce confusion.

Next Steps

Following are the steps for completing and receiving final DNR approval for your amendments:

1. Review and if needed revise the ordinance based on the conditions listed above under conditional approval.
2. The county board adopts the ordinance amendments including the listed conditions.
3. Email me the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of county board decision or action.
4. We will review the ordinance amendments adopted by the county board for consistency with the above conditions.
5. If the adopted amendments are consistent with the conditions, I will send you a "final approval" letter. The ordinance amendments will not be effective until the DNR provides final approval.

The DNR would like to commend you, your staff, and the county board of adjustment / planning commission on their work and continued efforts to stay ahead of the changing development pressures that continue to face us today. We look forward to continue coordinating and working with you and your staff and if you have any questions please contact Darrin Hoverson, Area Hydrologist at 218 732-8960 ext. 225.

Sincerely,

Tom Groshens, DNR Ecological & Water Resources R1 North District Manager

EC: Darrin Hoverson, DNR EWR Area Hydrologist
Dan Petrik, DNR Shoreland Program Coordinator
Nathan Kestner, DNR EWR Regional Manager

