

Planning Commission
2023 January Planning Commission
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, January 23, 2023

1. **Call to Order**
2. **Agenda Additions or Deletions**
3. **Minutes**
December 8, 2022
4. **Status of Council Recommendations**
 - A. Variance
 - B. Ordinances
 1. Ordinance 71.04- Snow Emergency Parking
 2. Ordinance 72 - Snowmobiles
 3. Ordinance 91.02 Cat and Dog
5. **Old Business**
 - A. Gravel Pit Ordinance
 - B. Ordinances
 1. Ordinance 85 Culverts
 2. Ordinance 91.02 Cat and Dog
 - C. 311 Parkview Drive
 - D. Grade and Fill Permit
 - E. Nuisance Procedure
 - F. Developers Notice Procedure
6. **New Business**
 - A. Nuisance Cars
 1. Red car on Elm Street
 2. Car located at 301 E Frazee Ave - Apartment Parking Lot
 - B. Ordinances:
 1. Shoreline Management Ordinance
 2. 92.60 - 92.71 Open Burning

Table of Contents

1. Call to Order.....	3
22 const per.....	4
3. Minutes.....	7
4. Status of Council Recommendations.....	11
7. Old Business.....	12
151.73 BOND.....	17
151.78. RECLAMATION.....	21
8. New Business.....	33
SECTION 1 TITLE, PURPOSE AND INTENT.....	77
SECTION 2 DEFINITIONS.....	78
SECTION 3 ADMINISTRATION.....	86
SECTION 4 SHORELAND CLASSIFICATION SYSTEM AND LAND USES.....	95
SECTION 5 SPECIAL LAND USE PROVISIONS.....	97
SECTION 6 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS.....	99
SECTION 7 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES.....	104
SECTION 8 VEGETATION AND LAND ALTERATIONS.....	106
SECTION 9 SUBDIVISION/PLATTING PROVISIONS.....	109
SECTION 10 PLANNED UNIT DEVELOPMENTS.....	112
SECTION 11 ENFORCEMENT.....	119
SECTION 12 SEVERABILITY.....	119
SECTION 13 ABROGATION AND GREATER RESTRICTIONS.....	119
SECTION 14 OWNER LIABLE.....	119
SECTION 15 SAVINGS CLAUSE.....	119
SECTION 16 REPEAL.....	119
SECTION 17 ADOPTION/EFFECTIVE DATE.....	119

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1. Call to Order

Files Attached

- 12-31-2022 Construction Permits.pdf

2022 Construction Permits - Vergas MN

Permit No	Issue Date	Parcel Number	Name	Address	Description	Date Closed	Initials of Person closing permit
2021-002-22	4/13/2021	82000500010003	Aaron Scott/Michelle Scott	421 W. Lake ST, Vergas	Build a garage & driveway	10/30/2022	MD
2021-004-22	4/13/2021	82000990269000	Brian & Brenda Tangen	1060 E. Scharf Ave, Vergas	Do shoreline work, remove stumps, trees & clean up, riprap	10/3/2022	MD
2021-007-22	4/13/2021	82000990173000	Charles & Vanessa Boehm	116 Park View DR, Vergas	Build house		
2021-015-22	6/8/2021	8200099008000	Kyle Theisen	275 S. Railway Ave., Vergas	Build 12'x12' gazebo, Move	10/30/2022	MD
2021-022-22	7/13/2021	82000990262000	Tami Rust	1011 East Scharf Ave., Vergas	build a house	1/17/2023	JL
2021-023-22	7/13/2021	82000990078000	Matt Engebretson	280 1st Ave, Vergas	to Install & repair: Repair damage on house, reshingle		
2021-029-22	8/10/2021	82000990088000	Mike Baumgart	520 S. Pelican Ave. Vegas	Build deck, recover deck stone wall – siding 2 ½' – with railing		
2021-035-22	8/23/2021	82000990270000	Kirk Johnson	1120 E. Scharf Ave, Vergas	Alter to remove excess large rocks, remove stumps, install erosion control		
2021-041-22	9/27/2021	82000990209000	John Sieling	830 Scharf Ave. E, Vergas	Install/Haul 10 yd crushed asphalt to ,	10/30/2022	MD
					removed 10 yd gravel		
2022-001	1/11/2022	82000990096000	Perham Coop Creamery Ass'n	101 1st Ave. N, Vergas	Install DID Faces, product panels, Image on Canopy	10/30/2022	MD
2022-002	2/28/2022	82000500012006	Mike Summers	110 S. Railway Ave., Vergas	Remove walls	10/30/2022	MD
2022-003	2/28/2022	82000990066000	City of Vergas	111 E. Main ST, Vergas	Build shiplap wall w/door, glass frontage wall & door	10/30/2022	MD
2022-004	2/28/2022	82000500010001	Aaron Johnson	411 W. Lake ST, Vergas	Addition of 20' x 22' for house & detached garage		
2022-005	4/12/2022	82000990239000	Matt Safar	291 Bennett Road, Vergas	Building a 12' x 16' shed in my back yard for storage, behind my homestead		
2022-006	4/25/2022	82000990145000	Loren Menz Construction	310 W. Glenn ST, Vergas	Construct a 26' x 36' shed on property		
2022-007	4/25/2022	82000990230000	Zach Fugere	220 Bennett RD, Vergas	Move house on basement, attach garage to house		
2022-008	4/25/2022	82000990219001	Arlen & Sandy Franchuk	311 Park View DR, Vergas	Add an outdoor deck & walkway 20' x 14'		
2022-009	4/25/2022	82000500040000	CORY L & KRYSTA SEVERSON	820 E. Scharf Ave, Vergas	Install 12 windows & siding	10/30/2022	MD
2022-010	5/10/2022	82000990064001	Jeanette Bruhn	131 E. Main ST, Vergas	Install windows	10/28/2022	JL
2022-011	5/10/2022	82000990058000	The Lavish Loon	130 E. Main ST, Vergas	Alter window boxes to length of the front windows.Paint or replace	10/30/2022	MD
					steel roof over awning top & bottom to "white",		
					Paint or cover pillars in front to "white" signs		
2022-012	5/10/2022	82000990059000	American Beauty Salon	140/136 E. Main ST, Vergas	New signage to replace old signage	10/30/2022	MD
2022-013	5/10/2022	82000990054000	Vergas State Bank	106 E. Main ST, Vergas	Replace broken window	10/30/2022	MD
2022-014	5/19/2022	8200090068000	Lakes Fit	105 E. Main Street, Vergas	Install 44 x 92 aluminum single panel wall sign	10/28/2022	JL
2022-015	5/23/2022	82000500185003	Cheryl Hanson	1106 E. Frazee Ave., Vergas	Repair fence	10/30/2022	MD
2022-016	5/23/2022	82000500012006	Mike Summers	110 S. Railway Ave., Vergas	Install sign	10/25/2022	JL

2022-017	6/14/2022	82000990145000	Loren Menz	310 W.Glenn St., Vergas	Asphalt driveway, Exterior shed finish		
2022-018	6/14/2022	82000500185002	Greg Dahlgren	1006 E. Frazee Ave., Vergas	Reshingle roof, replace broken window	11/30/2022	JL
2022-019	6/14/2022	82000500039000	Mickie Bosch	818 E.Scharf Ave., Vergas	Reshingle roof		
2022-020	6/20/2022	82000990193000	Tom Johnson	819 E.Scharf Ave., Vergas	Build a house & garage		
2022-021	6/20/2022	82000990226000	Jeff & Sheila Laney	92 Park View Drive, Vergas	Build a house & garage	11/30/2022	JL
2002-022	6/21/2022	82000500185003	Cheryl Hanson	1106 E. Frazee Ave., Vergas	Repair roof	10/30/2022	MD
2022-023	7/7/2022	82000990082000	Olson Oil DBA Vergas 66	121 Linden ST., Vergas	Remove & repair bottom rotting boards on street side of bldg	10/30/2022	MD
2022-024	7/7/2022	82000990160000	Paul Pinke	201 W. Main ST., Vergas	Repair tar part of driveway	10/30/2022	MD
2022-025	7/14/2022	82000990060000	Elm ST Boutique	146 E. Main ST, Vergas	Install Flower box, 59" long x 6" wide	11/30/2022	JL
2022-026	7/20/2022	82000990170000	Ben Lankow	339 E Frazee Ave. Vergas	Repiar shingles & trim		
2022-027	7/21/2022	82000990068000	S & Z Prop/Ditterich Merc	105 E.Main St. Vergas	Install (2) signs	7/25/2022	JL
2022-028	7/25/2022	82000990229000	Edward & Renee Rosendahl	98 Park View DR Vergas	Prepair shore line		
2022-029	7/25/2022	82000990100000	Shawn Day	251 1st Ave. N Vergas	Addition to garage		
2022-030	7/25/2022	82000990228000	Michael & Mandy Rosendahl	96 Park View Dr Vergas	Install driveway/install storage shed		
2022-031	7/25/2022	82000990181000	Charles & Doris Gundberg	100 Park View Dr Vergas	Remove weeds on lakeshore property		
2022-032	7/28/2022	82000990062000	Billy's Corner Bar	158 E Main ST, Vergas	Install siewalk 6/25' & 6' x 30' apron where sidewalk removed due to water line break	1/19/2023	JL
2022-033	8/8/2022	82000500009000	Frank Vana	606 E Frazee Ave, Vergas	Repair roofing - entry way	10/30/2022	MD
2022-034	8/11/2022	82000500188002	Wayne Rosentreter	1166 E. Frazee Ave., Vergas	Reshingle house	1/30/2022	MD
2022-035	8/23/2022	82000990124001	Meryl Kvam	341 S. Unit Ave., Vergas	Reshingle house		
2022-036	9/26/2022	82000990124001	Meryl Kvam	131 1st Ave. N., Vergas	Reshingle & lift garage. Build awning on garage to keep wood dry		
2022-037	9/8/2022	82000990164000	Veterans Memorial Park	230 Frazee Ave., Vergas	Pour concrete parking area, install sprinkler system	1/19/2023	JL
2022-038	8/30/2022	82000990164000	Veterans Memorial Park	230 Frazee Ave., Vergas	Install sign	10/30/2022	MD
2022-039	9/8/2022	82000500188000	Ryan Weibye	1156 Frazee Ave., Vergas	Add patio & hot tub concrete		
2022-040	9/13/2022	82000990068000	MW Bakery/JH Signs	105 E. Main ST, Vergas	Install sign for bakery	10/30/2022	MD
2022-041	9/13/2022	82000990125001	Verla Day	320 S. Pelican Ave., Vergas	Install steel roofing & repair chimney	10/30/2022	MD
2022-042	10/6/2022	82000990066000	City of Vergas/ A Step Up	117 E. Main ST., Vergas	Install new laminate flooring in upstairs retail rental area, remove old carpet	11/30/2022	JL
2022-043	10/18/2022	82000990066000	City of Vergas/ JoAnne Knuttila	117 E. Main ST., Vergas	Put up Barn Door (sliding) on right end of the storage space. Add sheetrock wall on inside walls of dressing room. Paint barnwood wall on left side of chimney. Walls above wainscoting patched up & painted. Re-finish countertop. Whitewash the barnwood display. Replace or paint paneling on stairs. Stain & clean up stairs in front entrance. Replace electrical outlets to white. a new faucet for the sink below the counter.	1/19/2023	JL
2022-044	10/17/2022	82000990066000	City of Vergas	117 E. Main ST., Vergas	Move door 4' in hallway		
2022-045	10/18/2022	82000990177000	Eric & Brenda Krueger	108 Park View Dr., Vergas	Install shingling		
2022-046	10/25/2022	82000990063000	Vergas Hardware	137 E. Main ST, Vergas	Install (2) new outdoor signs	11/22/222	JL

2022-047	10/28/2022	82000990055000	Loon's Nest	110 . Main ST. Vergas	Install metal over whole roof	12/22/2022	JL
2022-048	12/8/2022	82000990236000	Ben Schreurs	241 Bennett RD, Vergas	Build a shed		
2020-049	12/8/2022	82000990050000	Lori Tjaden	159 E. Elm ST, Vergas	Remodel, Installl 4 sinks, rail on deck, 2 signs, plumb pedi chair, ceiling light, handicapped ramp		

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3. Minutes

December 8, 2022

Files Attached

- 12-08-2022 Planning Commission Meeting minutes.pdf

CITY OF VERGAS PLANNING COMMISSION MINUTES

Thursday, December 9, 2022

6:00 pm

Event Center & Zoom Meeting

The City of Vergas Planning Commission was held on Thursday, December 9, 2022, with the following members present: Bruce Albright, Robert Jacoby, Van Bruhn, Neil Wothe and Paul Pinke. Absent: None. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Blaine Green, Josh Hanson, Judy Kvam and Dean Haarstick.

Call to Order

Chairman Bruce Albright called meeting to order at 6:00 pm.

Agenda Additions and Deletions

Motion by Pinke, seconded by Bruhn to approved agenda with following additions: Ordinance 71.08 regarding parking in front yards..

Minutes

Motion by Pinke, seconded by Jacoby to approve minutes for October 24, 2022. Motion passed unanimously.

Status of Council Recommendations

None.

Construction Permits

Approved Permits by City Clerk-Treasurer

1. 110 East Main St, steel roof
2. 137 E Main St, signs

Permits to be approved

Motion by Pinke, seconded by Wothe to approve the construction permit at 159 E Elm Street for the following: sinks, railing, driveway, ceiling light, handicapped ramp and 2 signs. Motion passed unanimously.

Motion by Pinke, seconded by Bruhn to approve the construction permit for 241 Bennet Road for a shed. Motion passed unanimously.

Items in Question

Discussed permit given to 311 Park View Drive for a shed in their backyard which was placed on the sewer easement of their property and within 10 feet from the property line. Lammers has not received any new information regarding the property. Commissioners asked Lammers to follow up with the property owner.

Grade and Fill Permit

Tabled grade and fill permit due to lack of information. Motion by Pinke, seconded by Wothe to table the request until road plans are submitted and reviewed by Engineers. Motion passed unanimously. Discussed Glen Street and if the road would be extended to subdivision when he puts in the road. City has had a public meeting regarding upgrading the current Glen Street and adjoining property owners do not feel there is any benefit to their property for this extension and the developer should pay for extension. Jon Olson, Apex has also commented they would be adjoining the new development with the current road. Plans and specs need to be reviewed before a response on road can be made.

Albright thanked Lammers for the construction permit spreadsheet.

New Business:

Variance

Discussed the variance application from Josh Hanson for Laurance Lake Acres subdivision regarding adding wells and drain fields instead of municipal water and sewer. Josh Hanson reviewed his request for variance as it is not feasible to

add city water and sewer. Commissioners asked for feasibility study confirming the project is not financially feasible and questioned why the lots were not smaller. Typically City lots are 50-100 feet and these lots are 2-3 acres and the size of the lots are making this unfeasible. Hanson stated they could have gone the route of 45 lots but he personally does not feel Vergas is ready for this much expansion. Hanson stated the comprehensive plan states we need housing and rental housing. Jacoby questioned having smaller lots for part of the developments. Hanson stated it is still not feasible. Commissioners stated they would like to see feasibility study confirming this. Hanson stated he has 4 purchase agreements currently and they are comfortable having wells and drainage fields or city water and sewer but they are not willing to have assessments greater than \$30,000.00. Discussed grants available. Discussed the drinking water supply management area (DWSMA) in the City of Vergas and the impact on the City water supply and contamination. Discussed what kind of precedence is the City setting if we allow wells and drainage fields – stated we need to look at each project separately. In ordinance 152.103 and 152.104 it is talking about where sanitary sewer is available. This is in land use but the water and sewer ordinance discusses being within 200 feet of a street or current sewer line. Motion by Bruhn, seconded by Pinke to recommend to Council to hold a public hearing for this variance with Hanson providing a feasibility report. Motion passed unanimously.

Old Business:

Nuisance Properties

Discussed nuisance properties at 306 E Frazee Avenue, 235 Frazee Avenue, 339 E Frazee Avenue and 350 Pelican Avenue. Jacoby asked Lammers to provide all planning commission members the nuisance process she had provided earlier to the commission. Lammers said she would provide for the January meeting. Motion by Wothe, seconded by Pinke to have attorney send letter to 306 E Frazee Avenue regarding unlicensed cars and have planning commission review other properties at the April meeting. Motion passed unanimously.

Past Conditional Use Permits

Lammers provided a spreadsheet of conditional use permits within the City of Vergas. We have not located a conditional use permit for J & K Marine. Motion by Jacoby, seconded by Pinke to have Lammers send letter to J & K Marine requesting they either provide us a copy of their conditional use permit or apply for one. Motion passed unanimously.

Ordinances

Discussed the following ordinances 71.04, 71.08, 72, 85, 91.2 and 2016-001. Motion by Pinke, seconded by Bruhn to remove the exemption of cats in ordinance 91.02. Motion passed unanimously.

Motion by Pinke, seconded by Bruhn to recommend to Council updating 71.04 and 72 for approval. Motion passed unanimously. Commissioners are leaving ordinance 2016-001 Campgrounds as it reads and we will discuss ordinances 71.08 and 85 at the January meeting.

Gravel Pit Ordinance

Commissioners are to review changes Jeff Hatlewick has made to our current ordinance and we will discuss in January. Lammers will update the date of application to March 1 and correct grammatical errors.

Discussed roles and responsibilities of planning commission. Albright stated he would like to see the Vergas Basic Code updated, indexed and have page numbers.

Lammers thanked Van Bruhn and Paul Pinke for serving on the commission and informed them Judy Kvam and Rebecca Hasse would be joining the planning commission.

Meeting adjourned at 7:40 pm.

Secretary,

Julie Lammers, Vergas City Clerk-Treasurer

Follow Up Actions:

Snow emergency routes.

Review and update Developers Notice Procedure

Review and update Ordinance 85 regarding culverts.

Contact property owner at 311 Park View Drive regarding the shed.

Update gravel pit ordinance.

Add process of nuisance procedure to January agenda.

Council recommendations:

Schedule Public Hearing for utility variance for Laurance Lake Acres Development.

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4. Status of Council Recommendations

A. Variance

B. Ordinances

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2. Ordinance 72 - Snowmobiles
3. Ordinance 91.02 Cat and Dog

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7. Old Business

- A. Gravel Pit Ordinance
- B. Ordinances
 - 1. Ordinance 85 Culverts
 - 2. Ordinance 91.02 Cat and Dog
- C. 311 Parkview Drive
- D. Grade and Fill Permit
- E. Nuisance Procedure
- F. Developers Notice Procedure

Files Attached

- 2023 Proposed Updates to 2017-001 Gravel Pits Ordinance.pdf
- Ordinance No 85 Culvert.pdf
- Proposed Ordinance 91.02 Cats and Dogs.pdf
- Grade and Fill Permit Application for Parcel 82000500024000 extension of Glenn Street.pdf
- Nuisance Procedure.pdf
- Draft-Developers Notice of Procedures.pdf

**ORDINANCE NO. 2017-001
CITY OF VERGAS
COUNTY OF OTTERTAIL
STATE OF MINNESOTA**

151.70 EXCAVATION, MINING AND GRAVEL PITS

151.70 PURPOSE AND INTENT

It is the purpose of this section to regulate the existing and future Mining Operations in the city. Mining Operations are inherently accompanied by noise and dust, often create hazardous conditions, and may result in lasting disfigurement of the land where they are conducted on, and therefore tend to interfere with the use of nearby property or the quality of life for the residents adjacent or in proximity to Mining Operations. It is also the city's intent to ensure that the disturbed areas are restored upon completion of Mining Operations, and overall, to protect public health, life and general welfare.

151.701 DEFINITIONS.

For the purposes of this section, the definitions listed below shall be construed as follows:

Abandonment. The inactivity of a worksite for one year or more without the act of extracting any minerals.

Active Gravel Pit. The terms "active gravel pit" and "active excavation" also mean any area where the topsoil or overburden has been removed for the purpose of mining earthly deposits or minerals, yet the area has remained idle since the topsoil removal. The terms "processing area" also mean any area that is being used for stockpiling, storage, or processing or recycling of sand, gravel, soils, or other materials or products derived from gravel mining, even if such materials did not originate or were not produced on the premises. Such operations may include, but are not limited to, concrete mixing, concrete block production, asphalt production, the grinding and/or crushing of concrete or asphalt, and the processing of petroleum-contaminated soil being managed pursuant to state pollution control agency approval, so long as the processing or recycling does not violate any federal or state law or any of the requirements of any regulatory agencies having jurisdiction over the operations.

Berm. A mound of earth designated to provide screening of areas and to reduce noise.

Dust. Airborne mineral particulate matter.

Engine Retard Breaking. Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

Excavation. The movement or removal of soil and minerals.

Interim Use Permit. A permit for temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Manufacturing. Any activity that includes Portable or Permanent or Temporary Asphalt Plants, Concrete Ready-Mix Plants, Processing and Recycling Plants.

Mineral. Sand, gravel, rock, clay and similar higher density non-metallic natural minerals.

Mineral Extraction. The removal of sand, gravel, rock, clay and other minerals from the ground.

Mineral Extraction Facility. Any area that is being used for removal, stockpiling and storage, of sand, gravel, topsoil, clay, and other minerals.

Operator. Any person or persons, partnership, corporations or other entities or a combination or assignees thereof, including public or governmental agencies, engaging in mineral extraction and any processing, recycling, and manufacturing activities derivatives.

Operation. "Operation" includes the driving of all hauling trucks or equipment into or out of a gravel pit, loading, roadwork or engine start-up of any kind.

Owner. Any person or persons, partnership, corporation or other entities owning fee title to the Subject Property.

Processing Area. Any area that is being used for stockpiling, storage, or processing or recycling of sand, gravel, soils, or other materials or products derived from gravel mining, even if such materials did not originate or were not produced on the premises.

Processing Plant. Machinery used to crush, wash, compounding, mixing, or treat dirt, sand, gravel, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, and other similar products. This does not include Asphalt Plants and Concrete Ready-Mix Plants.

Rehabilitation. To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.

Rough Grade. The stage at which the grade approximately conforms to the approved plan.

Slope. An inclined ground surface the inclination of which is expressed as a rate of horizontal distance to vertical distance.

Soil. Is naturally occurring superficial deposits overlaying bedrock.

Stockpiling. Move or handle a reserve supply of goods or raw material accumulated for future use.

Subject Property. The real property on which Mineral Extraction Facilities, Processing Plant, Asphalt Plant and/or Ready-Mix Plant is sought to be permitted.

Topsoil. Is the upper most layer of naturally occurring soil.

151.71 PERMIT REQUIRED.

Mineral Extraction.

- A. Permit Required. Irrespective of the zoning classification of a subject property a permit, as provided herein, is required for Mineral Extraction or Manufacturing unless specifically excepted from such permit.
- B. An Interim Use Permit (I.U.P.) is required for any Mineral Extraction or Manufacturing Facility.
- C. Interim Permits are valid for one year and shall be applied for on or before March 1 of each year.

151.72 PERMIT APPLICATION REQUIREMENTS.

An application for a permit required by this article shall contain the following:

- A. The legal description of the lands from which it is proposed to excavate, remove, process, store or handle minerals.
- B. The name and address of the applicant and the name and address of the owner of the land.
- C. Names and addresses of all adjacent landowners within one-half mile radius.
- D. Copies of any agreements pertaining to the operation including the duration of any lease, if applicable.
- E. The purpose of the removal.
- F. The estimated time required to complete the removal.
- G. The highways, streets or other public ways within the city upon and along which the material removed shall be transported.
- H. The plan of operation, including, but not limited to:

1. Soil processing (any operation other than direct mining and removal),
 2. Nature of the processing and equipment,
 3. The area to be included in the operation,
 4. Depth of topsoil and soil type,
 5. The depth and grade of excavation,
 6. The estimated quantity of material to be added to or removed from the premises,
 7. Location of the plant,
 8. Location of stockpiles,
 9. Source of water, disposal of water and reuse of water. In the event that water is used in the operation of a pit, approval from the state department of natural resources and other appropriate state or federal agencies shall be obtained as to the type, location and depth of such well and contained with such application.
 10. The number and location of trees prior to excavation,
 11. Adjacent and on-site buildings and land uses,
 12. Map or plat of the proposed pit or excavation showing the confines or limits thereof, together with the proposed finished elevations based on sea level readings.
 13. Elevations and percent slope within 100 feet beyond the perimeter of the excavation and other such information necessary to analyze the site shall be provided by the applicant. United States Geological Survey datum shall be used for all topographic mapping where feasible.
 - 14. Phasing plan which provides no more than ten (10) acres of the site to be open to mining at any one time. Before any additional land may be mined, the applicant must reclaim the site to the condition that is indicated on the approved reclamation plan. Proposed change: Phasing plan which provides no more than ten (10) acres of the site rough grade**
- I. The operation plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and rising dust out of any sand or gravel pit.
 - J. A reclamation plan including, but not limited to:
 1. Final grade of the property;
 2. Depth of topsoil reclaimed;

3. Type of vegetation replanted;
4. Number of trees to be replanted, replacing the trees removed during excavation.

151.73 BOND.

- A. The city council shall require the applicant for a special use permit under this article, owner or user of the property on which the pit or excavation is located, to post a cost bond with surety acceptable to the city or cash escrow in such form and sum as the city council shall determine, with sufficient surety running to the city, conditioned to pay the city the extraordinary cost and expense of managing or repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing material from any pit or excavation, the amount of such cost and expense to be determined by the city engineer; and conditioned further to comply with all the requirements of this chapter, and the particular permit, and to pay any expense the city may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

The city council, for failure of any person to comply with any requirements made of him in writing, under the provisions of this chapter, as promptly as the same can reasonably be done, may proceed to such requirement to be complied with and the cost of such work to be taxed against the property, whereon the pit or excavation is located or the city council may at its option proceed to collect such costs by an action against the entity to whom such permit has been issued and its sureties.

- B. In addition to the bond required in subsection (a), the applicant for the permit shall post a performance bond of at least \$100,000.00. The amount may be greater based on the city engineer's recommendation. The performance bond shall be executed by a corporate surety company authorized to do business in the state. The performance bond shall be used for the active areas for which a permit is granted and conditioned upon full performance of the terms and conditions of this chapter by the applicant and/or owner of the premises described in the permit application. The bond shall remain in effect for at

least one year after the expiration of the permit. The bond shall guarantee the required restoration of the entire site.

151.74 AGREEMENT TO HOLD CITY HARMLESS

No person shall open, operate or maintain mineral extraction facility or engage in mineral extraction on a subject property without an agreement with the city, saving the city free and harmless from any and all suits or claims for damage resulting from negligent excavation, removal or storage of minerals or operation of any mineral extraction facility within the city.

151.75 FEES AND APPLICATIONS.

151.75.01. **Annual fee required.** An annual fee will be required for the Interim Use Permit. Such fee shall be established by council resolution as adopted from time to time.

151.75.02. **Inspection and review permit fee.** The inspection and review permit fee shall be established by council resolution adopted from time to time.

151.75.03. **Denial of Permit.** In the event an application for the issuance of a permit is denied, the city council shall retain such amount of said fees as shall be necessary to defray costs of engineering and legal services incurred by the council in connection with such application and the balance, if any, shall be returned to the applicant.

151.75.04. **Reimbursement of city for engineering and legal services.** In the event of the cost of engineering and legal services exceeds the permit fee, then and in that event the applicant shall, upon notice from the city, reimburse the city for the same within 30 days.

151.75.05. **Form of application.** The application shall be in such form and shall furnish such information as shall be required by the city council.

151.76 INSPECTIONS.

The city engineer shall inspect operating gravel mining pits twice a year, May 1 and November 1, to confirm compliance with this Ordinance. Written reports shall be submitted to

the city administrator within 30 days following each of these inspections. The Engineer shall inspect and certify as compliant or, if deficient, note the deficiency and corrective action to be taken pursuant to a checklist to be developed by the engineer and the City to ensure compliance with this ordinance. **Proposed Change:** Typically no change between November 1 and May 1. I would suggest one inspection on April 1.

151.77. CONDITIONS OF PERMIT.

151.77.01. **Hours of Operation.** Operation shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless specifically authorized by the City. No mineral extraction or manufacturing shall take place on holidays. In cases of public emergencies, the City Clerk may extend hours of operation. It is the specific intent of this section that no crushing, loading, hauling, or engine startup activity of any kind shall take place on or upon any area or subject property other than during those hours specified above.

151.77.02. **Fencing or Berm:** Where deemed necessary by the City, a fence or berm may be required prior to the commencement or as a condition of the continuous operation of any Mineral Extraction or Manufacturing operation enclosing the area authorized by the applicable permit. If required, the fencing must have a minimum of two (2) single strand wires with posts a maximum of twelve (12) feet apart and at least four (4) feet in height. The berm must be a minimum of thirty (30) inches high and six (6) feet in width at the base.

151.77.03. **Screening.** The applicant or owner shall plant suitable and fast-growing screening trees which shall be a minimum of six feet high placed in two rows, staggered with trees not more than ten feet apart in each row, reducing unsightly view of the operations and reducing noise and dust.

151.77.04. **Access Roads.** All access roads will be of a sufficient length from a public road so that any turns onto the public road can be completed with a margin of safety. All access roads shall be maintained so as to minimize noise and dust from vehicles using such access road.

151.77.05. **Dust Control.** The Operator shall utilize all practical means to reduce the amount of dust cause by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the MPCA pollution control agency and the United States EPA.

151.77.06. **Noise.** Maximum noise levels at the perimeter of the Operation will be consistent with the standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.

151.77.07. **Air Quality.** All activities on the Subject Property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's standards.

151.77.08. **Maximum slopes.** During the entire period of operations, all excavations other than the working face shall be sloped on all sides at a maximum ratio of one foot horizontal to one foot vertical, unless a steeper slope shall be approved by the city. Where excavations are adjacent to a public roadway or other right-of-way, or the property adjacent to the excavation, the excavation shall have a maximum four to one slope. Slopes adjacent to or contiguous to bodies of water shall be sloped at a maximum of six to one.

151.77.09. **Setbacks.** The following setbacks shall apply:

- a. No mining shall take place within one hundred (100) feet of any property lines, road right-of-way or easement;
- b. No part of the operation shall be within five hundred (500) feet of any occupied structure not owned by the Operator or Owner and existing at the time of the original permitting.

151.77.10. **Limits of Excavation.** No more than ten (10) acres shall be open to active mining. For each additional five (5) acre area to be mined, five (5) acres of previously mined area must be reclaimed. The processing area shall be no more than ten (10) acres. **Proposed Change:** No more than ten (10) acres shall be open to active mining, except for previously opened areas. For each additional five (5) acre area to be mined, five (5) acres of previously mined area must be reclaimed. The processing area shall be no more than ten (10) acres.

151.77.11. **Noxious Weeds.** The Operator shall utilize all practical means to reduce and prevent the growth of noxious weeds.

151.77.12. **Spillage on Public Roadways.** Spillage of material on and damage to public streets used as haul roads shall be cleaned up and repaired to the satisfaction of the City Engineer in a timely manner.

151.77.13. **Water pollution.** Operators shall comply with all applicable state pollution control agency regulations and federal and Environmental Protection Agency regulations for the protection of water quality. No waste products or process residue, including untreated wash water, shall be deposited in any lake or natural drainage system, except that lakes or ponds wholly contained within the extraction site may be so utilized.

151.77.131. **Topsoil preservation.** All topsoil shall be retained at the site until complete rehabilitation of the site has taken place according to the rehabilitation plan.

151.78. RECLAMATION.

151.78.01 . All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be complete within one (1) year. The following standards shall apply:

- 1) The peaks and depressions shall be graded and backfilled to a surface which will result in a gentle rolling topography in substantial conformity to the land area immediately surrounding. All interior slopes shall be graded to a maximum of 4:1.
- 2) The slope to adjacent properties shall be four foot horizontal to one-foot vertical (4/1) of mined areas;
- 3) Reclaimed areas shall be surfaced with six (6) inches of soil of a quality at least equal to the topsoil of the land areas immediately surrounding; and **Proposed Change:** Reclaimed areas shall be surfaced with an amount equal to the surrounding area of soil of a quality at least equal to the topsoil of the land areas immediately surrounding; and
- 4) The topsoil shall be seeded, sodded or planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute to grasses and legumes. Erosion control measures must be implemented until ground cover is established.

151.78.0011. **Standards for filling and compaction.** Prior to reclamation, the operator shall provide to the city engineer the location, area, and depth of the land before and after the anticipated activity. Such activity and the materials used shall be subject to the following:

151.78.0012. Prior to such activity, the operator shall submit an engineering analysis of the proposed fill and compaction method to the city engineer. Side slopes of the excavation shall be graded to a maximum 1:1 slope prior to the placement of fill and achieve a maximum final slope of 4:1 after filling operations are complete.

151.78.0013. Unless otherwise approved by the city council, materials including, but not limited to, organic soils and debris (topsoil, peat, muskeg, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous wastes shall not be used as fill in reclamation.

151.78.0014. Imported materials used as fill in reclamation shall consist of mineral soils which typically demonstrate a minimum soil bearing capacity of 1,500 psf and are suitable for building foundations.

151.78.0015. The top ten feet of all fill areas shall be compacted by mechanical equipment as the fill is placed, unless otherwise approved by the council, to a minimum of 95 percent of maximum density for a particular soil as determined by the Standard Proctor method.

151.79.00 PERMIT RENEWAL

Operations in compliance with the Interim Use Permit may renew the permit on an annual basis. Renewal applications must be submitted to the City on or before March 1 of each year.

151.80.00 TERMINATION OF PERMIT.

151.80.01. **Violations.** The Council may terminate an Interim Use Permit for violation of this Ordinance, or a condition of this permit, or for violation of other applicable laws.

151.80.02. **Notice to Terminate.** To terminate a permit, the Council shall give notice of the violation or other cause for termination along with an order that the condition be remedied. If the condition has not been repaired within two (2) weeks, the Council shall hold a hearing to determine whether the permit should be terminated.

151.80.03. **Cease Operation Upon Termination.** No mining shall take place after the permit is terminated.

151.81.000 PENALTY

151.81.01. **Violation a misdemeanor.** Any person, firm or corporation who violates or who fail to comply with any of the provision of this ordinance or who make any false statement or omission in any document required to be submitted under the provisions shall be guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

151.81.02. **Each day an offense.** Each day that a violation continues shall constitute a separate offense.

151.80 ENFORCEMENT.

Shall be pursuant to Chapter 151.99, as amended.

Ordinance No. 85

CITY OF VERGAS
COUNTY OF OTTER TAIL
STATE OF MINNESOTA

AN ORDINANCE AMENDING ORDINANCE NO. 79 AN ORDINANCE TO REGULATE THE USE OF LAND, THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDING ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF VERGAS, MINNESOTA, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS, AND REPEALING ORDINANCE NO. 76.

WHEREAS, the City of Vergas, Minnesota, has in place a zoning ordinance entitled AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDING ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF VERGAS, MINNESOTA, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS, AND REPEALING ORDINANCE NO. 76.; and

WHEREAS, the City of Vergas, Minnesota, desires to amend its zoning ordinance to include regulation for the construction and use of culverts;

NOW THEREFORE, the City Council of the City of Vergas, Minnesota ordains that the following should be added to its zoning ordinance:

§ 151.32 CONSTRUCTION AND USE OF CULVERTS

(A) *Construction Standards.* Any person wishing to construct a driveway over an existing ditch or replace an existing culvert must install a culvert with a minimum circumference of 15 inches. The maximum length of the culvert shall not exceed 24 feet for a single driveway for any lots containing or planned to contain a one-family dwelling. The maximum length of the culvert for all other lots will be determined by the City Council based upon the requirements relating to the type of ingress and egress needed, the frequency and type of traffic anticipated to be traveling over and across the culvert, and the structural integrity of the proposed culvert and driveway. All culverts must be installed at such an angle, depth, and location as to facilitate the free flow of water through the culvert.

(B) *Permit Required.* Before installing a new culvert or replacing an existing culvert, the property owner must obtain a construction permit from the City Clerk. The application shall contain a plan showing the location of the culvert, ditch, and driveway in relation to any other structures, boundary lines, and rights-of-way. The application shall contain a plan for the culvert that demonstrates the culvert will meet all of the construction standards of this section. No contractor who is required to be licensed by the State and no person employing a contractor who is required to be licensed shall be issued a building permit unless that contractor is licensed.

(C) *Exception from Building Permit Requirements.* A separate building permit for the installation or replacement of a culvert is not necessary if a current building permit has been issued for another construction project for the same property, the plans for which include detailed plans satisfying the requirements of §151.32(B) for the installation or replacement of the culvert.

(D) *Setback Requirements.* The setback requirements provided in §§ 151.20 to 151.26 shall not apply to culverts. Culverts may be installed anywhere within the boundary lines of the property, provided the culvert does not impede traffic or pose a safety risk along adjacent right-of-ways and otherwise satisfies the construction standards of this section.

(E) *Maintenance and Repair.* The property owner shall be solely responsible for maintaining the culvert, repairing the culvert, and ensuring the culvert is free from debris, rocks, garbage, or other materials that impede the drainage of water through the culvert.

(F) *Nuisance.* Failure to maintain a culvert in a condition that allows for the free flow of water through the culvert shall be a public nuisance under Chapter 92. The nuisance may be abated following the procedures provided in §§ 92.93 and 92.94.

This ordinance shall be codified in the Code of Ordinances of the City of Vegas as “§ 151.32 CONSTRUCTION AND USE OF CULVERTS.”

' 91.02 DOGS AND CATS.

(A) *Running at large prohibited.*

It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited".

(B) *License required.*

(1) All dogs and cats over the age of three months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Cat and dog licenses shall be issued by the City Clerk upon payment of the license fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each cat and/or dog owned or kept by him or her. No license shall be granted for a dog or cat that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog or cat is vaccinated.

(2) It shall be the duty of each owner of a dog or cat subject to this section to pay to the City Clerk the license fee established in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11, as it may be amended from time to time.

(3) Upon payment of the license fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, the Clerk shall issue to the owner a license certificate and metallic tag for each cat and dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each cat and/or dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In case a cat or dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk. A charge shall be made for each duplicate tag in an amount established in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11, as it may be amended from time to time. Cat and dog tags shall not be transferable from one cat or dog to another, and no refunds shall be made on any dog or cat license fee or tag because of death of a cat or dog or the owner's leaving the city before the expiration of the license period.

(4) The licensing provisions of this division (B) shall not apply to cats and dogs whose owners are nonresidents temporarily (staying less than 14 consecutive days) within the city, nor to cats or dogs brought into the city for the purpose of participating in any cat or dog show. If the animal owned is a service animal which is capable of being properly identified as from a recognized school for seeing eye, hearing ear, service or guide animals, and the owner is a blind or deaf person, or a person with physical or sensory disabilities, then no license shall be required.

(5) The funds received by the City Clerk from all cat and dog licenses and metallic tags fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

(C) *Vaccination.*

(1) All cats and dogs kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

- (a) Rabies - with a live modified vaccine; and
- (b) Distemper.

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the any City Employee, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk or officer. Failure to do so shall be deemed a violation of this section.

Penalty, see ' 91.99

Permit Number: 2002-011 Date Received: 10/05/22 Parcel Number: 82000500 024000 Fee \$50.00

City of Vergas Application for Grade and Fill Permit

Property Description:

Lake # 56055500 Lake Name Lawrence Parcel Number 82000500024000

Legal Description WEST LAKE STREET TO GLEN STREET, SEE PLAT
TBD

Lot TBD, Block TBD, Addition TBD

Property: Width 2250' feet, Length 1300' feet

Property Owner: JRMH Holdings

Address of Project property: TBD

Mailing Address: 36256 504TH ST FRAZER MN 56544

Phone: 218-234-1085

Contractors Name: Don SCHROEDER

License Number: _____ Phone: 218-731-5289

Address 18079
430 STREET PEBBLE RAPIDS MN. 56572

Note:

1. The lot lines and project area(s) must be staked before application is made.
2. If the project disturbs more than 1 acre of land, you are required to obtain a General Storm Water Permit from the Minnesota Pollution Control Agency.

On a separate paper, attached to this application, please draw a scale drawing of the project.

Please describe the project: - SEE PLAT

Detailed Information:

Area to be cut/excavated 3000 length 60 width 12 depth

Area to be filled/leveled 3000 length 30 width 2 depth

Culvert(s) X yes _____ no If yes, you must indicate size and location on drawing: SEE PLAT

Type of soils and/or fill material BLACK DIRT, SAND, GRAVEL

Total cubic yards of earthmoving requested 80,000

Signature of property owner Josh R. M. Hansen Date 10-4-22

10/05/2022/po Receipt # 149386 Page 28 of 134

Nuisance Procedure
City of Vergas

- 1.) Nuisance property identified.
 - A. Planning commission tours are held at May, July and September meetings.
 - B. Completed citizen concern form may be received in the city office, from citizens or the utility employees.
- 2.) Office staff requests utilities department to visually evaluate site and document with pictures (imprinted with date). This information is delivered to the city office.
- 3.) Information is presented to Planning Commission for further action.
- 4.) The determination of a nuisance would require the following steps:
 - A. Nuisance form letter would be created for the property stating the ordinance violation, what is expected to abate the nuisance, specific dates noted as to completion of abatement.
 - B. Utilities department will inspect the site and provide documentation with pictures. (imprinted with date.)
 - C. Two Planning Commission members will review documents and determine if nuisance still exists.
- 5.) City office personnel sends certified letter (delivered by maintenance employees to home) allowing an additional 10 days to abate. (This letter costs cost the property owner the current letter fee amount from the city fee schedule)
- 6.) Planning Commission recommends to Council one of the following actions: public hearing, enforcement proceedings, litigation, and/or the City hiring someone to abate the nuisance for them. If the City is forced to abate the nuisance on their behalf, property owner will be billed for all costs associated with abating the nuisance including administrative costs. The City may also assess those costs against their property.

Development Procedures

The following procedures shall be followed and no real property within the jurisdiction of this section shall be subdivided and offered for sale, or a plat recorded until a pre-application meeting has been held, a preliminary plat has been reviewed and approved and until a final plat has been reviewed and approved as set forth in the procedures provided herein.

Pre-application meeting. Prior to the submission of any plat for consideration by the Planning Commission the subdivider must meet with the City Clerk-Treasurer, City Engineer and Planning Commission Chair to introduce himself or herself as a potential subdivider and learn the relevant requirements of the city's code.

Preliminary plat.

(1) *Submission of plat.* The subdivider shall submit to the City Clerk-Treasurer three paper copies and an electronic copy of a preliminary plat of his/her proposed subdivision, the requirements are found in chapter 15 of the Vergas Basic Code. They shall be filed at least 30 days prior to a regularly scheduled Planning Commission meeting and shall be accompanied by the fees set forth in the fee schedule.

(2) *Public hearing.* At the public hearing set for consideration of the preliminary plat, the Planning Commission shall consider comments to the notice of plat, and it shall also review the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, the compatibility with the city Comprehensive Plan and overall city planning. 2023 fee for public hearing is \$400.00 to be paid by developer prior to public hearing notices being mailed.

(3) *Planning Commission action.* At the conclusion of the public hearing the Planning Commission shall either recommend approval, conditional approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration. The Planning Commission shall not recommend approval of a preliminary plat unless the presentation requirements set forth in § 152.08 have all been met. The Planning Commission's recommendation shall then be submitted to the City Council.

(4) *City Council action.* The City Council shall consider the Planning Commission's action at their next regularly scheduled meeting, and shall either approve, approve with conditions, deny or table for future consideration the application. As required by M.S. § 462.358, Subd. 3b, as it may be amended from time to time, the Council must either approve or deny the application for a preliminary plat within 120 days after the application has been submitted, unless an extension of time has been agreed to in writing by the subdivider. The 120-day period does not begin to run until the application contains all of the information required by §§ 152.08(B) and 152.09.

Final plat.

The owner or subdivider shall file with the City Clerk-Treasurer within one year of the date of the approval of the preliminary plat the final plat which shall substantially conform to the preliminary plat as approved for filing document requirements.

152.08 (C) Final plat. The final plat shall include the following:

(1) Such information as was found necessary for review and requested by the Planning

Commission;

(2) (a) Data requirements as set forth in M.S. Ch. 505, as it may be amended from time to time; and

(b) All interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set;

(3) An identification system for all lots and blocks. All lots shall be numbered consecutively;

(4) The area (in square feet) and dimensions of all lots in feet;

(5) The subdivider shall submit two hard-shells, one transparency copy and six duplicate copies of the final plat;

(6) All signatures on the plat must be in black ink;

(7) Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodesic details are correct;

(8) Notarized certification by the fee owner, any contract for deed vendees and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas as required by M.S. § 505.021, Subd. 3, as it may be amended from time to time;

(9) Certification showing that all taxes, special assessments and utility charges currently due on the property to be subdivided have been paid in full for the calendar year in which the plat is filed;

(10) Form for approval by Registered Land Surveyor:

I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Control Ordinance of the City and Minnesota Statutes Ch. 505.

(11) The subdivider shall provide the County Auditor's Office with a Final Title Opinion prepared by the attorney who prepared the Preliminary Title Opinion in substantial conformity with the form set forth as Appendix II to this chapter, within 14 days of the final plat being recorded. The attorney shall also sign the following statement on the face of the plat prior to filing:

I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

(12) Form for Mortgage Statement:

I hereby attest to the fact that there are no mortgages, other than shown, outstanding against any of the property in this subdivision.

(a) and all applicable city regulations and ordinances, state and federal rules, regulations and laws.

(b) Final plat approval shall not be granted to any plat which is not filed within the time herein specified, unless an extension is requested in writing and for good cause, granted by the City Council. The final plat shall be presented to the City Council at a scheduled meeting which is at least two weeks after the date of filing with the City Clerk-Treasurer.

City Council action. Final plat approval shall not be granted unless all presentation requirements of § 152.08 have been met and the plat conforms to all applicable city regulations and ordinances, state and federal rules, regulations and laws. The City Council shall approve, deny or table the final plat, and the Clerk shall notify the owner or subdivider of the Board's actions within 60 days of the submittal of the final plat, as required by M.S. § 462.358, Subd. 3b, as it may be amended from time to time, unless

an extension of time has been agreed to in writing by the subdivider. Failure to meet the time limit requirements of M.S. § 462.358, Subd. 3b, as it may be amended from time to time, may result in automatic approval of the final plat. The final plat, if approved, shall then be recorded with the County Recorder by the subdivider. If any irregularity prevents recording of the final plat, the County Auditor shall notify the owner or subdivider. Any approval of the final plat by the Council shall be null and void if the plat is not recorded with the County Recorder within 90 days after the date of approval unless application for an extension of time is made, in writing, during said 90-day period, to the City Council and for good cause granted by the Council.

Planning Commission
2023 January Planning Commission
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, January 23, 2023

8. New Business

- A. Nuisance Cars
1. Red car on Elm Street
 2. Car located at 301 E Frazee Ave - Apartment Parking Lot
- B. Ordinances:
1. Shoreline Management Ordinance
 2. 92.60 - 92.71 Open Burning

Files Attached

- Shoreline Management.pdf
- Otter Tail County Shoreland-Management-Ordinance-2021-07-01.pdf
- Ordinance 92.60-92.71 Open Burning.pdf

TABLE OF CONTENTS

Shoreline
management

<u>SECTIONS</u>	Page
<u>Section 1.0</u> Statutory Authorization & Policy	1
1.1 Statutory Authorization	
1.2 Policy	
<u>Section 2.0</u> General Provisions and Definitions	1
2.1 Jurisdiction	
2.2 Compliance	
2.3 Enforcement	
2.4 Interpretation	
2.5 Severability	
2.6 Abrogation and Greater Restrictions	
2.7 Definitions	
<u>Section 3.0</u> Administration	7
3.1 Permits Required	
3.2 Certificate of Zoning Compliance	
3.3 Variances	
3.4 Notifications to the DNR	
<u>Section 4.0</u> Shoreland Classifications and Land Use Districts	10
4.1 Shoreland Classification System	
4.2 Land Use District Descriptions	
<u>Section 5.0</u> Zoning and Water Supply/Sanitary Provisions	13
5.1 Lot Area and Width Standards	
5.2 Placement, Design & Height of Structures	
5.3 Shoreland Alterations	
5.4 Placement and Design of Roads, Driveways & Parking Areas	
5.5 Stormwater Management	
5.6 Special Provisions for:	
-Commercial, Industrial, Public & Semipublic Uses	
Agricultural Uses	
Forestry	
Extractive Uses	
Mining of Metallic Minerals & Peat	
5.7 Conditional Uses	
5.8 Water Supply and Sewage Treatment	

<u>Section 6.0</u>	Non-conformities	27
	6.1 Construction on Nonconforming Lots of Record	
	6.2 Additions/Expansions to Nonconforming Structures	
	6.3 Nonconforming Sewage Treatment Systems	
<u>Section 7.0</u>	Subdivision/Platting Provisions	29
	7.1 Land Suitability	
	7.2 Consistency with other Controls	
	7.3 Information Requirements	
	7.4 Dedications	
	7.5 Platting	
	7.6 Controlled Access or Recreational Lots	
<u>Section 8.0</u>	Planned Unit Developments	30
	8.1 Types of PUD'S Permissible	
	8.2 Processing of PUD'S	
	8.3 Application for a PUD	
	8.4 Site "Suitable Area" Evaluation	
	8.5 Residential and Commercial PUD Density Evaluation	
	8.6 Maintenance and Design Criteria	
	8.7 Conversions	

**CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE**

SECTION 1.0 STATUTORY AUTHORIZATION AND POLICY

1.1 Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

1.2 Policy. The uncontrolled use of shorelands of the City of Vergas, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. It is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This delegation of responsibility is hereby recognized by the city of Vergas.

1.3 Amendments. This Ordinance may be amended in whole or in part by the City Council after proper public hearing conducted by the City Council and as provided in Minnesota Statutes.

1.4 Effective Date. This Ordinance as amended shall be in full force and effect on and after May 5, 1992. Construction not completed on May 5, 1992, without a permit, is considered a new construction and shall conform to all requirements of this Ordinance.

SECTION 2.0 GENERAL PROVISIONS AND DEFINITIONS.

2.1 Jurisdiction. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations Parts 6120.2500-6120.3900, no lake, pond, or flowage less than 10 acres in size is regulated. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this ordinance.

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

2.3 Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of

variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this ordinance.

2.31 In the event of a violation or a threatened violation of this Ordinance, the City Council and/or the Zoning Administrator, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Council to institute such action. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction.

2.32 Any taxpayer or taxpayers of the City of Vergas may institute mandamus proceedings in District Court to compel specific performance by the proper officer or officers of any duty required by this Ordinance.

2.33 The Zoning Administrator and City Council, in the performance of their duties, shall have free access on all land included in Shoreland Management use districts.

2.4 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2.5 Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.6 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. Where other ordinances impose greater restrictions, the provisions of such other ordinances shall prevail.

2.7 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

2.711 Accessory Structure or Facility. "Accessory structure" or "facility" means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

2.712 Bluff. "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope

of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

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

2.713 Bluff Impact Zone. "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

2.714 Boathouse. "Boathouse" means a structure designed and used solely for the storage of boats or boating equipment.

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

2.716 Commercial Planned Unit Developments. "Commercial planned unit developments" are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

2.717 Commercial use. "Commercial use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

2.718 Commissioner. "Commissioner" means the commissioner of the Department of Natural Resources.

2.719 Conditional use. "Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

2.720 Deck. "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

2.721 Duplex, triplex, and quad. "Duplex, triplex," and "quad" means a dwelling structure on a single lot, having two, three, and four units, respectively being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

2.722 Dwelling site. "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

2.723 Dwelling unit. "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

2.724 Extractive use. "Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

2.725 Forest land conversion. "Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

2.726 Guest Cottage. "Guest cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

2.727 Hardship. "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter 462.

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

2.729 Industrial use. "Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

2.730 Intensive vegetation clearing. "Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

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

2.732 Lot width. "Lot width" means the shortest distance between lot lines measured at the midpoint of the building line.

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

2.734 Ordinary high water level. "Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

2.735 Planned unit development. "Planned unit development" means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

2.736 Public waters. "Public waters" means any waters as defined in Minnesota Statutes, section 105.37, subdivisions 14 and 15.

2.737 Residential planned unit development. "Residential planned unit development" means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

2.738 Semipublic use. "Semipublic use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

2.739 Sensitive resource management. "Sensitive resource management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

2.740 Setback. "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or their facility.

2.741 Sewage treatment system. "Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.8 of this ordinance.

2.742 Sewer system. "Sewer system" means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

2.743 Shore impact zone. "Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

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

2.745 Significant historic site. "Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 308.07. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

2.746 Steep slope. "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

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

2.748 Subdivision. "Subdivision" means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

2.749 Surface water-oriented commercial use. "Surface water-oriented commercial use" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

2.750 Toe of the bluff. "Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

2.751 Top of the bluff. "Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

2.752 Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes Chapter 462.

2.753 Water-oriented accessory structure or facility. "Water-oriented accessory structure or facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

2.754 Wetland. "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition.)

2.755 Zoning Administrator. "Zoning Administrator" is the person appointed from time to time by the Vergas City Council to administer this ordinance.

SECTION 3.0 ADMINISTRATION.

3.1 Permits Required

3.11 General Requirements. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.3 of this ordinance. A Site Permit shall also be obtained prior to moving a structure. Application for a permit shall be made to the Zoning Administrator on the forms provided and accompanied by a fee as established from time to time by the Council. Said fees shall be kept by the Zoning Administrator on a separate Fee Schedule. The application shall include a scale drawing of the proposal, and the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided. The Zoning Administrator may require an onsite inspection prior to issuing such a permit. The applicant shall notify the Zoning Administrator once the building footings have been constructed. The Zoning Administrator shall require use of the city sewer system, unless a variance has been issued for an on-site sewage treatment system.

3.12 Sewage Treatment. Before a Site Permit is issued the terms of this Ordinance shall be met. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 5.8 shall be reconstructed or replaced in accordance with the provisions of this ordinance. The Zoning Administrator shall require use of the city sewer system, unless a variance has been issued for reconstruction or replacement of the existing on-site sewage treatment system.

3.13 Zoning Administrator. The Vergas City Council shall from time to time appoint a Zoning Administrator to administer this ordinance. The person appointed need not be a resident of the City of Vergas, and shall serve under the control and at the discretion of the City Council until he or she resigns, is removed, or a successor is appointed by the City Council. The City Council hereby delegates to the Zoning Administrator the following duties and responsibilities:

A. Issue Site Permits and inspect building location following notification by applicant.

B. Administer the terms of this Ordinance subject to any required approval of the City Council.

C. Keep necessary records.

D. May issue Conditional Use Permits for grading and filling projects, of not more than 300 cubic yards, for landscaping purposes. The Zoning Administrator may require an onsite inspection prior to issuing such a permit.

E. Where structures exist on the adjoining lots on both sides of a proposed building site, water and road setbacks may be altered without a variance to conform to the adjoining setbacks ("string test"), provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

3.2 Certificate of Zoning Compliance. The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 1, above. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.3 of this ordinance.

3.3 Conditional Uses. See Section 5.7 for Ordinance provisions relating to Conditional Uses.

3.4 Variances.

3.41 General Provisions. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the city council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

3.42 Application, Notice and Hearing. The applicant for a variance shall file an application in the office of the Zoning Administrator not less than twenty (20) days prior to the next scheduled meeting of the City Council and pay a fee as set

forth in the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing of the area under consideration showing the location of any existing structures and any proposed structures. The drawing shall also indicate all setback distances in feet. In addition, the applicant must provide the property's fire or lake association number when available. In absence of such number, detailed directions to the property must be provided with the application.

A. Within three days of making an application for a variance the applicant shall stake the area under consideration and post the applicant's name and address in a clearly visible location on the property.

B. The Zoning Administrator shall refer the application to the City Council and give the notices required by Section 3.5.

C. The City Council shall consider the application at its next regular meeting at which time is available, following compliance with the notice requirements above specified.

3.43 Sewage Treatment. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require nonconforming sewage treatment systems to be abandoned, and replaced by connection to the city sewer system. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by variance.

3.44 Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

3.5 Notifications to the Department of Natural Resources and Property Owners.

3.51 Conditional Use Permit Applications. Written notice of each hearing on a conditional use permit application shall be sent to property owners of record within one quarter (1/4) mile of the affected property or to owners of the ten properties nearest the affected property, whichever will provide the greater number of owners. The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the City Council will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.52 Variance Applications. Written notice of each hearing on a variance application shall be sent to property owners of record within five hundred (500) feet of the affected property. Written notice shall also be sent to the Commissioner. The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the City Council will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.53 Amendments. Written notice of each hearing for consideration of amendment(s) to the existing controls shall be sent to the Commissioner. This written notice shall be given not less than fourteen (14) days prior to the hearing at which the amendment(s) will be considered.

3.54 Plats. Written notice of each hearing on a proposed plat shall be sent to the property owners of record within one-half (1/2) mile of a proposed plat. Written notice shall also be sent to the Commissioner (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the City Council will consider said plat, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.55 A copy of approved amendments and plats and final decisions granting Variances 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.

SECTION 4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

4.1 Shoreland Classification System. The public waters of the City of Vergas have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Otter Tail County, Minnesota.

4.11 The shoreland area for the waterbodies listed in sections 4.12 and 4.13 below, shall be as defined in Section 2.744 and as shown on the Official Zoning Map.

4.12 Lakes:

<u>1. Recreational Development Lakes</u>	<u>Protected Waters Inven. ID#</u>
Long Lake	
Loon Lake	56-523
<u>2. General Development Lakes</u>	<u>Protected Waters Inven. ID#</u>
Lawrence	56-555

4.2 Land Use District Descriptions.

4.21 Criteria For Designation. The land use districts in Section 4.22, below, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies and objectives of the comprehensive land use plan when available and the following criteria, considerations and objections:

A. General Considerations and Criteria for All Land Uses:

1. preservation of natural areas;
2. present ownership and development of shoreland areas;
3. shoreland soil types and their engineering capabilities;
4. topographic characteristics;
5. vegetative cover;
6. in-water physical characteristics, values and constraints;
7. recreational use of the surface water;
8. road and service center accessibility;
9. socioeconomic development needs and plans as they involve water and related land resources;
10. the land requirements of industry which, by its nature, requires location in shoreland areas; and
11. the necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Developments:

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

4.22 Land Use District Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, part 6120.3200, Subp. 3:

A. Land Use Districts for Lakes:

General
Development
Lakes
(Lawrence)

Recreational
Development
Lakes
(Long & Loon)

**1. Special Protection District
Uses (Agricultural Districts)**

Forest Management	P	P
Agricultural: Crop land and Pasture	P	P
Agricultural Feedlots	C	C
Parks, Playgrounds, Churches, Schools & Historic Sites	C	C
Single Residential	C	C
Duplex, Triplex and Quad Residential	C	C
Planned Unit Developments	C	C

*As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.0 of this ordinance are satisfied.

4.23 Use and Upgrading of Inconsistent Land Use Districts.

A. The land use districts adopted in Ordinances not specifically dealing with shoreland, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, may not be consistent with the land use district designation criteria specified in Section 4.22, above. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

B. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:

1. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 4.21 and 4.22, above, except that nonconforming uses on lots of record with the Otter Tail County Recorder may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement establishment or expansion is consistent with existing uses in the area.

C. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the City Council. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.

D. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating

information for the specific parcel in question. The City Council will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy Items A and B, above.

E. The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 4.2.

SECTION 5.0 ZONING AND WATER SUPPLY/SANITARY PROVISIONS

5.1 Lot Area and Width Standards. The lot area (in square feet) and lot widths standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are set forth in this subdivision.

5.11 Unsewered Lake Lots

A. Recreational Development: (Long & Loon Lakes)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000 ✓	150	40,000	150
Duplex	80,000	225	80,000	225
Triplex	120,000	300	120,000	300
Quad	160,000	375	160,000	375

B. General Development: (Lawrence Lake)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	225
Triplex	120,000	300	120,000	300
Quad	160,000	375	160,000	375

5.12 Sewered Lake Lots:

A. Recreational Development: (Long & Loon Lakes)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

B. General Development: (Lawrence Lake)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

5.14 Additional Special Provisions.

A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 5.12 and 5.13 can only be allowed if designed and approved as residential planned unit developments under Section 8.0 of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 5.12 can only be used if city sewer system service is available to the property.

B. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 5.11-5.13, provided the following standards are met:

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

C. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

1. they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
2. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percentage)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

3. they must be owned by common by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
4. covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicing. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

5.2 Placement, Design, and Height of Structures.

5.21 Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

A. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

Classes of Public Waters	<u>Setbacks*</u>		
	Structures <u>Unsewered</u> <u>Sewered</u>		Sewage Treatment <u>System</u>
<u>Lakes</u>			
Recreational Dev. (Loon & Long)	100	75	75
General Dev. (Lawrence)	100	75	75

*One water-oriented accessory structure designed in accordance with Section 5.22 of this subdivision may be set back a minimum distance of ten (10) feet from the ordinary high water level.

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

<u>Setback From:</u>	<u>Setback (in feet):</u>
(1) top of bluff;	30
(2) unplatted cemetery;	50
(3) right-of-way line of federal, state or county highway; and	50
(4) right-of-way line of town road, public street, or other roads or streets not classified.	20
(5) lot line (does not apply to fences which are not greater than 6 feet in height)	10 feet (or 10% of lot width whichever is less)

C. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

D. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters, frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

5.22 Design Criteria for Structures.

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

1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.

2. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation.

B. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 5.21 if this water-oriented accessory structure complies with the following provisions:

1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;

2. The setback of the structure or facility from the ordinary high water level must be at least ten feet;

3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;

5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

6. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

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

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;

3. Canopies or roofs are not allowed on stairways, lifts, or landings;

4. 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;

5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items 1 through 5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

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

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

5.23 Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

5.3 Shoreland Alterations. Alterations of vegetation and topography 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.

5.31 Vegetation Alterations.

A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetation alteration standards that follow.

B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subdivision 5.62 and 5.63, below, are allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest

land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

b. Along rivers, existing shading of water surfaces is preserved; and

c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

5.32 Topographic Alterations/Grading and Filling.

A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

B. Public roads and parking areas are regulated by Section 5.4, of this ordinance.

C. Notwithstanding items A. and B. above, a grading and filling permit will be required for:

1. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

D. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:

a. Sediment and pollutant trapping and retention;

damage;

- b. Storage of surface runoff to prevent or reduce flood
- c. Fish and wildlife habitat;
- d. Recreational use;
- e. Shoreline or bank stabilization; and
- f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation will not include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be responsible for documenting such determination and complying with such requirements to the satisfaction of the City.

2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

6. Fill or excavated material must not be placed in a manner that creates an unstable slope;

7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

8. Fill or excavated material must not be placed in bluff impact zones;

9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 105.42;

10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and;

11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

E. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

5.4 Placement and Design of Roads, Driveways, and Parking Areas.

5.41 Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

5.42 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

5.43 Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.32 of this ordinance must be met.

5.5 Stormwater Management.

The following general and specific standards shall apply:

5.51 General Standards:

A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

5.52 Specific Standards:

A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.

B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

5.6 Special Provisions for Commercial, Industrial, Public/ Semipublic, Forestry, and Agricultural Uses.

5.61 Standards for Commercial, Industrial, Public and Semipublic Uses.

A. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

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

5.62 Agricultural Use Standards.

A. General cultivation farming, grazing, nurseries, horticulture, truck farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

B. Animal feedlots must meet the following standards:

1. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and

2. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

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

5.64 Extractive Uses. Extractive uses are not allowed.

5.65 Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51 is not allowed.

5.7 Conditional Uses. Any proposed conditional use shall be presented to the City Council for the determination of its applicability to the Shoreland Management District wherein proposed. In support of such determination applicability, the City Council may require preliminary scale drawings or sketches of all buildings or groups of buildings showing the front, side and rear elevations of the proposed buildings, structures or other improvements and the proposed location of such buildings on the lot as the same shall appear after the work has been completed. Such drawings shall be considered by the City Council in an endeavor to ascertain that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the City and the zoning district wherein located.

5.71 Application. The applicant for a Conditional use Permit shall file an Application along with the required scale drawings in the office of the Zoning Administrator not less than twenty (20) days prior to the next scheduled meeting of the City Council and pay a fee as set forth in the Fee Schedule when the application is filed.

5.72 Staking. Within three days of making an application for a Conditional Use Permit, the applicant shall stake the area under consideration in such a way as to demonstrate the area to be topographically altered or the location of a proposed structure and post the applicant's name and address in a clearly visible location on the property.

5.73 Notice. The Zoning Administrator shall refer the Application to the City Council, and give the notice required by Section 3.5.

5.74 Meeting. The City Council shall consider the Application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.

5.75 If either an EAW or an EIS is required for any proposed Conditional Use Application, the applicant shall assume all costs associated with preparation, review, and presentation of these documents.

5.76 The applicant or the applicant's representative shall appear before the City Council and answer any questions concerning the proposed Conditional Use Application.

5.77 The City of Vergas shall have the right to require performance bonds and establish the amount of a bond for any one or all Conditional Use Application approvals. All bonds shall be payable to the City of Vergas and shall be filed with the Zoning Administrator prior to City Council approval of the Conditional Use Permit.

5.78 The City Council may issue a Conditional Use Permit if the proposed change is found to be consistent with the general purposes of this Ordinance and the intent of this and all other applicable state and local regulations and laws, taking into consideration the following (when applicable):

- A. Adequate parking and traffic control.
- B. Amount of noise generated.
- C. Environmental impact, including site evaluations based on soils, topography and vegetation.
- D. Any hazards that may be created; both on land and water.
- E. Compatibility with the surrounding area; both on land and water.
- F. Density and location of development.
- G. Suitability of the area for the proposed use.
- H. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- I. The visibility of structures and other facilities as viewed from public waters is limited;
- J. The site is adequate for on-site water supply and/or on-site sewage treatment, if on-site water supply and/or on-site sewage treatment is to be allowed; and
- K. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- L. Whether a conditional use is appropriate based on existing uses in the area.
- M. Any other possible adverse effects of the proposed Conditional Use Application and what additional requirements may be necessary to prevent such adverse effects.

5.79 Conditions Attached to Conditional Use Permits. The City Council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits 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 from the ordinary high water level;
- B. Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and
- C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

5.80 The City Council shall take action on the Application within sixty (60) days after the meeting, for which notice was first given under Sections 3.5.

5.81 The City Council shall establish the valid period for each Conditional Use Permit granted.

5.82 After approval of the Conditional Use Application by the City Council the applicant shall secure from the Zoning Administrator a written Conditional Use Permit before initiating the project.

5.83 Within three (3) days of completion, the applicant for a Conditional Use Permit, shall notify the Zoning Administrator that the conditional use project is completed and ready for an inspection.

5.84 The Zoning Administrator shall inspect after notification and inform the applicant in writing whether the project complies with the approved Conditional Use Permit. The purpose of the Conditional Use Permit shall not be put to use until written approval has been granted by the Zoning Administrator.

5.85 Nonconforming Uses. Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

5.8 Water Supply and Sewage Treatment.

5.81 Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

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

A. Publicly-owned sewer systems must be used unless a variance is obtained for a private system.

B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.

C. On-site private sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 5.21 of this ordinance.

D. All proposed sites for private sewage treatment systems shall be evaluated in accordance with the criteria in subitems 1. through 4., below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

1. Depth to the highest known or calculated ground water table or bedrock;
2. Soil conditions, properties and permeability;
3. Slope;
4. The existence of lowlands, local surface depressions and rock outcrops;

E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 6.13 of this ordinance.

SECTION 6.0 NONCONFORMITIES

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

6.1 Construction on Nonconforming Lots of Record.

6.11 Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 5.1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

6.12 A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the city council shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

6.13 If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 5.1 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 5.1 of this ordinance as much as possible. However, nonconforming sales of or uses on contiguous lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the sale, use, replacement, establishment or expansion is consistent with existing uses in the area.

6.2 Additions/Expansions to Nonconforming Structures.

6.21 All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 5.0 of this ordinance. Any deviation from these requirements must be authorized by a variance.

6.22 Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

A. The structure existed on the date the structure setbacks were established;

B. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

C. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

E. The deck is constructed primarily of wood, and is not roofed or screened.

6.23 Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

6.3 Nonconforming Sewage Treatment Systems.

6.31 A sewage treatment system not meeting the requirements of Section 5.8 of this ordinance must be abandoned, and replaced by connection to the city sewer system, at any time a permit or variance of any type is required for any improvement on, or use of, the property. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by conditional use permit. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

6.32 Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems

with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

SECTION 7.0 SUBDIVISION/PLATTING PROVISIONS

7.1 Land Suitability. Each lot created through subdivision including planned unit developments authorized under Section 8.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, and any feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

7.2 Consistency with Other Controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless public sewer and water are made available and installed to the lot line, or adequate private sewer and water services are available or can be provided for every lot consistent with Sections 5.2 and 5.8. Use of the city sewer system shall be required, unless a conditional use permit and/or variance is granted for on-site private sewage treatment systems. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.

7.3 Information Requirements. Sufficient information must be submitted by the applicant for the city to make a determination of land suitability. The information shall include at least the following:

7.31 Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

7.32 The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

7.33 Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

7.34 Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

7.35 Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

7.36 A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or river.

7.4 Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

7.5 Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was created in conformity with the provisions of this Section 7.0.

7.6 Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 5.14 of this ordinance.

SECTION 8.0 **PLANNED UNIT DEVELOPMENTS (PUD'S)**

8.1 Types of PUD'S Permissible. Planned unit developments (PUD'S) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 4.2 of this ordinance and the official zoning map.

8.2 Processing of PUD'S. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 8.5, below. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

8.3 Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

8.31 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 ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

8.32 A property owners association agreement (for residential PUD's) with mandatory membership and all in accordance with the requirements of Section 8.6 of this ordinance.

8.33 Deed, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified Section 8.6 of this ordinance.

8.34 When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

8.35 Those additional documents as requested by the Zoning Administrator or City Council that are necessary to explain how the PUD will be designed and will function.

8.4 Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 8.5.

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

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
General development lakes first tier	267	200
General development lakes second and additional tiers	267	200
Recreational development lakes	267	267

8.42 The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

8.5 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 waterbody, but must not be transferred to any other tier closer.

8.51 Residential PUD "Base" Density Evaluation:

A. The suitable area within each tier is divided by the single residential lot size standard for lakes which 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 planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 8.6.

8.52 Commercial PUD "Base" Density Evaluation:

A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

B. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios* Public waters classes

*Average unit floor area (sq. ft)	Sewered general development lakes; first tier on unsewered general development lakes;	Second and additional tiers on unsewered general development lakes; recreational development lakes;
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

C. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

D. Divide the total floor area by tier computed in Item C. above by the average inside living area size determined in Item A. above. This yields a base number of dwelling units and sites for each tier.

E. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 8.6

8.53 Density Increase Multipliers:

A. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 5.0 are met or exceeded and the design criteria in Section 8.6 are satisfied. The allowable density increases in Item B. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

B. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commerical Planned Unit Developments:

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

8.6 Maintenance and Design Criteria.

8.61. Maintenance and Administration Requirements.

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

B. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

1. commercial uses prohibited (for residential PUD's);
2. vegetation and topographic alterations other than routine maintenance prohibited;

3. construction of additional buildings or storage of vehicles and other materials prohibited; and

4. uncontrolled beaching of watercraft prohibited.

C. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners 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. assessments must be adjustable to accommodate changing conditions; and

4. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

8.62 Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

A. at least 50 percent of the total project area must be preserved as open space;

B. dwelling units or sites, road rights-of-way, 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 unplatted cemeteries;

D. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

E. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

F. open space 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 by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

H. the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

8.63 Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

A. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

B. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 7.3.

8.64 Centralization and Design Facilities. Centralization and design of facilities and structures must be done according to the following standards:

A. planned unit developments must be connected to publicly owned water supply and sewer systems, unless a variance is obtained for a private system. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 5.2 and 5.8 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient law area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

B. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setbacks 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 8.53 of this ordinance for developments with density increases;

C. shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier

(notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

D. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

E. accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and

F. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.2 of this ordinance and are centralized.

8.7 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

8.71 Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

8.72 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

8.73 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

A. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

B. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

C. if existing dwelling units are located 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.

8.74 Existing dwelling unit or dwelling site densities that exceed standards in Section 8.5 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

THE SHORELAND MANAGEMENT ORDINANCE

of

OTTER TAIL COUNTY

ORIGINAL EFFECTIVE DATE

OCTOBER 15, 1971

REVISIONS

MAY 1, 1973

APRIL 1, 1978

MAY 8, 1981

APRIL 15, 1985

FEBRUARY 5, 1992*

APRIL 13, 1993

MAY 1, 1997

JANUARY 1, 2001

JANUARY 1, 2004

MAY 1, 2008

AUGUST 1, 2013

APRIL 8, 2016

JANUARY 15, 2017

JULY 1, 2021

*AS MANDATED BY THE STATE OF MINNESOTA

Adopted June 22, 2021

EFFECTIVE DATE: July 1, 2021



THE SHORELAND MANAGEMENT ORDINANCE OF OTTER TAIL COUNTY

Contents

SECTION 1	TITLE, PURPOSE AND INTENT	- 4 -
Subp. 1.	Title	- 4 -
Subp. 2.	Purpose and Intent	- 4 -
Subp. 3.	Jurisdiction/Administrative Scope.....	- 4 -
Subp. 4.	Compliance	- 4 -
Subp. 5.	Legal Authority	- 4 -
SECTION 2	DEFINITIONS	- 5 -
SECTION 3	ADMINISTRATION	- 13 -
Subp. 1.	Permits Required	- 13 -
Subp. 2.	Exemptions from Permits	- 13 -
Subp. 3.	Permit Application	- 14 -
Subp. 4.	Inspections.....	- 14 -
Subp. 5.	Compliance with Permit	- 14 -
Subp. 6.	Administrative Officer	- 14 -
Subp. 7.	Conditional Uses	- 14 -
Subp. 8.	Conditional Use Permits	- 15 -
Subp. 9.	Conditional Use Permit Application, Review and Approval Process.....	- 15 -
Subp. 10.	Appeals.....	- 16 -
Subp. 11.	Variances.....	- 17 -
Subp. 12.	Board of Adjustment and Variances.....	- 17 -
Subp. 13.	Mitigation.....	- 18 -
Subp. 14.	Nonconformities	- 18 -
Subp. 15.	Exemptions	- 19 -
Subp. 16.	Shoreland Management by Townships	- 19 -
Subp. 17.	Notification Procedures	- 19 -
Subp. 18.	Amendments.....	- 20 -
Subp. 19.	Renewable Energy Systems	- 20 -
Subp. 20.	Notifications to the Department of Natural Resources	- 20 -
Subp. 21.	Mandatory EAW.....	- 21 -
SECTION 4	SHORELAND CLASSIFICATION SYSTEM AND LAND USES.....	- 22 -
Subp. 1.	Shoreland Classification System	- 22 -
Subp. 2.	Land Uses.....	- 22 -

SECTION 5	SPECIAL LAND USE PROVISIONS	- 24 -
Subp. 1.	Commercial, Industrial, Public and Semipublic Standards.....	- 24 -
Subp. 2.	Agricultural Use Standards	- 24 -
Subp. 3.	Forest Management Standards	- 24 -
Subp. 4.	Extractive Use Standards.....	- 25 -
Subp. 5.	Metallic Mining Standards.....	- 25 -
SECTION 6	DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS	- 26 -
Subp. 1.	Purpose.....	- 26 -
Subp. 2.	Lot Area and Width Standards	- 26 -
Subp. 3.	Special Residential Lot Provisions	- 27 -
Subp. 4.	Placement, Height, and Design of Structures on Lots.....	- 28 -
Subp. 5.	Height of Structures	- 29 -
Subp. 6.	Lowest Floor Elevation	- 29 -
Subp. 7.	Significant Historic Sites	- 29 -
Subp. 8.	Water Supply and Sewage Treatment.....	- 30 -
SECTION 7	PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES	- 31 -
Subp. 1.	Placement and Design of Roads, Driveways, and Parking Areas	- 31 -
Subp. 2.	Stairways, Lifts and Landings.....	- 31 -
Subp. 3.	Water-Oriented Accessory Structures	- 31 -
SECTION 8	VEGETATION AND LAND ALTERATIONS	- 33 -
Subp. 1.	Purpose.....	- 33 -
Subp. 2.	Vegetation Management.....	- 33 -
Subp. 3.	Grading and Filling.....	- 33 -
Subp. 4.	Stormwater Management	- 35 -
SECTION 9	SUBDIVISION/PLATTING PROVISIONS	- 36 -
Subp. 1.	Purpose.....	- 36 -
Subp. 2.	Land Suitability	- 36 -
Subp. 3.	Recording.....	- 36 -
Subp. 4.	Consistency with other controls.....	- 36 -
Subp. 5.	Presentation Requirements.....	- 36 -
Subp. 6.	Dedications	- 37 -
Subp. 7.	Water and Sewer Design Standards	- 37 -
Subp. 8.	Information Requirements	- 37 -
Subp. 9.	Dedications	- 38 -

Subp. 10.	Platting	- 38 -
Subp. 11.	Controlled Access Lots Not Allowed	- 38 -
Subp. 12.	Pre-Application Meeting	- 38 -
SECTION 10	PLANNED UNIT DEVELOPMENTS	- 39 -
Subp. 1.	Purpose	- 39 -
Subp. 2.	General	- 39 -
Subp. 3.	Types of PUDs Permissible	- 39 -
Subp. 4.	Density Determination or Site Density Evaluation	- 40 -
Subp. 5.	Residential Planned Unit Development Density Evaluation Steps and Design Criteria	- 40 -
Subp. 6.	Commercial Planned Unit Development Density Evaluation Steps and Design Criteria.	- 43 -
SECTION 11	ENFORCEMENT	- 46 -
SECTION 12	SEVERABILITY	- 46 -
SECTION 13	ABROGATION AND GREATER RESTRICTIONS	- 46 -
SECTION 14	OWNER LIABLE	- 46 -
SECTION 15	SAVINGS CLAUSE	- 46 -
SECTION 16	REPEAL	- 46 -
SECTION 17	ADOPTION/EFFECTIVE DATE	- 46 -

SECTION 1 TITLE, PURPOSE AND INTENT**Subp. 1. Title**

This ordinance shall be known as the Shoreland Management Ordinance of Otter Tail County, Minnesota and herein after referred to as the ordinance.

Subp. 2. Purpose and Intent

The uncontrolled use of shorelands in Otter Tail County, Minnesota affects the public health, safety and general welfare by contributing to environmental degradation of surface waters and the natural resources of the county. It is, therefore, in the best interest of the public's health, safety and general welfare to provide for the wise subdivision, use and orderly development of shorelands of public waters in an effort to prevent pollution and preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide the wise use of waters and related land resources of Otter Tail County. This responsibility is hereby recognized by Otter Tail County and will be accomplished through the enforcement of this Ordinance.

Subp. 3. Jurisdiction/Administrative Scope

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 4 of this Ordinance in all areas of Otter Tail County. Pursuant to [Minnesota Rules, Chapter 6120](#), no lake, pond, or flowage less than 10 acres in size in municipalities or less than 25 acres in size in unincorporated areas of the county need be regulated by this Ordinance. A body of water created by a private user where there was no previous shoreland may, at the discretion of Otter Tail County, be exempt from this Ordinance.

Subp. 4. Compliance

No structure located in Otter Tail County and lying outside the incorporated limits of any municipality and lying within the Shoreland Management Districts herein defined shall be erected or altered which does not comply with the regulations in this Ordinance, nor shall any structure or premises be used for any purpose other than a use permitted by this Ordinance. No topographical alterations shall be performed within the Shoreland Management Districts without following the requirements of this Ordinance.

Subp. 5. Legal Authority

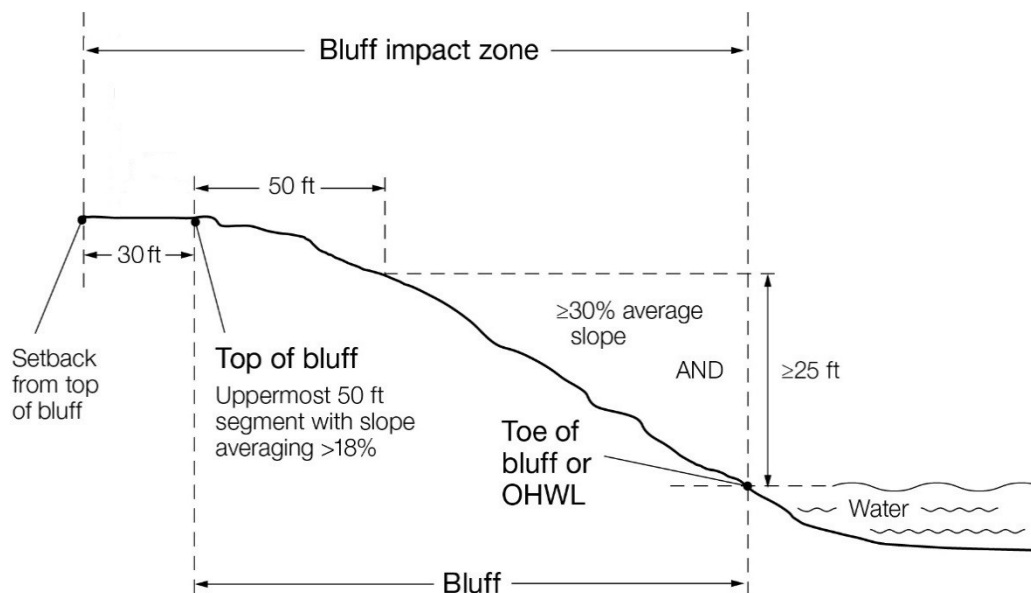
This ordinance is adopted pursuant to the authority authorized under [Minnesota Statute, Chapter 103F](#), [Minnesota Rules, Chapter 6120](#), and [Minnesota Statute, Chapter 394](#).

SECTION 2 DEFINITIONS**Certain Terms**

For the purposes of this ordinance, certain terms or words used are interpreted as follows: the words “shall” and “must” are mandatory and the words “should” and “may” are permissive. All distances, unless otherwise specified, are measured horizontally.

For the purposes of this ordinance, the certain words and phrases are defined as follows:

- Subp. 1. **Access Lot.** “Access Lot” means a parcel of land designated for access to public waters for riparian parcels.
- Subp. 2. **Accessory Structure or Facility.** “Accessory structure or facility” means any building or improvement of a nature customarily incidental and subordinate to the primary use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- Subp. 3. **Administrative Officer.** “Administrative Officer” means the Director of the office of Land and Resource Management of Otter Tail County and assistants.
- Subp. 4. **Agriculture.** “Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Subp. 5. **Animal Feedlot.** “Animal feedlot” means a facility as defined in [Minnesota Rules, part 7020.0300](#).
A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
- Subp. 6. **Attached Structure.** “Attached structure” means two structures that are attached when they share a common wall or portion of a wall with a door, so that a person may travel from any portion of one building to any portion of the second building without going outside.
- Subp. 7. **Bed & Breakfast Facility:** “Bed & Breakfast Facility” means an owner occupied single family residence at which lodging and meals are provided to registered guests. The bed & breakfast facility shall comply with all applicable state and local regulations for providing food and lodging.
- Subp. 8. **Bluff.** “Bluff” means a topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - A. Part or all of the feature is located in a shoreland area;
 - B. The slope rises at least 25 feet above the toe of the bluff;
 - C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
 - D. The slope must drain toward the waterbody.

Bluff, Bluff Impact Zone, Top and Toe of Bluff

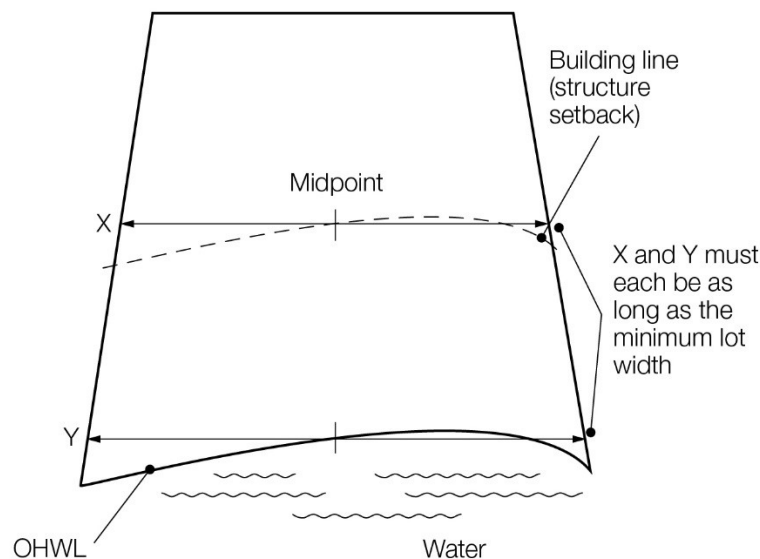
The slope

- Subp. 9. **Bluff Impact Zone.** “Bluff impact zone” means a bluff and land located within 30 feet of the top of the bluff.
- Subp. 10. **Bluff, Toe of.** “Bluff, toe of” means the lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.
- Subp. 11. **Bluff, Top of.** “Bluff, top of” means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 ft. segment, measured on the ground, with an average slope exceeding 18%.
- Subp. 12. **Boardwalk.** “Boardwalk” means a permanent above grade constructed walkway, not to exceed 6 feet in width.
- Subp. 13. **Boathouse.** “Boathouse” means a facility as defined in [Minnesota Statute §103G.245](#).
- Subp. 14. **Buffer.** “Buffer” means a vegetative feature as defined in [Minnesota Statute §103F.48](#).
- Subp. 15. **Building.** “Building” means any fixed construction with walls or a roof.
- Subp. 16. **Buildable Area.** “Buildable area” means the minimum continuous area remaining on a lot or parcel of land after all setback requirements, bluffs, all easements and right-of-ways, significant historic sites, wetlands, and land less than 3’ above the OHWL of public waters are subtracted.
- Subp. 17. **Building Line.** “Building line” means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- Subp. 18. **Commercial Planned Unit Development.** “Commercial planned unit development” means developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- Subp. 19. **Commercial Use.** “Commercial use” means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.
- Subp. 20. **Commissioner.** “Commissioner” means the commissioner of the Department of Natural Resources or his or her designated representative.
- Subp. 21. **Conditional Use.** “Conditional use” means a land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions detailed in Section 3, Subp. 9 (l) of this ordinance exist, the use or development conforms to the comprehensive land use plan, and the use is compatible with the existing neighborhood.

- Subp. 22. **Controlled Access.** “Controlled access” means any private site, field or tract of land abutting a classified body of water to be used primarily for access purposes, including, but not limited to, non-riparian lot access.
- Subp. 23. **Controlled Access Lot.** “Controlled access lot” means a lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.
- Subp. 24. **Deck.** “Deck” means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to the principal use or site and at any point extending more than three feet above the ground.
- Subp. 25. **Duplex, Triplex, and Quad.** “Duplex, triplex, and quad” means a dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- Subp. 26. **Dwelling Site.** “Dwelling site” means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- Subp. 27. **Dwelling Unit.** “Dwelling unit” means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, which may include areas serving as a kitchen, a bathroom and at least one bedroom, including rental or timeshare accommodations such as a motel, hotel, and resort rooms and cabins.
- Subp. 28. **Existing Resort.** “Existing resort” means a resort established prior to October 15, 1971, which has remained in continuous operation.
- Subp. 29. **Expansion, enlargement, or intensification.** “Expansion” means any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, platform, fence, driveway, parking area, swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of good and services offered, odors, areas of operation, number of employees, and other factors deemed relevant by the County.
- Subp. 30. **Extractive Use.** “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under [Minnesota Statutes §93.44 to §93.51](#).
- Subp. 31. **Forest Land Conversion.** “Forest land conversion” means the clear cutting of forested lands to prepare for a new land use other than reestablishment of subsequent forest stand.
- Subp. 32. **Guest Cottage.** “Guest cottage” means a structure used as a dwelling unit in addition to the primary dwelling unit on a lot.
- Subp. 33. **Height of Building.** “Height of building” means the vertical distance between the highest adjoining original ground level at the structure or 10 feet above the lowest ground level, whichever is lower and the highest point of the roof, with the exception of Water Oriented Accessory Structures, which must meet the requirements of Section 7, Subp. 3 of this Ordinance.
- Subp. 34. **Impervious Surface.** “Impervious surface” means a constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including, but not limited to, rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete; asphalt or gravel driveways; and other similar surfaces.
- Subp. 35. **Improved Lot.** “Improved lot” means a lot that contains a single-family dwelling, ready for immediate use, which is serviced by a sewage treatment system and water supply.
- Subp. 36. **Improvement.** “Improvement” means a change to a structure that does not alter the outside dimensions of the structure. Improvements include, but are not limited to, changing the peak of a roof to a maximum of a 4:12 pitch, changing the material type of siding or roofing, and changing the material type of a deck.
- Subp. 37. **Industrial Use.** “Industrial use” means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- Subp. 38. **Intensive Vegetation Clearing.** “Intensive vegetation clearing” means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

- Subp. 39. **Interim Use.** “Interim use” means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. ([Minnesota Statute §394.303](#))
- Subp. 40. **Lot.** “Lot” means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- Subp. 41. **Lot Width.** “Lot width” means the minimum distance between:
- A. Side lot lines measured at the midpoint of the building line; and
 - B. Side lot lines at the ordinary high water level, if applicable.

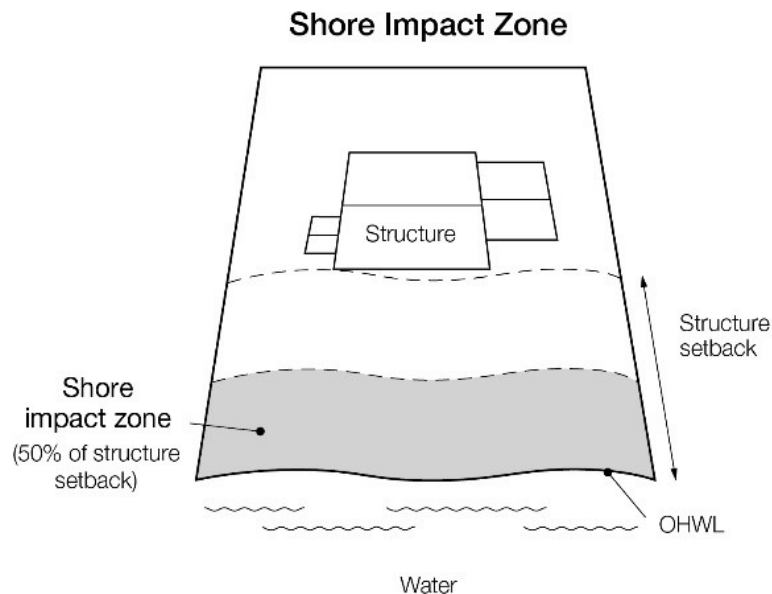
Lot Width



- Subp. 42. **Lowest Floor.** “Lowest floor” means the lowermost floor of the lowest enclosed area, including basement and crawl space(s).
- Subp. 43. **Metallic minerals and peat.** “Metallic minerals and peat” has the meaning given under [Minnesota Statutes §93.44 to §93.51](#).
- Subp. 44. **Nonconformity.** “Nonconformity” means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of the official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
- Subp. 45. **Non-Riparian Lot.** “Non-riparian lot” means a parcel of land without frontage on Public Waters.
- Subp. 46. **Open Space.** “Open space” means any space or area preserved in its natural state and specifically not used for parking, structures or roads.
- Subp. 47. **Ordinary High Water Level.** “Ordinary high water level” means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence of the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- Subp. 48. **Parking Space.** “Parking space” means an off street area for motor vehicles not less than 10 ft. by 20 ft. in area, having access to a public street or alley, or private driveway. In determining the gross area required for a specified number of off street parking places, including driveways and aisles, 300 square ft. per space shall be used.
- Subp. 49. **Patio.** “Patio” means an area of ground that is covered with a hard material such as bricks, concrete or wood.

- Subp. 50. **Performance Bond.** “Performance bond” means a bond which may be required by the County Board, Planning Commission or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.
- Subp. 51. **Planned Unit Development.** “Planned unit development” means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- Subp. 52. **Public Utility.** “Public utility” means persons, corporations or other legal entities, their lessees, trustees, and receivers, nor or hereafter operating, maintaining, or controlling in this state equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or engaged in the production and retail sale thereof.
- Subp. 53. **Public Waters.** “Public waters” means any water as defined in [Minnesota Statute §103G.005, Subd. 15, 15a](#).
- Subp. 54. **Recreational Camping Area.** “Recreational camping area” means any area, whether privately or publicly owned, used on a daily, weekly, or nightly or longer basis for the accommodation of two or more recreational camping units.
- Subp. 55. **Recreational Camping Unit.** “Recreational camping unit” means a relocatable single-family dwelling unit, less than 40 ft. in length, and is less than 399 square feet when erected onsite, including, but not limited to tents, motor homes and travel trailers. This includes park models that meet this definition.
- Subp. 56. **Residential Planned Unit Development.** “Residential planned unit development” means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling sites or units.
- Subp. 57. **Resort.** “Resort” means a shoreland commercial establishment that includes buildings, lodges, structures, dwelling units, camping or recreational vehicle sites, or enclosures, or any part thereof kept, used, maintained, or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to persons seeking recreation for periods of one day or longer, and having for rent 3 or more cabins, rooms, campsites, or enclosures. A shoreland commercial establishment must be primarily service oriented for transient lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle sites, or enclosures must be included in the resort rental business. Resorts must not allow residential use of a dwelling unit or site, except dwellings used as residences for the service providers. To qualify as a resort, a resort must be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.
- Subp. 58. **Semipublic Use.** “Semipublic use” means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- Subp. 59. **Sensitive Area.** “Sensitive area” means areas which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions (shallow soils over groundwater or bedrock, highly erosive or expansive soils), occurrence of vegetation or wildlife in need of special protection, the presence of wetlands or other physical constraints are sensitive to the development.
- Subp. 60. **Setback.** “Setback” means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.
- Subp. 61. **Sewage.** “Sewage” has the meaning given as set forth in the Sanitation Code of Otter Tail County.

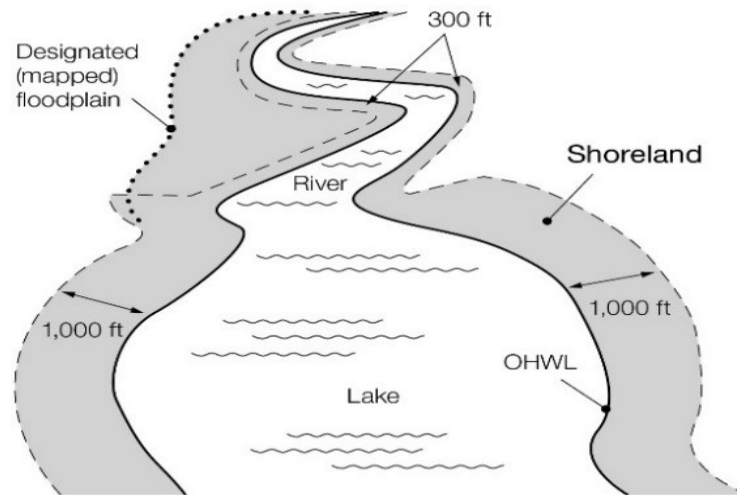
- Subp. 62. **Sewage Treatment Area.** "Sewage treatment area" means the area meeting or exceeding the onsite requirements of the [Sanitation Code of Otter Tail County](#) and [Minnesota Rules, Chapter 7080](#), for the purpose of soil treatment areas and future additional sites.
- Subp. 63. **Sewage Treatment System.** "Sewage treatment system" has the meaning given under [Minnesota Rules, part 7080.1100, Subp. 82](#).
- Subp. 64. **Sewer System.** "Sewer system" means the pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- Subp. 65. **Shore Impact Zone.** "Shore impact zone" means the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.



Only one structure may be placed in a SIZ.

- Subp. 66. **Shoreland.** "Shoreland" means land located within the following distances from public waters:
- 1,000 feet from the ordinary water level of a lake, pond, or flowage; and
 - 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river stream, whichever is greater.

Definition of Shoreland



The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

- Subp. 67. **Shore Recreation Facilities.** "Shore recreation facilities" means the swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
- Subp. 68. **Shoreland Alteration.** "Shoreland alteration" means any change of the existing onsite topography or impervious surface except for normal agricultural purposes.
- Subp. 69. **Significant Historic Site.** "Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of [Minnesota Statute §307.08](#). A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- Subp. 70. **Steep Slopes.** "Steep slopes" means lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
- Subp. 71. **Structure.** "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, gas lines, towers, poles, and other supporting facilities.
- Subp. 72. **Structure Permit.** "Structure permit" means a permit for the erection and/or alteration of any structure controlled by this Ordinance issued to ensure compliance with all requirements of this Ordinance.
- Subp. 73. **Subdivision.** "Subdivision" means a parcel of land which is divided.
- Subp. 74. **Suitability Analysis.** "Suitability analysis" means an evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply; sewage treatment capabilities; water depth; depth to groundwater and bedrock; vegetation; near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
- Subp. 75. **Tower.** "Tower" means framework or structures exceeding 35 feet in height, telephone communication tower, and any structure required by any other regulations to have warning lights.
- Subp. 76. **Vacation Home Rental.** "Vacation Home Rental" means a short-term rental property that is rented out for 30 days or less to a transient population. A vacation home rental is a permitted use, so long as the following conditions are met:
 - A. No more than two (2) dwelling units on the property;

- B. The occupancy shall be limited to the occupancy established by the license issued by the Otter Tail County Public Health Department;
- C. Parking shall be fully contained on the property;
- D. A current license from the Otter Tail County Public Health Department;
- E. All dwelling units at the vacation home rental property or properties shall be connected to a subsurface sewage treatment system (SSTS) that is compliant with the requirements of the [Sanitation Code of Otter Tail County](#), and [Minnesota Rules, Chapter 7080](#), or connected to a municipal sewer. The SSTS shall be designed and constructed with a design flow of fifty (50) gallons of wastewater per person per day to handle a maximum number of guests which the facility is permitted.
If any of the above standards for permitted use are out of compliance or cannot be met, or is not eligible to be licensed by Public Health, the property must obtain a Conditional Use Permit.

- Subp. 77. **Variance.** "Variance" means the same as that defined in [Minnesota Statutes §394.22 Subp. 10](#) and [§394.27 Subp. 7](#).
- Subp. 78. **Vegetative Strip.** "Vegetative strip" means a minimum 30 foot strip of land, located adjacent to and parallel with the OHWL, which is left in its natural state (must maintain existing ground cover), with the exception of a continuous 30 foot (maximum width) recreational access. A vegetative strip must be maintained.
- Subp. 79. **Vision Obstructing Fence.** "Vision obstructing fence" means a fence that is greater than or equal six (6) feet in height with gaps between slats less than or equal to the width of the slats.
- Subp. 80. **Water-Oriented Accessory Structure.** "Water-oriented accessory structure" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, saunas, and detached decks. Boathouses and boat storage structures given the meaning under [Minnesota Statute §103G.245](#) are not a water-oriented accessory structure.
- Subp. 81. **Water-Dependent Use.** "Water-dependent use" means the use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.
- Subp. 82. **Wetland.** "Wetland" has the meaning given under [Minnesota Rule, part 8420.0111](#).
- Subp. 83. **Wind Energy Conversion System (WECS).** "Wind energy conversion system (WECS)" means an electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy, and Meteorological Towers (MET). The energy may be used on-site or distributed into the electrical grid.

SECTION 3 ADMINISTRATION**Subp. 1. Permits Required**

- A. A Structure Permit is required for:
 - 1) A new structure;
 - 2) An expansion to an existing structure; and
 - 3) The relocation of an existing structure that exceeds 120 square feet.
- B. A Shoreland Alteration Permit is required for:
 - a) Grading and filling activities up to 1,000 cubic yards, including, but not limited to, driveway installation and repair, rip rap installation or repair above the OHWL, and earth moving projects not exempted by Subp. 2 below. If a Conditional Use Permit is required for any Shoreland Alteration project, a separate Shoreland Alteration Permit is not required;
 - 2) The movement of any material on steep slopes or within the shore impact zone;
 - 3) The movement of more than 50 cubic yards of material outside of steep slopes and the shore impact zone, bluff impact zone or wetland;
 - 4) Landscaping projects, including, but not limited to, retaining wall installation, boardwalks, impervious surface changes, sidewalks and patios, not exempted by Subp. 2 below; and
 - 5) Stairways, lifts and landings built into the ground.
- C. A Structure or Shoreland Alteration Permit shall be valid for a period of twelve months from the date of issue.

Subp. 2. Exemptions from Permits

The following exemptions only alleviate the need for the property owner to obtain a permit. The following exemptions do not alleviate the need to meet the remainder of the ordinance. After proper documentation has been provided to the office that the specific standards have been met, the following are exempt from obtaining a permit from the office:

- A. A lot with an impervious surface coverage of less than or equal to 15% is exempt from obtaining:
 - 1) A Structure Permit for an accessory structure, including, but not limited to, sheds, pole barns and other non-dwellings, not in the SIZ, BIZ, steep slope or wetland, less than or equal to 120 square feet; or,
 - 2) A Shoreland Alteration Permit for landscaping projects including, but not limited to, sidewalks, patios, or other landscaping appurtenances, not in the SIZ, BIZ, steep slope or wetland, that is less than or equal to 200 square feet and less than or equal to fifty (50) cubic yards.
- B. Fences do not require a permit. A vision obstructing fence must not be placed:
 - 1) within twenty (20) feet of a road right-of-way;
 - 2) in the SIZ, BIZ, wetland; or
 - 3) beyond the building line between two adjacent properties.
- C. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit; however, the standards in Section 8, Subp. 3 (C) of this Ordinance must be incorporated into the permit.
- D. A Shoreland Alteration Permit is not required for grading and filling activities, not in steep slopes, SIZ, BIZ, or a wetland, that is less than or equal to fifty (50) cubic yards per year.
- E. Removal of impervious surfaces not being replaced.
- F. SWCD, DNR and U.S. Fish & Wildlife projects.
- G. Stairways, lifts and landings not built into the ground.
- H. A storage structure no larger than 20 square feet and 6 feet in height for an RCU in a Commercial PUD, provided all other provisions of this ordinance are met.
- I. Road projects in the road right-of-way when a documented road authority exists.

Subp. 3. Permit Application

- A. Application for permits and other zoning applications such as variances shall be made to Land and Resource on forms provided.
- B. The applicant for a Structure or Shoreland Alteration Permit shall file a complete application, which must include a scaled drawing of the proposal, in the office of the Administrative Officer and pay a fee as determined in the Fee Schedule.
- C. Before a Structure Permit is issued, the terms of this Ordinance shall be met. This shall include having a currently valid Certificate of Compliance for the subsurface sewage treatment system located upon the property for which the Structure Permit is filed, in accordance with Section 5, Subp. 2 of the Sanitation Code.
- D. Before a Shoreland Alteration Permit is issued, the terms of this Ordinance shall be met.
- E. The Administrative Officer may require an onsite inspection prior to issuing a Permit. It is the applicant's responsibility to identify and stake all lot lines and road right-of-ways prior to applying for a Permit.
- F. The Administrative Officer must make such inspections as are necessary to determine compliance with this Ordinance. It is the applicant's responsibility to notify the Administrative Officer when the project is ready for inspection.

Subp. 4. Inspections

- A. Required Inspections for a Structure Permit
 - 1) If the structure has a foundation or a slab, an inspection of the foundation or slab is required by Land & Resource staff prior to any further construction activities on the structure. It is the responsibility of the contractor or property owner to contact the office when the foundation forms, foundation or slab is complete and ready for inspection.
 - 2) For all other structures, an inspection is required by Land & Resource staff. It is the responsibility of the owner or owner's agent to contact Land & Resource when the structure is complete and ready for inspection.
- B. Required Inspections for a Shoreland Alteration Permit
 - 1) An inspection is required by Land & Resource staff. It is the responsibility of the owner or owner's agent to contact Land & Resource when the project is complete and ready for inspection.

Subp. 5. Compliance with Permit

Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and may be punishable as provided in Section 11 of this ordinance.

Subp. 6. Administrative Officer

The Board of Commissioners hereby delegates to the Administrative Officer the duties and responsibilities as follows:

- A. Issue Permits and make necessary inspections following notification by the applicant;
- B. Administer the terms of this Ordinance subject to any required approval of the Planning Commission;
- C. Keep necessary records;
- D. Extend a Conditional Use Permit or an Interim Use Permit expiration date upon receipt of the Applicant's written request. The Administrative Officer may require an onsite inspection prior to approving an extension; and
- E. Require a professional drawing as part of an application where clarification of issues such as; lotline, impervious surface, OHWL, drainage or topography is needed by the County.

Subp. 7. Conditional Uses

All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and topographic, vegetation, and soil conditions to ensure:

- A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- B. The visibility of structures and other facilities as viewed from public waters is limited;
- C. The provisions for adequate water supply and on-site sewage treatment; and

- D. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

Subp. 8. Conditional Use Permits

A Conditional Use Permit is required for the following:

- A. Any land use in Table I in Section 4 that is listed as a conditional use;
- B. Any grading and filling project over 1,000 cubic yards;
 - 1) Grading and filling under 1,000 cubic yards may be required to receive a Conditional Use Permit, at the discretion of the Administrative Officer.
- C. Any grading, filling or excavation in a bluff or the BIZ.

Subp. 9. Conditional Use Permit Application, Review and Approval Process

Any proposed conditional use shall be presented to the Planning Commission for the determination of its applicability to the Shoreland Management District wherein proposed. The Planning Commission may impose conditions when granting Conditional Use Permits that specify: increased setbacks from public waters; vegetation allowed to be removed or required to be established; sewage treatment system location, design or use; location, design and use requirements for watercraft launching or docking and for vehicular parking; structure or other facility design, use and location; phasing of construction and other conditions considered necessary.

- A. The applicant for a Conditional Use Permit shall file a complete Application along with an original scale drawing(s) or any required professional drawing(s), and enough copies to provide each member of the Planning Commission a copy of the Application (if Applicant provides a color coded original scale drawing, it is the Applicant's responsibility to color code all copies) in the office of the Administrative Officer not less than 21 days prior to the next scheduled meeting of the Planning Commission and pay a fee as determined in the Fee Schedule when the application is filed. In addition to the scale drawing requirements (see definition), these drawings must also specifically indicate any proposed land use change including, but not limited to, structure location(s), sewage treatment system(s), and topographic alteration(s). In addition, the applicant must provide his or her(or next closest) E-911 address. In the absence of such number, detailed directions to the property must be provided with the application.
- B. When administrative staff and Planning Commission members may not be able to view the property for which a Conditional Use Permit is requested, due to snow cover, it may not be possible to meet the legal requirement to take final action within 60 days of receipt of a completed Application. Therefore, an Applicant shall be required, as part of completing the application process in the months of October through March, to indicate by written acknowledgment whether the Applicant is willing to waive the 60 day time limit and allow time for the Planning Commission to view the property, if necessary. The acknowledgment shall inform the Applicant that the absence of a waiver of the 60 day requirement may leave the Planning Commission no alternative but to deny the Application. Circumstances may require the Planning Commission to cancel its regular meeting. If meetings are canceled, no Application for a Conditional Use Permit/Preliminary Plat will be accepted as final until 21 days prior to the next scheduled meeting of the Planning Commission.
- C. Within 3 days of making an application for a Conditional Use Permit, the applicant shall stake the lot lines, road right-of-ways and area under consideration in such a way as to demonstrate the area to be topographically altered or the location of a proposed structure and post his or her name and address in a clearly visible location on the property.
- D. The Administrative Officer shall refer the Application to the Planning Commission. (See Section 3, Subp. 17, Notification Procedures.)
- E. The Planning Commission shall consider the Application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.
- F. If an EAW, EIS or any other study such as a soil test, drainage or erosion control plan is required for any proposed Conditional Use Application, the applicant shall assume all costs associated with the preparation, review and presentation of the document.
- G. The applicant or applicant's representative shall appear before the Planning Commission and answer any questions concerning the proposed Conditional Use Application.

- H. Otter Tail County reserves the right to require performance bonds and establish the amount of a bond for any one or all Conditional Use Application approvals. All bonds shall be payable to Otter Tail County and shall be filed with the County Auditor prior to the issuance of the Conditional Use Permit.
- I. The Planning Commission shall consider a Conditional Use Permit if the proposed change is found to be consistent with the general purposes of this Ordinance and the intent of this and all other applicable state and local regulations and laws. The Planning Commission may consider the following:
 - 1) Compatibility with the surrounding area; both on land and water.
 - 2) Environmental impact, including soils, topography, vegetation (land and water), fish, and wildlife.
 - 3) Any hazards that may be created; both on land and water.
 - 4) Density and location of development.
 - 5) Suitability of the area, in its existing state, for the proposed use.
 - 6) Near shore water depth.
 - 7) Sensitive Areas may be protected through the use of Natural Environment Standards.
 - 8) Adequate parking and traffic control.
 - 9) Amount of noise generated.
 - 10) Hours of proposed use.
 - 11) Lighting.
 - 12) Signage (number, size, lighting, and location).
 - 13) Time frame and/or phasing.
 - 14) Adequate lot area and water frontage for the proposed use.
 - 15) Minimal change in the existing topography necessary to allow for the proposed use.
 - 16) Any other possible adverse effects of the proposed Conditional Use Application and what additional requirements may be necessary to prevent such adverse effects.
- J. The report of the Planning Commission shall be referred to the County Board and placed on the agenda of the Board at its first regular meeting following referral from the Planning Commission.
- K. The County Board shall take action on the Application within 60 days after receiving the report of the Planning Commission. If it grants the Conditional Use Permit, the Board may impose any special conditions it considers necessary to protect the public welfare. A copy of all granted Conditional Use Permits shall be forwarded to the Commissioner within 10 days of such action.
- L. The Planning Commission shall establish the valid period for each Conditional Use Permit granted.
- M. After approval of the Conditional Use Application by the County Board the applicant shall secure from the Administrative Officer a written Conditional Use Permit before initiating the project.
- N. Within 3 days of completion, the applicant, for a Conditional Use Permit, shall notify the Administrative Officer that the project is completed and ready for an inspection.
- O. The Administrative Officer shall inspect after notification and inform the applicant in writing whether the project complies with the approved Conditional Use Permit. The purpose of the Conditional Use Permit shall not be put to use until written approval has been granted by the Administrative Officer.

Subp. 10. Appeals

- A. The Board of Adjustment shall hear and decide appeals from and review any order, requirements, decisions or determinations made by any Administrative Officer charged with enforcing any provision of this Ordinance.
- B. Any appeal from any decision, order, requirement or determination within the jurisdiction of the Board of Adjustment shall be taken by the filing of a notice of appeal with the secretary of the Board within 30 days from the date on which the appellant was notified in writing by the officer making such decision of the decision. No such appeal shall be filed by the secretary of the Board unless accompanied by the Appeal Fee established in the Fee Schedule.
- C. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the applicant and the officer from whom the appeal is taken and decide the same within a reasonable time. The Board of Adjustment may reverse, affirm wholly or partly, or may modify the order, requirements, decisions or determinations as in its opinion ought to be made in the premises and to that end shall have all powers of the

officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reason for the Board's decision shall be stated in writing. The decision of the Board shall be final unless appealed to the District Court in Otter Tail County by a person having an interest affected by such decision.

Subp. 11. Variances.

Variances may only be granted in accordance with [Minnesota Statute §394.27](#) and are subject to the following:

- A. A variance may not circumvent the general purposes and intent of this ordinance.
- B. For properties with existing subsurface sewage treatment systems, a Compliance Inspection, as described in [Minnesota Rules, part 7082.0700 Subp. 4](#), is required to accompany a variance application. A sewage treatment system shall be considered compliant if the deficiency is the system's improper setback from the ordinary high-water level.
- C. A variance granted for a specific project issued after the effective date of this Ordinance shall expire five (5) years after the variance has been approved by the Board of Adjustment if the project is not completed.

Subp. 12. Board of Adjustment and Variances

The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of the Ordinance including restrictions placed on nonconformities.

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Ordinance.
- B. 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.
- C. Economic considerations alone do not constitute practical difficulties.
- D. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in [Minnesota Statute §216C.06, subdivision 14](#), when in harmony with the Ordinance.
- F. No variance may be granted that would allow any use that is not allowed.
- G. The Board of Adjustment 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.
- H. In considering variance requests, the Board of Adjustment may also consider:
 - 1) Whether the variance will secure for the applicant a right or rights enjoyed by other owners in the same area;
 - 2) Whether existing sewage treatment systems on the property need upgrading before additional development is approved; and
 - 3) Whether granting the variance will be contrary to the public interest or damaging to the rights of other persons or to property values in the neighborhood.
- I. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- J. The applicant for a variance shall file his or her complete Application in the office of the Administrative Officer not less than 21 days prior to the next scheduled meeting of the Board of Adjustment and pay a fee as indicated on the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing (see definition) and enough copies to provide each member of the Board of Adjustment a copy of the Application (if the Applicant provides a color coded original scale drawing, it is the Applicant's responsibility to color code all copies) of the area under consideration showing the location of any existing structures and any proposed structures. The drawing shall also indicate all setback distances in feet. In addition, the applicant must provide his or her (or next closest) E-911 address. In absence of such number, detailed directions to the property must be provided with the application.
- K. When administrative staff and Board of Adjustment members may not be able to view the property for which a variance is requested, due to snow cover, it may not be possible to meet the legal requirement to take final action

within 60 days of receipt of a completed Application. Therefore, an Applicant shall be required, as part of completing the application process in the months of October through March, to indicate by written acknowledgment whether the Applicant is willing to waive the 60 day time limit and allow time for the Board of Adjustment to view the property, if necessary. The acknowledgment shall inform the Applicant that the absence of a waiver of the 60 day requirement may leave the Board of Adjustment no alternative but to deny the Application. Circumstances may require the Board of Adjustment to cancel its regular meeting. If meetings are canceled, no Application for a Variance will be accepted as final until 21 days prior to the next scheduled meeting of the Board of Adjustment.

- L. Within 3 days of making an application for a variance the applicant shall stake the lot lines, road right-of-ways, and area under consideration and post the name and address in a clearly visible location on the property.
- M. The Administrative Officer shall refer the application to the Board of Adjustment (See Section 3, Subp. 17, Notification Procedures.)
- N. The Board of Adjustment shall consider the application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.

Subp. 13. Mitigation

In evaluating all variances, conditional uses, zoning and permit applications, the Administrative Officer shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, and to protect adjacent properties and the public interest:

- A. Advanced storm water runoff management treatment;
- B. Reducing impervious surfaces;
- C. Increasing setbacks from the ordinary high water level;
- D. Restoration of wetlands;
- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and,
- G. Other conditions the zoning authority deems necessary.

Subp. 14. Nonconformities

- A. All legally established nonconformities as of October 15, 1971 may continue. Except as otherwise set forth in this subpart, all such nonconformities will be managed, regulated, and controlled as allowed and set forth in [Minnesota Statute §394.36](#)
- B. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.
- C. Improvements to nonconforming structures not requiring a variance, include, but are not limited to, the following:
 - 1) Flat roof replaced with a peaked roof not to exceed a pitch of 4:12, if the final height does not exceed 35 feet for a dwelling and 20 feet for an accessory structure. Any proposed peaked roof for a non-conforming structure beyond a 4:12 would be considered an expansion and would require a variance.
 - 2) Installing rails on a patio in which the total height is less than 36" in height as measured from the ground.
 - 3) Raising a structure to allow the addition of a crawl space foundation not to exceed 36 inches and to not allow the overall building height to exceed maximum height restrictions.
- D. A non-conforming use is any continuous use of land established before the effective date of a County or local Ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
- E. A prohibited non-conforming use may not be expanded or improved.
- F. If any non-conformity or occupancy is discontinued for a period of more than one year, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subp. 15. Exemptions

- A. The following uses, being essential for the operation of any zoning use district, are exempt from all of the provisions of this Ordinance and are permitted in any district:
 - 1) Poles, towers, wires, cables, conduits, vaults, pipelines, laterals of any other similar distributing equipment of a public utility;
 - 2) Road projects by a Road Authority within an existing road right-of-way;
 - 3) Railroad projects by a Railroad Authority within an existing right-of-way;
 - 4) County Ditch projects approved by the Drainage Authority; and
 - 5) Hedges and shrubbery may be erected, placed, maintained or grown except as they may constitute a safety hazard.
- B. A structure may be erected on a lot of less than the established minimum area and width, provided the lot existing existed by virtue of a recorded plat or deed before October 15, 1971, or a lot existing by virtue of a recorded plat or deed before October 15, 1971 has been increased in area by a conveyance subsequent to October 15, 1971, provided a site permit for the structure is obtained, all sanitary requirements are complied with and the proposed use is permitted within the district.
- C. However, effective February 5, 1992, if in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the established minimum area or width, the lot may not be considered a separate parcel of land for the purposes of conveyance or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land and each parcel must meet, or more closely approach, the established minimum lot size requirements of this Ordinance. This restriction shall not apply to the following circumstances:
 - 1) Where each contiguous substandard lot is an improved lot, as defined herein;
 - 2) Where each contiguous substandard lot complies with the requirements of [Minnesota Statute §394.36, Subd. 5](#); and
 - 3) Where a lot, or a portion of a lot, is to be conveyed to the owner of a contiguous lot for the purpose of increasing lot size, and no residual lot is left unattended. The deed must contain restrictive covenants requiring legal joinder to a contiguous parcel and a permanent prohibition against separate residential development.

Subp. 16. Shoreland Management by Townships

Townships may adopt shoreland management controls under authority of [Minnesota Statute, Chapter 462](#) if the controls are not inconsistent with or less restrictive than the controls adopted by Otter Tail County.

- A. Shoreland management controls adopted by townships will only be considered to be consistent with County controls if they cover the same full range of shoreland management provisions covered by the County controls, contain dimensional standards at least as restrictive as those in the County controls, and do not allow land uses in particular areas not allowed under the County's official controls.
- B. The township must demonstrate to the County Board that their proposed Ordinance and administration is at least as restrictive as the County's prior to final adoption by the township. Townships must provide for administration and enforcement of shoreland management controls at least as effective as County implementation. Townships that adopt adequate shoreland controls must follow all of the notification procedures in Subpart 17. After adequate shoreland management controls are adopted by a township, property owners must only obtain necessary permits and approvals as required in the township shoreland management controls. Property owners do not have to obtain similar permits or approvals under the County's shoreland controls.

Subp. 17. Notification Procedures

- A. Conditional Use Permit Applications:

Written notice shall be sent to property owners of record within one quarter (1/4) mile of the affected property or to the 10 properties nearest the affected property, whichever will provide the greater number of owners. Written notice shall also be sent to the Town Board of the Township wherein the conditional use is proposed, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed conditional use and the Commissioner. The written notice provided for the above shall be given not less than 14 days prior

to the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

B. Variance Applications:

Written notice shall be sent to property owners of record within 500 ft. of the affected property. Written notice shall also be sent to the Town Board of the Township wherein the variance is proposed, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed variance and the Commissioner. The written notice provided for the above shall be given not less than 14 days prior to the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

C. Amendments:

Written notice of hearing for consideration of amendment(s) to the existing controls shall be sent to the Commissioner and the governing body of all towns and municipalities within Otter Tail County. This written notice shall be given not less than 14 days prior to the hearing at which the amendment(s) will be considered.

D. Plats:

Written notice shall be sent to the property owners of record within one half (1/2) mile of a proposed subdivision. Written notice shall also be sent to the Town Board of the Township wherein the proposed subdivision lies, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed subdivision and the Commissioner (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than 14 days prior to the date the Planning Commission will consider said subdivision, although failure of any property owner to receive such notification shall not invalidate the proceedings.

E. A copy of approved amendments and plats and final decisions granting Variances or Conditional Uses under local shoreland management controls must be sent to the Commissioner and postmarked within 10 days of final action.

F. Townships with shoreland management controls adopted under Section 3, Subp. 16 must also provide these materials to the Administrative Officer.

Subp. 18. Amendments

This Ordinance may be amended in whole or in part by the Board of County Commissioners after a proper public hearing has been conducted in accordance with [Minnesota Statutes §394.26](#).

Subp. 19. Renewable Energy Systems

The renewable energy standards of this Ordinance are set forth in the Renewable Energy Systems Ordinance of Otter Tail County, which is incorporated herein by reference, an official copy of which is on file for use and examination by the public in the office of the County Auditor.

Subp. 20. Notifications to the Department of Natural Resources

- A. 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. Otter Tail County will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
- B. All notices of public hearings to consider variances, ordinance amendments, or conditional uses or conditional uses under this ordinance 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.
- C. All approved ordinance amendments and subdivision/plats, and final decisions approving variances or conditional uses under this ordinance 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.

- D. Any request to change the shoreland management classification of public waters within Otter Tail County must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

Subp. 21. Mandatory EAW

An Environmental Assessment Worksheet consistent with [Minnesota Rules, Chapter 4410](#) must be prepared for projects meeting the thresholds of [Minnesota Rules, part 4410.4300](#).

SECTION 4 SHORELAND CLASSIFICATION SYSTEM AND LAND USES**Subp. 1. Shoreland Classification System****A. Purpose**

To ensure that shoreland development on the public waters of Otter Tail County is regulated consistent with the classifications assigned by the commissioner under [Minnesota Rules, part 6120.3000 to 6120.3300](#).

B. District Boundaries

- 1) The boundaries of the Shoreland Management Districts defined in this ordinance are hereby established at 1,000 feet from the OHWL of a lake, and 300 feet from a river or the landward extent of the flood plain on such river, whichever is greater. Where the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances, the Planning Commission may interpret the district boundaries.
- 2) Public waters shall be classified by the commissioner. The commissioner may, as the need arises, reclassify any public water. Also, any local government may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the commissioner for consideration.
- 3) The classification for each area surrounding each public body of water is hereby established according to the document entitled "Waters of Otter Tail County Classification" which accompanies and is made part of this ordinance in Appendix A and Appendix B.
- 4) All of Otter Tail County is classified under the [Minnesota Rules, part 6120.3300, Subp. 3](#), as a "High Density Residential District", as modified by the following tables. The most recent Otter Tail County Shoreland Management District and Classifications (zoning) Maps adopted and is available for review at the Land and Resource Management office and on Otter Tail County's website (<https://ottertailcountymn.us/>).

C. Lake Classification

Lakes in Otter Tail County are classified as outlined in Appendix A of this ordinance.

D. River Classification

Rivers and streams in Otter Tail County are classified as outlined in Appendix B of this ordinance.

Subp. 2. Land Uses**A. Purpose**

To identify land uses compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

B. Shoreland district land uses listed in Table I are regulated as:

- 1) Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed.
- 2) Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3, Subp. 9 (I) of this ordinance and any additional conditions listed in this ordinance.
- 3) Not Permitted uses (N). These uses are prohibited.
- 4) A use not listed or that does not have a designated type of use, may be allowed as a conditional use if it is of the same general character as those uses listed as Permitted (P), or Conditional (C) in Table I, provided the use is deemed fitting and compatible to the district by the Otter Tail County Planning Commission, and is not listed as a Not Permitted (N) use.

C. Land use for lake, river and stream classifications:

Table I Land Uses

Land Uses	General Development	Recreational Development	Natural Environment	Urban & Tributary	Agriculture	Transition
Access Lot	C	C	C	C	C	C
Agriculture	P	P	P	P	P	P
Animal Feedlot-New	N	N	N	N	N	N
Animal Feedlot-Expansion or resumption of existing	C	C	C	C	C	C
Bed & Breakfast	C	C	C	C	C	C
Boat Access	C	C	C	C	C	C
Cemetery	C	C	C	C	C	C
Controlled Access	N	N	N	N	N	N
Place of Worship	C	C	C	C	C	C
Commercial	C	C	C	C	C	C
Commercial PUD	C	C	C	C	C	C
Non-Dwelling PUD	C	C	C	C	C	C
Duplex, Triplex, Quad	P	P	C	C	C	C
Extractive	C	C	C	C	C	C
Forest Land Conversion	C	C	C	C	C	C
Guest Cottage	P	P	P	P	P	P
Industrial	C	C	C	C	C	C
Park	C	C	C	C	C	C
PUD Conversion	C	C	C	C	C	C
Residential PUD	C	C	C	C	C	C
Single Family Residential	P	P	P	P	P	P
Tower	C	C	C	C	C	C
Vacation Home Rental	P	P	P	P	P	P

SECTION 5 SPECIAL LAND USE PROVISIONS**Subp. 1. Commercial, Industrial, Public and Semipublic Standards**

- A. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that the use:
 - 1) Complies with provisions in Section 7;
 - 2) Is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - 3) If required, short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and,
 - 4) If dependent on patrons arriving by watercraft, may use signs and lighting, provided that:
 - a) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff;
 - b) No advertising sign or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff; and
 - c) Signs placed within the shore impact zone must:
 - i. Be no higher than ten feet above the ground, and no greater than 32 square feet in size; and,
 - ii. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - d) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
- B. Surface water oriented commercial, industrial, public and semipublic uses not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Subp. 2. Agricultural Use Standards

- A. Buffers
 - 1) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
 - 2) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with Natural Resource Conservation Service office technical guide, and as approved by the local soil and water conservation district.
- B. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - 1) Feedlots must be designed consistent with [Minnesota Rules, Chapter 7020](#);
 - 2) Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand capacity of 1,000 animal units or more; and
 - 3) Feedlots not currently in operation may resume operation consistent with [Minnesota Statute §116.0711](#)
- C. Application of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be done in such a way as to minimize impact on the SIZ, BIZ, or public water by the use of earth or vegetation.

Subp. 3. Forest Management Standards

- A. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
- B. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

- C. Forest land conversion to another use requires issuance of a Conditional Use Permit and adherence to the following standards:
 - 1) SIZ and BIZ must not be intensively cleared of vegetation.
 - 2) An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.
- D. Use of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be applied in such a way as to minimize runoff into the shore impact zone, or public water by the use of earth or vegetation.

Subp. 4. Extractive Use Standards

Extractive uses are conditional uses and must meet the following standards:

- A. Site development and restoration plan. A site development and restoration plan must be developed, approved, and followed over the course of the operation. The plan must:
 - 1) Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - 2) Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - 3) Clearly explain how the site will be rehabilitated after extractive activities end.
- B. Setbacks for processing machinery. Processing machinery must meet structure setback standards from ordinary high-water levels and bluffs.

Subp. 5. Metallic Mining Standards

Mining of metallic minerals and peat is a permitted use provided the provisions of [Minnesota Statutes §93.44 to §93.51](#) are satisfied.

SECTION 6 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS**Subp. 1.Purpose.**

To establish dimensional and performance standards that protect shoreland resources from impacts of development.

Subp. 2.Lot Area and Width Standards

All new lots created after October 15, 1971 must meet the minimum lot area and lot width requirements in Table II and Table III, subject to the following standards:

- A. Only lands above the ordinary high-water level can be used to meet lot area and width standards;
- B. Lot width standards must be met at both the ordinary high-water level and at the building line;
- C. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
- D. Residential subdivisions with dwelling unit densities exceeding those in Table II and Table III are allowed only if designed and approved as residential PUDs under Section 10, Subp. 5 of this ordinance; and
- E. Lake Minimum Lot Area and Width Standards:

Table II Minimum Lot Dimension Standards for Lakes

General Development				
	Riparian		Nonriparian	
	Lot Area (ft ²)	Lot Width (ft)	Lot Area (ft ²)	Lot Width (ft)
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
Recreational Development				
	Riparian		Nonriparian	
	Lot Area (ft ²)	Lot Width (ft)	Lot Area (ft ²)	Lot Width (ft)
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490
Natural Environment				
	Riparian		Nonriparian	
	Lot Area (ft ²)	Lot Width (ft)	Lot Area (ft ²)	Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

F. River/Stream Minimum Width Standards:

There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are as described in Table III.

Table III Minimum Lot Width Standards for Rivers/Streams

	Transitional	Agricultural	Urban & Tributary	
			SSTS	Municipal Sewer
Single	250	150	100	75
Duplex	375	225	150	115
Triplex	500	300	200	150
Quad	625	375	250	190

Subp. 3. Special Residential Lot Provisions

- A. A single-family residential lot shall contain only 1 single family dwelling unit.
 - 1) An exemption to this requirement, without a permit, would allow:
 - a) Lots compliant with all area, water frontage and width requirements of Table II and Table III, may contain one RCU in addition to the primary dwelling unit, provided all other requirements of this ordinance are met, and there are no sewer or water connections.
 - b) Guest cottages meeting Section 6, Subp. 3 (F) of this section.
- B. A lot without a dwelling unit may contain one (1) RCU without a Structure Permit, on a temporary basis, not to exceed 22 days per year, provided all other requirements of this ordinance are met, and there are no sewer or water connections.
- C. Non-riparian lots of no less than 5,000 square feet may be created if they are legally joined to a riparian lot within four (4) times the minimum required lot width of the riparian lot, and contain permanent restrictions against construction of any dwelling units. Such nonresidential non-riparian lots must be created by subdivision plat in such a manner as to allow for orderly attachment to riparian lots and with appropriate restrictive covenants. The final plat will not be accepted unless it identifies the riparian lot to which each new non-riparian lot shall be attached.
- D. Unplatted cemeteries and significant historic sites. No structure may be placed nearer than 50 feet from the boundary of an unplatted cemetery protected under [Minnesota Statute §307.08](#), unless necessary approval is obtained from the Minnesota State Archaeologist's Office. No structure may be placed on a historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- E. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment lakes and must also meet the following standards:
 - 1) Each building must be set back at least 200 feet from the ordinary high water-level;
 - 2) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - 3) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - 4) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- F. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Table II and Table III, provided the following standards are met:
 - 1) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - 2) A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

- 3) A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, setbacks or color, assuming summer leaf-on conditions.

Subp. 4. Placement, Height, and Design of Structures on Lots

Placement of Structures and Sewage Treatment Systems on Lots

Structures and accessory structures must be located to meet all setbacks, and comply with the following OHWL setback provisions:

Table IV Setbacks for Structures on a Lot

Classification	Structures
Natural Environment	200
Recreational Development	100
General Development	75
Transition	150
Agriculture, Urban and Tributary	100

A. OHWL Setbacks.

Structures, must meet setbacks described in Table IV from the ordinary high water level (OHWL), except that one water-oriented structure or facility, designed in accordance with Section 7, Subp. 3 of this ordinance, may be set back a minimum distance of twenty (20) feet from the OHWL. Subsurface sewage treatment systems must meet setbacks in accordance with [Table II of the Sanitation Code of Otter Tail County](#).

B. Setback Sight Line

Where nonconforming structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered, using the sight line method, without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone. A water-oriented accessory structure cannot be used to establish a sight line.

C. Setbacks of Decks

Except as provided in Section 7, Subp. 3, decks must meet the structure setback standards. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water-level if all of the following criteria are met:

- 1) The structure existed on February 5, 1992;
- 2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water-level setback of the structure;
- 3) The deck encroachment toward the ordinary high water-level does not exceed 15 percent of the existing structure setback of the structure from the ordinary high water-level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- 4) The deck is not roofed or screened.

D. Additional Structure Setbacks

Structures and accessory structures must also meet the following setbacks, regardless of the waterbody classification:

Table V Additional Structure Setbacks

Setback from:	Setback (ft)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway	20
Right-of-way line of town road, public street, or other roads not classified.	20
Property Line	10
Property Line for Accessory Structures equal to or less than 120 ft ²	5
Property Line for Water-Oriented Accessory Structure	10

E. Bluff Impact Zones

Structures, impervious surfaces, and accessory structures and facilities, except stairways and landings, must not be placed within bluff impact zones.

Subp. 5. Height of Structures

All structures, except places of worship, nonresidential agricultural structures, and accessory structures greater than 400 feet from the OHWL of a lake must not exceed the following height requirements:

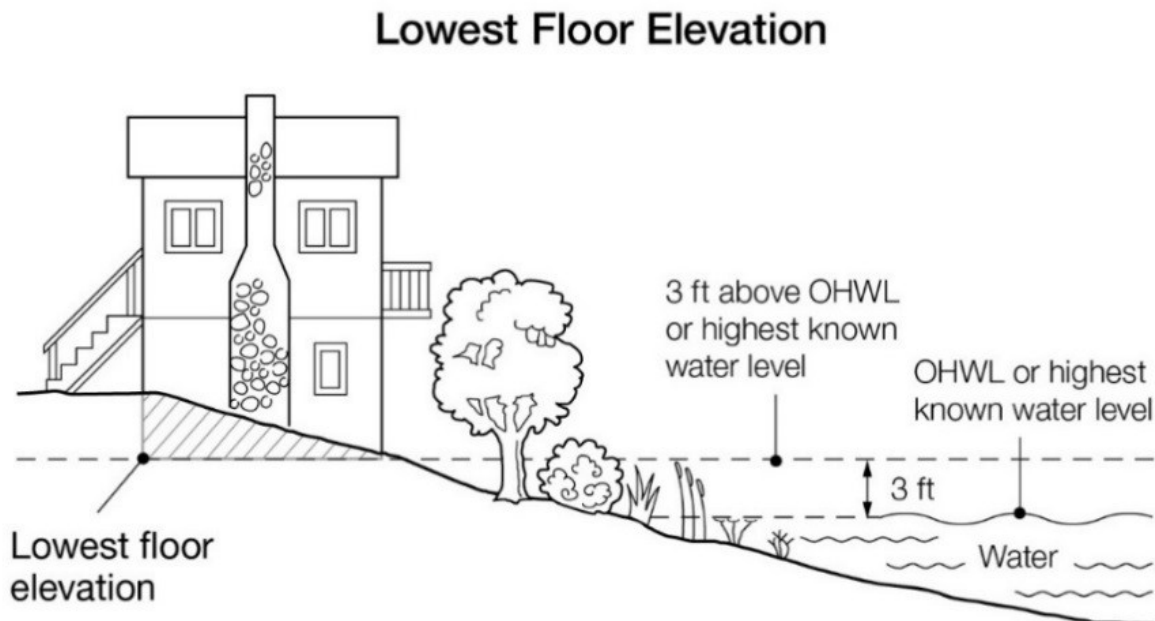
- A. A dwelling unit must not exceed a height of thirty-five (35) feet;
- B. An accessory structure or a non-dwelling must not exceed a height of twenty (20) feet.

The height must be measured from the highest adjoining original ground level at the building foundation.

Subp. 6. Lowest Floor Elevation

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

- A. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water-level, whichever is higher.
- B. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water-level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with [Minnesota Rules, parts 6120.5000 to 6120.6200](#) governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

**Subp. 7. Significant Historic Sites**

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

Subp. 8. Water Supply and Sewage Treatment

- A. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- B. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with [Minnesota Rules, Chapter 7080-7081](#) and the [Otter Tail County Sanitation Code](#).

SECTION 7 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES**Subp. 1.Placement and Design of Roads, Driveways, and Parking Areas**

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

- A. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
- B. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
- C. Private facilities must comply with the grading and filling provisions of Section 8, Subp. 3 of this ordinance; and
- D. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that each are designed and constructed to minimize erosion to public waters consistent with the Natural Resource Conservation Service office technical guide, or other applicable technical materials.

Subp. 2.Stairways, Lifts and Landings

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

- A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways, no wider than 8 feet, may be used for commercial properties, public recreational uses, and planned unit developments;
- B. Landings for stairways and lifts on residential lots must not exceed 36 square feet in area. Landings larger than 36 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments, and must not exceed 64 square feet in area;
- 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, and authorized by a required Conditional Use Permit or Shoreland Alteration Permit;
- E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and,
- F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if consistent with the dimensional and performance standards of subitems A to E and the requirements of [Minnesota Rules, Chapter 1341](#).

Subp. 3.Water-Oriented Accessory Structures

Each residential lot may have one water-oriented accessory structure if it complies with the following provisions:

- A. The structure must be above ground unless a Shoreland Alteration Permit is granted;
- B. The structure must not exceed ten feet in height as measured from the lowest adjoining ground level, exclusive of safety rails, and cannot occupy an area greater than 260 square feet;
- C. The maximum width of the structure is 20 ft. as measured parallel to the shoreline;
- D. The structure must comply with all property line setback requirements as set by Table V;
- E. The structure is not in the Bluff Impact Zone;
- F. The setback of the structure from the ordinary high water-level must be at least twenty feet;
- G. Only one structure may be placed within the SIZ;
- H. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- I. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
- J. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

- K. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6, Subp. 6 if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

SECTION 8 VEGETATION AND LAND ALTERATIONS**Subp. 1. Purpose**

Alterations of vegetation and topography are regulated to prevent erosion into public waters and wetlands, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

Subp. 2. Vegetation Management

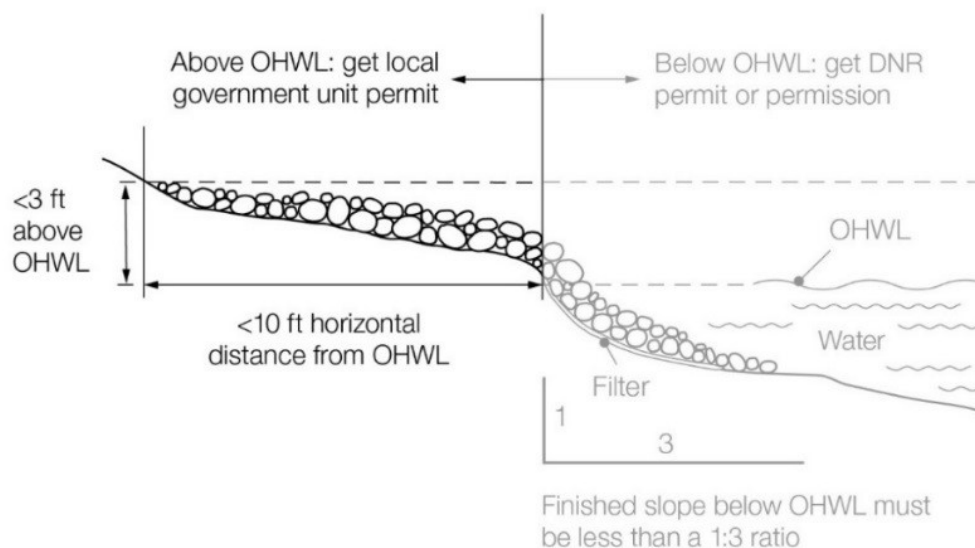
- A. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - 1) Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
 - 2) The construction of public roads and parking areas if consistent with Section 7, Subp. 1 of this ordinance;
 - 3) Forest management uses consistent with Section 5, Subp. 3 of this ordinance; and
 - 4) Agricultural uses consistent with Section 5, Subp. 2 of this ordinance.
- B. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5, Subp. 3 of this ordinance.
- C. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and
 - 2) Existing shading of water surfaces along rivers is preserved.
- D. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- E. Fertilizer and pesticide runoff into surface waters must be minimized through the use of vegetation, topography, or both.
- F. Use of fertilizer containing phosphorus is prohibited in the Shoreland Management District, except for agricultural purposes more than 300 feet from the OHWL of a public water.

Subp. 3. Grading and Filling

- A. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7, Subp. 1 of this ordinance. Permit requirements for grading and filling can be found in Section 3, Subp. 1 and Subp. 2.
- B. Grading, filling and excavation activities must meet the following standards:
 - 1) Grading or filling of any wetland must meet or exceed the wetland protection act standards under [Minnesota Rules, Chapter 8420](#) and any other permits, reviews, or approvals by other local, state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers; and
 - 2) Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - a) Limiting the amount and time of bare ground exposure;
 - b) Using temporary ground covers such as mulches or similar materials;
 - c) Establishing permanent vegetation cover as soon as possible;
 - d) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - e) Stabilizing altered areas to acceptable erosion control standards consistent with Natural Resource Conservation Service office technical guide;

- f) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- g) Fill or excavated material must not be placed in bluff impact zones;
- h) Any alterations below the ordinary high-water level of public waters must be first authorized by the commissioner under [Minnesota Statute §103G](#);
- i) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties;
- j) The applicant shall be legally responsible for all surface water runoff problems that may occur in the future; and,
- k) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - i. The finished slope does not exceed three feet horizontal to one foot vertical;
 - ii. The landward extent of the riprap is within ten feet of the ordinary high water-level; and,
 - iii. The height of the riprap above the ordinary high water-level does not exceed three feet.

Riprap Guidelines



- C. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters requires a public waters permit and must comply with [Minnesota Rules, Chapter 6115](#).
- D. Excavations on shorelands where the intended purpose is connection to a public water shall require a permit from the Administrative Officer before construction is begins. Such permit may be obtained only after the Commissioner of Natural Resources has granted permission for work in beds of public waters.
- E. Unless otherwise indicated by the Conditional Use Permit or a Shoreland Alteration Permit, all grading, filling or alteration of the existing topography, including stabilization, shall be performed between April 15th and October 1st. The April 15th to October 1st construction period shall not be applicable to Conditional Use Permits and Shoreland Alteration Permits for grading, filling or alteration of the existing topography involving finished grade slopes of less than 12% consistent with the steep slope requirements and when appropriate to adhere to methods for preventing erosion.

Subp. 4. Stormwater Management**A. General standards**

- 1) When possible, existing natural drainageways and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharged to public waters.
- 2) Development must be planned and constructed in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and appropriate facilities or methods used to retain sediment on the site.
- 3) When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific standards

- 1) Impervious surfaces of lots must not exceed 25 percent of the lot area, of which buildings must not exceed 20% of the lot area. Impervious surface coverage within the SIZ, that is not part of a planned unit development, must not exceed 15% of the area of the SIZ.
- 2) When constructed facilities are used for stormwater management, a qualified individual must affirm the constructed facilities are designed and installed consistent with Natural Resource Conservation Service office technical guide, as applicable.
- 3) New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).
- 4) Surface area of a lot physically separated (i.e. public, private road right-of-way or easement) from itself or another cannot be included for purposes of the impervious surface calculation. If the road is not designated by a dedicated right-of-way, the road surface area may be included in the impervious surface calculations.
- 5) A driveway from the nearest road right-of-way to the proposed structure(s) must be included in the impervious surface calculation.

SECTION 9 SUBDIVISION/PLATTING PROVISIONS**Subp. 1. Purpose**

To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

Subp. 2. Land Suitability

Each lot created through subdivision, including planned unit developments authorized under Section 10 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, and welfare of future residents of the proposed subdivision or of the community.

Subp. 3. Recording

No conveyance or other document creating a subdivision of any real property other than by a duly approved plat, shall be recorded, unless accompanied by a registered surveyor's drawing for recording.

Subp. 4. Consistency with other controls

Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

A lot shall meet the minimum lot size as specified in Section 6, however Natural Environment Standards may be considered to protect Sensitive Areas.

Subp. 5. Presentation Requirements

- A. Preliminary Plat prepared (signature required) by Minnesota Registered Land Surveyor.
- B. Identification and Description:
 - 1) Proposed name of subdivision;
 - 2) Location by section, town, range and/or by other identifying description including, the nearest existing E-911 address, parcel number, township name, lake name and number;
 - 3) Names and addresses of owner(s), subdivider(s), and Minnesota Registered Land Surveyor, Civil Engineer or Architect;
 - 4) Graphic scale: 1 inch = 100 ft., if possible, but not smaller than 1 inch = 200 ft;
 - 5) North point;
 - 6) Date of preparation;
 - 7) Proposed use of all lots;
 - 8) Vegetative strip; and
 - 9) Buildable Area (8,400 sq. ft.).
- C. Existing conditions in tract and in surrounding area to a distance of 300 ft.:
 - 1) Boundary line of proposed subdivision, clearly outlined and dimensioned;
 - 2) Total acreage and total water frontage;
 - 3) Platted streets, right-of-way and utility easements;
 - 4) Boundary lines and ownership of adjoining land;
 - 5) Sewers, water mains, culverts or other underground facilities;
 - 6) Permanent buildings and structures;
 - 7) Summary of soil and vegetation types (terrestrial and aquatic);
 - 8) Lakes, water courses and marsh areas and such other information as location of the OHWL or highest known water elevation and contours at vertical intervals of not more than 10 ft. or 5 ft. in BIZ and on steep slopes. All elevation data shall be mean-sea level or some other assumed workable datum;

- 9) Wetlands, delineated in accordance with the Minnesota Wetland Conservation Act. All Wetland Delineation Reports must be signed and dated; and
 - 10) Evidence that the ground water level is at least three feet below the finished grade
- D. Subdivision Design Features
- 1) Layout and width of proposed streets and utility easements showing lake setback boundaries, buffer zone boundaries, lot boundaries and dedicated roads;
 - 2) Preliminary road grades, including a center line profile, and drainage plans shall be shown on a copy of the contour map. All roads must be identified and signed in accordance with the provisions of the County's Enhanced 911 Countywide Addressing System;
 - 3) Statement of source of water supply;
 - 4) A minimum of 8,400 square foot of Buildable Area shall be identified on each lot;
 - 5) The primary and secondary soil treatment areas, as specified in Section 8 of the Otter Tail County Sanitation Code of Otter Tail County for Subsurface Sewage Treatment Systems, shall be identified on each lot. This undisturbed Sewage Treatment Area must be identified and staked onsite by a Minnesota Pollution Control Agency (MPCA) Licensed Sewage System Designer; and
 - 6) Documents, such as bylaws, property owner's agreements, covenants and restrictions that explain how the project is designed and will function. These ordinarily include membership requirements in a property owner's association, assessment of costs, various easements, a concept statement describing the project, floor plans for structures and various other drawings or plans.
- E. A Preliminary Title Opinion prepared (signed and dated) by the subdivider's attorney.
- F. Stake center line of proposed road and lot boundaries.

Subp. 6.Dedications

If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

Subp. 7.Water and Sewer Design Standards

- A. A potable water supply and a sewage treatment system consistent with [Minnesota Rules, Chapters 7080-7081](#) must be provided for every lot.
- B. Each lot must include at least two soil treatment and dispersal areas that support systems in accordance with the Otter Tail County Sanitation Code.
- C. Lots that would require use of holding tanks are prohibited.

Subp. 8.Information Requirements

- A. Topographic contours at two-foot intervals or less from current sources, showing limiting site characteristics;
- B. The surface water features required in [Minnesota Statute §505.021, Subd. 8](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
- C. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- E. Location of 100-year flood plain areas and floodway districts from existing adopted maps and data; and
- F. A line or contour representing the ordinary high water-level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

Subp. 9. Dedications

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and wetlands.

Subp. 10. Platting

All subdivisions that create either five or more lots that are less than 5.0 acres, or parcels that are less than 2-1/2 acres in size, shall be processed as a plat in accordance with [Minnesota Statute §505](#). No permit for construction of buildings or sewage treatment systems shall be issued for lots created after October 15, 1971 unless the lot was previously approved as part of a formal subdivision.

Subp. 11. Controlled Access Lots Not Allowed

Controlled access lots within a subdivision are not allowed.

Subp. 12. Pre-Application Meeting

Prior to submission of a preliminary plat for consideration to the Planning Commission under the provisions of this Ordinance, the potential applicant shall meet with the Administrative Officer to discuss expectations regarding any potential preliminary plat.

SECTION 10 PLANNED UNIT DEVELOPMENTS**Subp. 1. Purpose**

To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

Subp. 2. General

- A. All PUDs, in operation continuously since October 15, 1971 may continue to operate the number and type of dwelling units which were in operation on October 15, 1971. Any change will require that the owner obtain a Conditional Use Permit which will authorize a specific number and type of dwelling units.
- B. Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD that has a current Conditional Use Permit involving six (6) or less new dwelling units or sites since October 15, 1971 is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in this Section 10, Subp. 4.
- C. Existing resorts may add on to, or replace, existing dwelling units, without a Conditional Use Permit or Variance, in accordance with [Minnesota Statute §103F.227](#).
- D. Pre-Application Meeting.
Prior to submission of any plans for consideration to the Planning Commission under the provisions of this Ordinance, the potential applicant shall meet with the Administrative Officer to discuss expectations regarding any potential application.
- E. Presentation Requirements
 - 1) A scale drawing for the project indicating the location and setback distances from:
 - a) Property boundaries (lotlines, road right-of-ways and easements);
 - b) Existing and proposed structures (must identify each structure);
 - c) Existing and proposed sewage treatment systems;
 - d) Existing and proposed water wells;
 - e) Tier location and areas in square feet;
 - f) Location and elevation of the OHWL or highest known water level (all elevation data shall be mean sea-level or some other assumed workable datum);
 - g) Contours at vertical intervals of not more than 10 ft. or 5 ft. in BIZ and on steep slopes (all elevation data shall be mean sea-level or some other assumed workable datum). The drawing must identify the top of the bluff;
 - h) Shore recreation facilities (swimming areas, docks, etc.); and
 - i) Parking areas
 - 2) A Wetland Delineation Report in accordance with the Minnesota Wetland Conservation Act (must be signed and dated).
 - 3) Documents that explain how the project is designed and will function. These ordinarily include covenants that require membership in a property owners association, various easements, a concept statement describing the project, floor plans for structures, and various other drawings or plans.
 - 4) An onsite impervious surface calculation.
 - 5) The Administrator may require a professional drawing.

Subp. 3. Types of PUDs Permissible

Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards in Table II and Table III of Section 6 of this ordinance is allowed if the standards in this section are met.

Subp. 4. Density Determination or Site Density Evaluation

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards:

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

Table VI-Shoreland Tier Dimensions

Classification	Tier Depth	
	SSTS (ft)	Municipal Sewer (ft)
General Development Lakes – first tier	200	200
General Development Lakes – second and additional tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	400
All River Classes	300	300

- B. The area within each tier is next calculated, excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is then subjected to either residential (Subp. 5) or commercial (Subp. 6) planned unit development evaluation steps to arrive at an allowable number of dwelling units or sites.

Subp. 5. Residential Planned Unit Development Density Evaluation Steps and Design Criteria

The density evaluation steps and design criteria for residential planned unit developments are contained in items A to D.

- A. The area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single family residential lot width standard times the tier depth unless the local unit of government has specified an alternative minimum lot size for rivers which 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 planning unit development are then compared with these data and map of the evaluation. Local governments may allow some dwelling unit or site density increases for residential planned unit developments above the densities determined in the evaluation if all dimensional standards in Table II or Table III are met or exceeded. Maximum density increases may only be allowed if all design criteria in Subp.5 (B) are met or exceeded. Increases in dwelling unit or site densities must not exceed the maximums in Table VII. Allowable densities may be transferred from one tier to any other tier further from the shoreland water body of watercourse, but must not be transferred to any other tier closer.

Table VII
Maximum Allowable Dwelling Unit or Site Density Increases
For Residential Planned Unit Developments

Density Evaluation Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

- B. The design criteria are:
- 1) All residential planned unit developments must contain at least five dwelling units or sites.
 - 2) Residential planned unit developments must contain open space meeting all of the following criteria:
 - a) At least 50 percent of the total project area must be preserved as open space.
 - b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and should 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 unplatted cemeteries.
 - d) Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
 - e) The shore impact zone, based on the normal structure setbacks, must be included as open space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in their natural or existing state.
 - 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 by use of the restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - h) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 - 3) Centralization and design of facilities and structures must be completed according to the following standards:
 - a) Residential planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 - b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the 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 for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
 - c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
 - e) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7, Subp. 3 and are centralized.

- f) Accessory structures and facilities may be allowed if they meet or exceed standards in part Section 7, Subp. 3, and are centralized.
- 4) Erosion control and storm water management for residential planned unit developments must:
 - a) Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff.

C. Administration and maintenance requirements.

Before final approval of all residential planned unit developments, local governments must ensure adequate provisions have been developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development as a community.

- 1) Open space preservation. 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 of the following protections:
 - a) Commercial uses prohibited;
 - b) Vegetation and topographic alterations other than routine maintenance prohibited;
 - c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d) Uncontrolled beaching prohibited.
- 2) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - a) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - b) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - c) Assessments must be adjustable to accommodate changing conditions; and
 - d) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

D. Conversions

Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

- 1) Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified.
- 2) Deficiencies involving water supply and sewage treatment, structure, color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- 3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b) Remedial measures to correct erosion, improve vegetative cover, and improve screening of buildings and other facilities as viewed from the water; and
 - c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alteration. The

conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setbacks and elevation requirements when they are rebuilt or replaced.

- 4) Existing dwelling unit or dwelling site densities that exceed standards in Section 10, Subp. 4 of this ordinance may be allowed to continue but must not be allowed to increase, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralized shore recreation facilities, installing new sewage treatment systems, or other means.

Subp. 6. Commercial Planned Unit Development Density Evaluation Steps and Design Criteria.

The density evaluation steps and design criteria for commercial planned unit developments are contained in items A and B:

A. Density evaluation steps:

- 1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed dwelling units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages or porches and basements, unless they are habitable space.
- 2) Select the appropriate floor area ratio from Table VIII.

Table VIII-Commercial PUD Density Calculation Factors

Inside Living Floor Area or Dwelling Site (ft ²)	Floor Area Ratios*		
	General Development Lakes w/sewer – all tiers General Development Lakes w/no sewer – 1 st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
200	0.040	0.020	0.010
300	0.048	0.024	0.012
400	0.056	0.028	0.014
500	0.065	0.032	0.016
600	0.072	0.038	0.019
700	0.082	0.042	0.021
800	0.091	0.046	0.023
900	0.099	0.050	0.025
1000	0.108	0.054	0.027
1100	0.116	0.058	0.029
1200	0.125	0.064	0.032
1300	0.133	0.068	0.034
1400	0.142	0.072	0.036
≥ 1500	0.150	0.075	0.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 3) Multiply the usable area within each tier by the floor area ratio to yield total floor area for each tier to be used for dwelling units or sites.
- 4) Divide the area computed in subitem (3) by the average determined in subitem (1). This yields a base number of dwelling units or sites for each tier.

- 5) Determine whether the project is eligible for any additional density increases. To be eligible, projects must meet all of the design standards in item B, and exceed one or more of them. The local unit of government may decide how much, if any, increase in density to allow for each tier, but must not exceed the maximum allowable density increases in Table IX:

**Table IX-Maximum Allowable Dwelling Unit or Site
Density Increases for Commercial Planned Unit Developments**

Shoreland Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

- 6) Allowable densities may be transferred from any tier to any other tier further from the shoreland lake or river, but must not be transferred to any other tier closer.
- B. The design criteria are:
- 1) Open space. Commercial planned unit developments must contain open space meeting all of the following criteria:
 - a) At least 50 percent of the total project area must be preserved as open space.
 - b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, or parking areas, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of 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 unplatted cemeteries.
 - d) All shore impact zones within commercial planned unit developments must be included as open space, and at least 50 percent of these areas must be preserved in their natural or existing state.
 - e) Open space may include outdoor recreation facilities for use by guests staying in dwelling units or sites, or the public.
 - f) Open space may include subsurface sewage treatment systems if use of the space is restricted to avoid adverse impacts on the systems.
 - 2) Design of structures and facilities must be completed according to the following standards:
 - a) Commercial planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be designed and installed to meet or exceed applicable rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 - b) Dwelling units or sites must be 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 surface water features, and maximum height. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or other means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
 - c) Structures, parking areas, and other facilities must be designed and located in a manner that minimizes their visibility from surface water features, assuming summer, leaf-on conditions. The structure, dwelling unit, accessory structure, or parking area must be treated to reduce visibility as viewed from public waters

and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- d) Water-oriented accessory structures and facilities may be located within shore impact zones if each meet or exceed design standards contained in Section 7, Subp. 3.
 - e) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of watercraft allowed to be continuously beached, moored, or docked must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing harbor. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- 3) Erosion control and storm water management for commercial planned unit developments must:
- a) Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency with Section 8.

SECTION 11 ENFORCEMENT

The Otter Tail County Land and Resource Management office is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, constitutes a misdemeanor and is punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity as listed in Section 3 of this Ordinance.

SECTION 12 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 13 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. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

SECTION 14 OWNER LIABLE

In addition to any other person or persons involved in a violation or threatened violation of this Ordinance, the owner of record of any property falling under the jurisdiction of this Ordinance shall be responsible both criminally and civilly for any construction, alteration, excavation, or any other activity occurring on the property which is contrary to the provisions of this Ordinance.

SECTION 15 SAVINGS CLAUSE

All permits issued under this Ordinance are permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local Ordinances relating thereto. In the event any provision of this Ordinance shall be found contrary to law by a Court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this Ordinance shall continue in full force and effect as though the voided provision never existed.

SECTION 16 REPEAL

The Shoreland Management Ordinance of Otter Tail County, Minnesota, as adopted by the County Board on January 15, 2017, is hereby repealed and replaced with this Ordinance.

SECTION 17 ADOPTION/EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective upon passage by the County Board and publication according to law.

Passed by the Otter Tail County Board of Commissioners, on June 22, 2021 with an effective date of July 1, 2021

APPENDIX A – LAKE CLASSIFICATIONS*

*Source: Minnesota Department of Natural Resources Lake Shoreland Classification List by County

Lakes in Otter Tail County are classified as follows:

GENERAL DEVELOPMENT LAKES

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Adley	56003100	PARKERS PRAIRIE
Alice	56086700	CITY, FERGUS FALLS
Bass	56057000	AURDUL, SVERDRUP
Bass	56077000	DUNN
Big Pine	56013000	CORLISS, PINE LAKE
Buchanan	56020900	OTTER TAIL, RUSH LAKE
Devils	56024500	EDNA, GORMAN, PERHAM
Eagle	560253000	EAGLE LAKE
East Annalaide	56000100	EASTERN
Fish	56076800	DUNN
Formoe	56055800	ST OLAF, TUMULI
Halverson	56091200	ERHARDS GROVE, PELICAN
Indian	56013100	CORLISS
Jewett	56087700	ELIZABETH
Lawrence	56055500	CANDOR
Lida	56074700	LIDA, MAPLEWOOD
Little McDonald	56032800	EDNA
Little Pine	56014200	CORLISS, GORMAN, PERHAM
Lyden	56092000	SCAMBLER
Marion	56024300	DEAD LAKE, RUSH LAKE
Opperman	56086500	FERGUS FALLS
Otter Tail	56024200	AMOR, EVERTS, OTTERTAIL
Pelican	56078600	DUNN, SCAMBLER
Portage	56014000	LEAF LAKE, OTTER TAIL
Round	56021400	RUSH LAKE
Rush	56014100	OTTO, RUSH LAKE
Schrams	56053800	CANDOR
Star	56038500	DEAD LAKE, DORA, STAR LAKE
Unnamed	56082800	BUSE
Unnamed	56030500	EVERTS
Unnamed	56005600	HOMESTEAD
Unnamed	56017600	NIDAROS
Unnamed	56092000	SCAMBLER
Wall	56065800	DANE PRAIRIE, AURDUL
West Battle	56023900	CLITHERALL, EVERTS, GIRARD, NIDAROS

RECREATIONAL DEVELOPMENT LAKES

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Annie Battle	56024100	EVERTS, GIRARD
Berger	56114900	EDNA
Big McDonald	56038600	DORA, EDNA
Blanche	56024000	EVERTS, GIRARD
Block	56007900	EFFINGTON
Boedigheimer	56021200	RUSH LAKE

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Clear	56055900	ST OLAF, TUMULI
Clitherall	56023800	CLITHERALL, NIDAROS
Crane	56029300	CLITHERALL
Crystal	56074900	LIDA
Deer	56029800	EVERTS
Donalds	56020000	OTTER TAIL
East Battle	56013800	GIRARD, HENNING, NIDAROS
East Leaf	56011600	DEER CREEK, LEAF LAKE
East Loon	56052300	CANDOR, DORA
East Lost	56037800	EVERTS, SVERDRUP
East Silent	56051700	DORA
East Spirit	56050100	DORA
Ethel	56019300	GIRARD
Five	56035700	HOBART
Franklin	56075900	DUNN, LIDA
Graham	56036800	BECKER COUNTY, HOBART
Heilberger	56069500	FRIBERG
Hoot	56078200	AURDUL, FERGUS FALLS
Lake Ida	03058200	BECKER COUNTY
Leek	56053200	CANDOR
Little Pelican	56076100	DUNN
Little Pleasant	56112700	SVERDRUP
Lizzie	56076000	DUNN, LIDA
Long	56021000	AMOR, DEAD LAKE, OTTER TAIL, RUSH LAKE
Long	56038800	CANDOR, HOBART
Long	56078400	ELIZABETH, FRIBERG
Long	56020100	OTTER TAIL
Long	56039000	ST OLAF
Loon	56052300	CANDOR, DORA
Norway	56056900	AURDUL, SVERDRUP
Olaf	56095000	NORWEGIAN GROVE, PELICAN
Paul	56033500	EDNA
Pebble	56082900	BUSE
Pickerel	56047500	MAINE
Pleasant	56044900	SVERDRUP
Prairie	56091500	PELICAN
Rose	56036000	HOBART
Round	56052200	DORA
Round	56029700	EVERTS
Sauer	03035500	HOBART
Scalp	56035800	HOBART
Sewell	56040800	ST OLAF
Silver	56030200	EVERTS
Six	56036900	HOBART
South Turtle	56037700	CLITHERALL, EVERTS, SVERDRUP, TORDENSKJOLD
Stalker	56043700	TORDENSKJOLD
Stuart	56019100	GIRARD, NIDAROS
Swan	56078100	BUSE, DANE PRAIRIE
Sybil	56038700	DORA, EDNA, HOBART

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Tamarac	56093100	SCAMBLER
Ten Mile	56061300	TUMULI
Tonseth	56069000	FRIBERG
Trowbridge	56053200	CANDOR
Twin	56038200	AMOR, MAINE
Twin	56152500	AMOR, MAINE
Walker	56031000	AMOR
West Leaf	56011400	LEAF LAKE
West McDonald	56038600	DORA, EDNA
West Silent	56051900	DORA
Wimer	56035500	HOBART
Wright	56078300	AURDUL, FERGUS FALLS

NATURAL ENVIRONMENT LAKES

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Albert	56011800	OTTO
Alfred	56160000	NORWEGIAN GROVE
Alfred	56102200	NORWEGIAN GROVE
Alice	56024400	DEAD LAKE, RUSH LAKE
Alice	56050600	DORA
Alice	84000100	WILKIN COUNTY
Alkali	56061100	TUMULI
Almora	56004900	ELMO
Altner	56087500	ELIZABETH
Amor	56038100	AMOR, MAINE
Anderson	56071600	FRIBERG, MAPLEWOOD
Anna	56044800	SVERDRUP
Annie	56104000	NORWEGIAN GROVE
Archie	56162900	DORA, EDNA
Arken	56008600	EFFINGTON
Augusta	56002500	PARKERS PRAIRIE
Back	56044100	TORDENSKJOLD
Bahle	56063700	DANE PRAIRIE
Bass	56072200	MAPLEWOOD
Bates	56057200	FRIBERG, MAINE
Bear	56006900	BUTLER, CORLISS
Beauty Shore	56019500	GIRARD
Beebe	56041600	ST OLAF
Beers	56072400	MAPLEWOOD
Belmont	56023700	CLITHERAL, EAGLE LAKE, LEAF MOUNTAIN, NIDAROS
Berend	56050700	DORA
Besser	56002700	PARKERS PRAIRIE
Big Crow	56057600	DORA, LIDA
Big Stone	56070100	FRIBERG
Birch	56067400	AURDUL
Blacken	56040500	ST OLAF
Bolton	56031800	DEAD LAKE
Bon	56073400	MAPLEWOOD
Boos	56034100	EDNA
Boot	03024800	BECKER COUNTY

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Brackett	56073800	MAPLEWOOD
Bradbury	56054800	CANDOR
Bray	56047200	MAINE
Brekke	56066400	AURDUL
Bredeson	56017300	NIDAROS
Bromseth	56065500	DANE PRAIRIE
Brown	56031500	AMOR
Brown	56162800	DORA
Buck	03047300	BECKER COUNTY
Bull Head	56017100	NIDAROS
Burton	56092600	SCAMBLER
Businger	56093600	SCAMBLER
Carroll	56024700	BECKER COUNTY, GORMAN, HOBART
Ceynowa	56033700	EDNA
Chautauqua	56078000	BUSE, DANE PRAIRIE
Christopherson	56098300	OSCAR
Clarno	56002900	PARKERS PRAIRIE
Club	56051800	DORA
Colness	56103700	NORWEGIAN GROVE
Coffee	56055300	CANDOR
Cooks	56052500	CANDOR
Cora	56002300	PARKERS PRAIRIE
Crooked	56045800	SVERDRUP
Crystal	56073900	MAPLEWOOD
Curtis	56004600	ELMO
Dane	56042700	TORDENSKJOLD
Davies	56031100	AMOR
Dayton Hollow Reservoir	56082400	BUSE
Dead	56038300	AMOR, DEAD LAKE, MAINE, STAR LAKE
Dead	03016000	NORWEGIAN GROVE, PELICAN
Deadman	56095100	NORWEGIAN GROVE, PELICAN
Deadwood	56075800	LIDA
Deusch	56015600	LEAF MOUNTAIN
Devils	56088200	ELIZABETH
Dora	56050300	DORA
Duck	56048300	MAINE, STAR LAKE
Duck	560925000	SCAMBLER
East Red River	56057300	FRIBERG, MAINE
Eddy	56073700	MAPLEWOOD
Edna	56007000	BUTLER, CORLISS
Elbow	56051400	DORA
Elbow	56077400	DUNN
Elbow	56030600	EVERTS
Eleven	56089600	ERHARDS GROVE
Ellingson	56017800	NIDAROS
Emma	56019400	GIRARD
Evans	56070000	FRIBERG
Fairy	56035600	HOBART
Faunce	56095400	WESTERN
Femling	56048600	STAR LAKE

Otter Tail County Shoreland Management Ordinance

Revision Date: April 9, 2021

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Fischer	56024700	EAGLE LAKE
Fish	56068400	AURDUL
Fish	56006600	EFFINGTON, PARKERS PRAIRIE
Fiske	56043000	TORDENSKJOLD
Fjestad	56097500	ORWELL
Fladmark	56072700	MAPLEWOOD
Fogard	56057100	FRIBERG, MAINE
Fogel berg	56089600	ERHARDS GROVE
Fossan	56065600	DANE PRAIRIE
Gaards	56103000	NORWEGIAN GROVE
George	56014400	DOUGLAS CTY, LEAF MOUNTAIN
German	56042300	TORDENSKJOLD
Gertrude	56036200	HOBART
Glorvigan	56062900	DANE PRAIRIE
Gourd	56013900	GIRARD, LEAF LAKE, OTTER TAIL
Grandrud	56090700	ERHARDS GROVE
Granrud	56100700	TRONDJHEM
Grass	56011500	LEAF LAKE
Grass	56071700	MAPLEWOOD
Grass	56072300	MAPLEWOOD
Graven	56001700	PARKERS PRAIRIE
Gray	56035300	HOBART
Grena	56101900	NORWEGIAN GROVE, TRONDJHEM
Grove	56095200	NORWEGIAN GROVE, PELICAN, SCAMBLER
Grunard	56033000	EDNA
Haberman	56012200	OTTO, PINE LAKE
Haldorsen	56099200	OSCAR
Halvorson	56099200	OSCAR
Hancock	56025500	EAGLE LAKE
Hand	56052700	CANDOR
Hansel	56061500	TUMULI
Hanson	56019700	GIRARD, OTTER TAIL
Hanson	56042100	ST OLAF, TORDENSKJOLD
Harrison	56093400	SCAMBLER
Head	56021300	RUSH LAKE
Helgeson	56093400	SCAMBLER
Henry	56005500	NEWTON
Henry	56021700	RUSH LAKE
High Island	56069700	FRIBERG
Hoffman	56162700	DORA
Holbrook	56057800	CANDOR, DUNN
Hollo	56029500	CLITHERALL
Holtz	56066100	AURDUL
Hook	56054700	CANDOR
Horsehead	56002200	PARKERS PRAIRIE
Horseshoe	56083400	BUSE
Horseshoe	56089500	ERHARDS GROVE
Horseshoe	56158700	ERHARDS GROVE
Horseshoe	56045500	SVERDRUP
Hovland	56101400	TRONDJHEM

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Ida	56053400	CANDOR
Indian	56063900	DANE PRAIRIE
Indian	56032700	DEAD LAKE
Inman	56129600	INMAN
Iverson	56084600	BUSE
Jacobs	56103900	NORWEGIAN GROVE
Jerry Bacon	56033400	EDNA
Jessie	56016300	LEAF MOUNTAIN
Jim	56036400	HOBART
Johannes	56039100	ST OLAF
John	56085400	BUSE
John	56075600	LIDA
John	56046300	SVERDRUP
Johnson	56097900	CARLISLE
Johnson	56069900	FRIBERG
Johnson	56039300	ST OLAF
Jolly Ann	56037000	EAGLE LAKE, ST OLAF
Jones	56044700	SVERDRUP
Jotan	56056400	DANE PRAIRIE, TORDENSKJOLD
Kemp	56162600	DORA
Kempfer	56069100	FRIBERG
Kepple	56073100	MAPLEWOOD
Kerbs	56163600	EDNA
Keyes	56036100	HOBART
Knobel	56091000	ERHARDS GROVE
Lacey	56039600	ST OLAF
Larson	56028700	CLITHERALL
Larson	56065100	DANE PRAIRIE
Leeper	56071400	FRIBERG, MAPLEWOOD
Leon	56048000	MAINE
Les	56094900	ERHARDS GROVE, TRONDJHEM
Lewis	56051300	DORA
Lily	56031700	DEAD LAKE
Little	56067500	AURDUL
Little Anna	56045000	SVERDRUP
Little Crow	56050900	DORA
Little Long	56048800	STAR LAKE
Little Rose	56036500	HOBART
Lone Pin e	56032200	DEAD LAKE
Long	56056200	DANE PRAIRIE, TORDENSKJOLD, TUMULI
Long	56000800	EASTERN
Long	56057400	FRIBERG, MAINE
Long	56057500	FRIBERG, MAINE, MAPLEWOOD, STAR LAKE
Long	56015900	LEAF MOUNTAIN
Long	56042800	TORDENSKJOLD
Loon	56066300	AURDUL
Lundeberg	56028900	CLITHERALL
Middle	56025200	EAGLE LAKE
Maine	56047600	MAINE
Maine	56152000	MAINE

Otter Tail County Shoreland Management Ordinance

Revision Date: April 9, 2021

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Maple	14000100	CLAY COUNTY
Maria	56049800	STAR LAKE
Mary	56001000	EASTERN
Mason	56087900	ELIZABETH
Mason	56019600	GIRARD
McCollum	56050000	DORA
McCollum	56114700	DORA
McCoy	56070300	FRIBERG
McGowan	56021500	RUSH LAKE
Meyer	56009000	EFFINGTON
Millpond	56014800	LEAF MOUNTAIN
Mineral	56058900	TUMULI
Mink	56032900	EDNA
Moen	56100600	OSCAR, TRONDJHEM
Moen	56067900	AURDUL
Moenkedick	56033600	EDNA
Molly Stark	56030300	EVERTS
Moore	56049900	DORA, STAR LAKE
Mud	56001400	PADDOCK
Mud	56080400	AASTAD
Mud	56038100	AMOR, MAINE
Mud	56066200	AURDUL
Mud	56006300	BUTLER
Mud	56013200	CORLISS
Mud	56114800	EDNA
Mud	56007300	EFFINGTON
Mud	56022200	GORMAN, PERHAM
Mud	56036500	HOBART
Mud	56048400	MAINE, STAR LAKE
Mud	56021500	RUSH LAKE
Mud	56044500	SVERDRUP
Mud	56058700	TUMULI
Mule	56068900	FRIBERG
Murphy	56022900	BECKER COUNTY, GORMAN
Nelson	56067700	AURDUL
Nelson	56006500	EFFINGTON, PARKERS PRAIRIE
Nelson	56049300	STAR LAKE
Nelson	56101500	TRONDJHEM
Nitche	56012600	PINE LAKE
North Lemmerhirt	56003600	ELMO
North Long	56048900	STAR LAKE
North Maple	56001300	EASTERN, WOODSIDE
North Rice	56034900	EDNA
North Stang	56062100	DANE PRAIRIE
North Ten Mile	56060400	TUMULI
North Turtle	56037900	EVERTS, SVERDRUP
Olson	56043600	TORDENSKJOLD
One Mile	56081700	BUSE
Onstad	56046700	SVERDRUP
Orwell	56094500	BUSE, ORWELL

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Oscar	56098200	CARLISLE, OSCAR
Otter	56057700	CANDOR, DORA, LIDA
Otter Tail River	56071100	FRIBERG
Ottos	56051300	DORA
Pelican Bay	56020200	OTTER TAIL
Perch	56009500	EFFINGTON, FOLDEN
Pete	56029400	CLITHERALL
Pete	56094100	SCAMBLER
Peterson	56047100	MAINE
Pickerel	56035100	EDNA
Pickerel	56020400	OTTER TAIL
Pine	56038400	DEAD LAKE, DORA, EDNA, STAR LAKE
Pine	56035000	EDNA
Pleasant	56052000	DORA
Rainy	56001600	PARKERS PRAIRIE
Rainy	56003500	PARKERS PRAIRIE
Rankle	56093500	DUNN
Reames	56035000	EDNA
Reed	56087600	ELIZABETH
Rice	56000600	EASTERN
Rice	56070200	FRIBERG
Rice	56036300	HOBART
Rice	56021100	RUSH LAKE
Roman	56021800	PERHAM
Rose	56062000	DANE PRAIRIE, TUMULI
Rosvold	56063100	DANE PRAIRIE
Round	56047600	MAINE
Round	56047900	MAINE
Round	56020600	OTTER TAIL
Round	56049000	STAR LAKE
Rusch	56164100	EDNA
Rush	56096800	ORWELL
Rush Lizzie	56076001	LIDA
Sampson	56014900	LEAF MOUNTAIN
Sand	56094200	SCAMBLER
Sand	56056100	ST OLAF, TUMULI
Sandberg	56089700	ERHARDS GROVE
Sands	56102600	NORWEGIAN GROVE
Schmidt	5607100	FRIBERG
Schuster	56022100	PERHAM
Scott	56155400	MAPLEWOOD
Shallow	56051500	DORA
Sharp	56048200	MAINE
Sherman	56020700	OTTER TAIL
Sieh	56009300	EFFINGTON
Sieh	56093700	SCAMBLER
Siem	56093700	SCAMBLER
Silver	56022400	GORMAN
Siverson	56018000	NIDAROS
Sixteen	56010000	FOLDEN

Otter Tail County Shoreland Management Ordinance

Revision Date: April 9, 2021

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Skogen Marsh	56097700	CARLISLE
Snow	56011000	FOLDEN
Sommer	56039500	ST OLAF
South Long	56049300	STAR LAKE
South Maple	5600400	ELMO
South Nelson	56067600	AURDUL
South Rice	56035200	EDNA
South Stang	56062900	DANE PRAIRIE
Spitzer	56016000	EAGLE LAKE, LEAF MOUNTAIN
Spring	56068200	AURDUL
Sproul	56070800	FRIBERG
Steenerson	56044000	TORDENSKJOLD
Stemmer	56007700	EFFINGTON
Stony	56006800	ELMO, FOLDEN
Sunfish	56051200	DORA
Sunset	56030100	EVERTS
Tamarack	56032000	DEAD LAKE
Tamarack	56019200	GIRARD
Tamarack	56043300	TORDENSKJOLD
Tee	56052800	CANDOR
Tee	56032100	DEAD LAKE
Tenter	56050000	DORA
Tenter	56034800	EDNA
Thompson	56024600	GORMAN, HOBART
Toms	56015100	LEAF MOUNTAIN
Torgerson	56025100	EAGLE LAKE
Trulse	56018700	NIDAROS
Tumuli	56060300	TUMULI
Twelve	56089700	ERHARDS GROVE
Twenty -One	56072800	MAPLEWOOD
Twin	56006700	EFFINGTON, PARKERS PRAIRIE
Twin	56152400	MAINE
Unnamed	56078800	AASTAD
Unnamed	56079000	AASTAD
Unnamed	56079100	AASTAD
Unnamed	56079400	AASTAD
Unnamed	56079500	AASTAD
Unnamed	56079700	AASTAD
Unnamed	56079900	AASTAD
Unnamed	56080200	AASTAD
Unnamed	56080300	AASTAD
Unnamed	56080500	AASTAD
Unnamed	56080600	AASTAD
Unnamed	56080700	AASTAD
Unnamed	56081000	AASTAD
Unnamed	56111600	AASTAD
Unnamed	56138700	AASTAD
Unnamed	56081200	AASTAD, BUSE
Unnamed	56081400	AASTAD, BUSE
Unnamed	56031400	AMOR

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56152600	AMOR
Unnamed	56066600	AURDUL
Unnamed	56066800	AURDUL
Unnamed	56068300	AURDUL
Unnamed	56146700	AURDUL
Unnamed	56056600	AURDUL, SVERDRUP
Unnamed	56056700	AURDUL, SVERDRUP
Unnamed	56094300	BECKER COUNTY, SCAMBLER
Unnamed	56081500	BUSE
Unnamed	56082100	BUSE
Unnamed	56083000	BUSE
Unnamed	56083200	BUSE
Unnamed	56083300	BUSE
Unnamed	56083500	BUSE
Unnamed	56083800	BUSE
Unnamed	56083900	BUSE
Unnamed	56084000	BUSE
Unnamed	56084100	BUSE
Unnamed	56084300	BUSE
Unnamed	56084700	BUSE
Unnamed	56084800	BUSE
Unnamed	56084900	BUSE
Unnamed	56085100	BUSE
Unnamed	56085200	BUSE
Unnamed	56085300	BUSE
Unnamed	56085500	BUSE
Unnamed	56141400	BUSE
Unnamed	56077900	BUSE, DANE PRAIRIE
Unnamed	56094400	BUSE, ORWELL
Unnamed	56006100	BUTLER
Unnamed	56006200	BUTLER
Unnamed	56006400	BUTLER
Unnamed	56105100	BUTLER
Unnamed	56134600	BUTLER
Unnamed	56104900	BUTLER, CORLISS
Unnamed	56052400	CANDOR
Unnamed	56052600	CANDOR
Unnamed	56053300	CANDOR
Unnamed	56053700	CANDOR
Unnamed	56054100	CANDOR
Unnamed	56097600	CARLISLE
Unnamed	56097800	CARLISLE
Unnamed	56098100	CARLISLE
Unnamed	56148300	CARLISLE
Unnamed	56148500	CARLISLE
Unnamed	56094600	CARLISLE, FERGUS FALLS
Unnamed	56028400	CLITHERALL
Unnamed	56028500	CLITHERALL
Unnamed	56028600	CLITHERALL
Unnamed	56028800	CLITHERALL

Otter Tail County Shoreland Management Ordinance

Revision Date: April 9, 2021

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56029000	CLITHERALL
Unnamed	26029100	CLITHERALL
Unnamed	56029100	CLITHERALL
Unnamed	56029600	CLITHERALL
Unnamed	56143300	CLITHERALL
Unnamed	56143500	CLITHERALL
Unnamed	56144000	CLITHERALL
Unnamed	56028300	CLITHERALL, EAGLE LAKE
Unnamed	56126900	CLITHERALL, NIDAROS
Unnamed	56037600	CLITHERALL, TORDENSKJOLD
Unnamed	56014300	CORLISS, PERHAM
Unnamed	56062200	DANE PRAIRIE
Unnamed	56062300	DANE PRAIRIE
Unnamed	56062500	DANE PRAIRIE
Unnamed	56062600	DANE PRAIRIE
Unnamed	56062700	DANE PRAIRIE
Unnamed	56063000	DANE PRAIRIE
Unnamed	56063300	DANE PRAIRIE
Unnamed	56064000	DANE PRAIRIE
Unnamed	56064200	DANE PRAIRIE
Unnamed	56064300	DANE PRAIRIE
Unnamed	56064400	DANE PRAIRIE
Unnamed	56064500	DANE PRAIRIE
Unnamed	56064700	DANE PRAIRIE
Unnamed	56065200	DANE PRAIRIE
Unnamed	56111800	DANE PRAIRIE
Unnamed	56141600	DANE PRAIRIE
Unnamed	56141700	DANE PRAIRIE
Unnamed	56065700	DANE PRAIRIE, AURDUL
Unnamed	56108500	DANE PRAIRIE, TUMULI
Unnamed	56031900	DEAD LAKE
Unnamed	56032400	DEAD LAKE
Unnamed	56153800	DEAD LAKE
Unnamed	56153900	DEAD LAKE
Unnamed	56154100	DEAD LAKE
Unnamed	56164800	DEAD LAKE, EDNA
Unnamed	56005300	DEER CREEK
Unnamed	56051100	DORA
Unnamed	56052100	DORA
Unnamed	56161800	DORA
Unnamed	56162300	DORA
Unnamed	56077100	DUNN
Unnamed	56077500	DUNN
Unnamed	56168100	DUNN SCAMBLER
Unnamed	56024800	EAGLE LAKE
Unnamed	56025700	EAGLE LAKE
Unnamed	56025900	EAGLE LAKE
Unnamed	56026100	EAGLE LAKE
Unnamed	56026300	EAGLE LAKE
Unnamed	56026400	EAGLE LAKE

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56026700	EAGLE LAKE
Unnamed	56026900	EAGLE LAKE
Unnamed	56027000	EAGLE LAKE
Unnamed	56027500	EAGLE LAKE
Unnamed	56108300	EAGLE LAKE
Unnamed	56023000	EAGLE LAKE, LEAF MOUNTAIN
Unnamed	56023200	EAGLE LAKE, LEAF MOUNTAIN
Unnamed	56023400	EAGLE LAKE, LEAF MOUNTAIN
Unnamed	56023500	EAGLE LAKE, LEAF MOUNTAIN
Unnamed	56037100	EAGLE LAKE, ST OLAF
Unnamed	56000300	EASTERN
Unnamed	56000900	EASTERN
Unnamed	56001100	EASTERN
Unnamed	56107400	EASTERN
Unnamed	56033300	EDNA
Unnamed	56033800	EDNA
Unnamed	56034200	EDNA
Unnamed	56034400	EDNA
Unnamed	56034600	EDNA
Unnamed	56164000	EDNA
Unnamed	56133900	EDNA, PERHAM
Unnamed	56007200	EFFINGTON
Unnamed	56007400	EFFINGTON
Unnamed	56007500	EFFINGTON
Unnamed	56007600	EFFINGTON
Unnamed	21007800	EFFINGTON
Unnamed	56007800	EFFINGTON
Unnamed	56009100	EFFINGTON
Unnamed	26009200	EFFINGTON
Unnamed	26009300	EFFINGTON
Unnamed	56107700	EFFINGTON
Unnamed	56125800	EFFINGTON
Unnamed	56013400	EFFINGTON, LEAF MOUNTAIN
Unnamed	56009400	EFFINGTON, FOLDEN
Unnamed	56009600	EFFINGTON, FOLDEN
Unnamed	56086900	ELIZABETH
Unnamed	56087800	ELIZABETH
Unnamed	56088100	ELIZABETH
Unnamed	56088300	ELIZABETH
Unnamed	56088600	ELIZABETH
Unnamed	56088800	ELIZABETH
Unnamed	56088900	ELIZABETH
Unnamed	56149900	ELIZABETH
Unnamed	56086800	ELIZABETH, FERGUS FALLS
Unnamed	56003800	ELMO
Unnamed	56003900	ELMO
Unnamed	56004000	ELMO
Unnamed	56004100	ELMO
Unnamed	56004200	ELMO
Unnamed	56004800	ELMO

Otter Tail County Shoreland Management Ordinance

Revision Date: April 9, 2021

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56105800	ELMO
Unnamed	56127700	ELMO
Unnamed	56127800	ELMO
Unnamed	56006800	ELMO, FOLDEN
Unnamed	56127600	ELMO, FOLDEN
Unnamed	56089200	ERHARDS GROVE
Unnamed	56089300	ERHARDS GROVE
Unnamed	56089500	ERHARDS GROVE
Unnamed	56089800	ERHARDS GROVE
Unnamed	56090100	ERHARDS GROVE
Unnamed	56090300	ERHARDS GROVE
Unnamed	56090400	ERHARDS GROVE
Unnamed	56090900	ERHARDS GROVE
Unnamed	56091100	ERHARDS GROVE
Unnamed	56156800	ERHARDS GROVE
Unnamed	56157000	ERHARDS GROVE
Unnamed	56157600	ERHARDS GROVE
Unnamed	56157800	ERHARDS GROVE
Unnamed	56158100	ERHARDS GROVE
Unnamed	56158500	ERHARDS GROVE, PELICAN
Unnamed	56029900	EVERTS
Unnamed	56030400	EVERTS
Unnamed	56030700	EVERTS
Unnamed	56030800	EVERTS
Unnamed	56112600	EVERTS
Unnamed	56145100	EVERTS
Unnamed	56038000	EVERTS, SVERDRUP
Unnamed	56085800	FERGUS FALLS
Unnamed	56085900	FERGUS FALLS
Unnamed	56086100	FERGUS FALLS
Unnamed	56086200	FERGUS FALLS
Unnamed	56086300	FERGUS FALLS
Unnamed	56086600	FERGUS FALLS
Unnamed	56148000	FERGUS FALLS
Unnamed	56009700	FOLDEN
Unnamed	56010000	FOLDEN
Unnamed	56010100	FOLDEN
Unnamed	56010200	FOLDEN
Unnamed	56010500	FOLDEN
Unnamed	56010600	FOLDEN
Unnamed	56010800	FOLDEN
Unnamed	56011200	FOLDEN
Unnamed	56013500	FOLDEN, NIDAROS
Unnamed	56013600	FOLDEN, NIDAROS
Unnamed	56013700	FOLDEN, NIDAROS
Unnamed	56017700	FOLDEN, NIDAROS
Unnamed	56068600	FRIBERG
Unnamed	56068800	FRIBERG
Unnamed	56069200	FRIBERG
Unnamed	56069300	FRIBERG

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56069400	FRIBERG
Unnamed	56069600	FRIBERG
Unnamed	56069800	FRIBERG
Unnamed	56113200	FRIBERG
Unnamed	56071200	FRIBERG, MAPLEWOOD
Unnamed	56071300	FRIBERG, MAPLEWOOD
Unnamed	56022800	GORMAN
Unnamed	56134500	GORMAN
Unnamed	56038900	GRANT COUNTY, ST OLAF
Unnamed	56011300	HENNING
Unnamed	56035900	HOBART
Unnamed	56036600	HOBART
Unnamed	56005800	HOMESTEAD
Unnamed	56106000	HOMESTEAD
Unnamed	56134100	HOMESTEAD
Unnamed	56005000	INMAN
Unnamed	56005100	INMAN
Unnamed	56129900	INMAN
Unnamed	56014500	LEAF MOUNTAIN
Unnamed	56014700	LEAF MOUNTAIN
Unnamed	56015000	LEAF MOUNTAIN
Unnamed	56015200	LEAF MOUNTAIN
Unnamed	56015300	LEAF MOUNTAIN
Unnamed	56015700	LEAF MOUNTAIN
Unnamed	56015800	LEAF MOUNTAIN
Unnamed	56016400	LEAF MOUNTAIN
Unnamed	56016500	LEAF MOUNTAIN
Unnamed	56017000	LEAF MOUNTAIN
Unnamed	56124600	LEAF MOUNTAIN
Unnamed	56114000	LIDA
Unnamed	56160600	LIDA
Unnamed	56047300	MAINE
Unnamed	56047400	MAINE
Unnamed	56047900	MAINE
Unnamed	56151400	MAINE
Unnamed	56072000	MAPLEWOOD
Unnamed	56072100	MAPLEWOOD
Unnamed	56072900	MAPLEWOOD
Unnamed	56073000	MAPLEWOOD
Unnamed	56073600	MAPLEWOOD
Unnamed	56074200	MAPLEWOOD
Unnamed	56074300	MAPLEWOOD
Unnamed	56074500	MAPLEWOOD
Unnamed	56155400	MAPLEWOOD
Unnamed	56156500	MAPLEWOOD
Unnamed	56128300	NEWTON
Unnamed	56132400	NEWTON
Unnamed	56017200	NIDAROS
Unnamed	56017500	NIDAROS
Unnamed	56017900	NIDAROS

Otter Tail County Shoreland Management Ordinance

Revision Date: April 9, 2021

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56018100	NIDAROS
Unnamed	56018300	NIDAROS
Unnamed	56018400	NIDAROS
Unnamed	56018500	NIDAROS
Unnamed	56018600	NIDAROS
Unnamed	56019000	NIDAROS
Unnamed	56126300	NIDAROS
Unnamed	56126400	NIDAROS
Unnamed	56103100	NORWEGIAN GROVE
Unnamed	56103300	NORWEGIAN GROVE
Unnamed	56103600	NORWEGIAN GROVE
Unnamed	56104600	NORWEGIAN GROVE
Unnamed	56104700	NORWEGIAN GROVE
Unnamed	56097200	ORWELL
Unnamed	56168400	ORWELL
Unnamed	56098400	OSCAR
Unnamed	56098800	OSCAR
Unnamed	56099300	OSCAR
Unnamed	56099400	OSCAR
Unnamed	56099600	OSCAR
Unnamed	56099700	OSCAR
Unnamed	56099800	OSCAR
Unnamed	56100000	OSCAR
Unnamed	56100200	OSCAR
Unnamed	56100300	OSCAR
Unnamed	56100500	OSCAR
Unnamed	56120900	OSCAR
Unnamed	56020500	OTTER TAIL
Unnamed	56020800	OTTER TAIL
Unnamed	56011900	OTTO
Unnamed	56012100	OTTO
Unnamed	56002400	PARKERS PRAIRIE
Unnamed	56002800	PARKERS PRAIRIE
Unnamed	56003200	PARKERS PRAIRIE
Unnamed	56003300	PARKERS PRAIRIE
Unnamed	56003500	PARKERS PRAIRIE
Unnamed	56091600	PELICAN
Unnamed	56116300	PELICAN
Unnamed	56160000	PELICAN
Unnamed	56021900	PERHAM
Unnamed	56106200	PERHAM
Unnamed	56012700	PINE LAKE
Unnamed	56021600	RUSH LAKE
Unnamed	56133200	RUSH LAKE
Unnamed	56092700	SCAMBLER
Unnamed	56092900	SCAMBLER
Unnamed	56093000	SCAMBLER
Unnamed	56093200	SCAMBLER
Unnamed	56093300	SCAMBLER
Unnamed	56093800	SCAMBLER

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56117700	SCAMBLER
Unnamed	56039200	ST OLAF
Unnamed	56039400	ST OLAF
Unnamed	56040100	ST OLAF
Unnamed	56040500	ST OLAF
Unnamed	56040900	ST OLAF
Unnamed	56041000	ST OLAF
Unnamed	56041200	ST OLAF
Unnamed	56041400	ST OLAF
Unnamed	56041500	ST OLAF
Unnamed	56042000	ST OLAF, TORDENSKJOLD
Unnamed	56056000	ST OLAF, TUMULI
Unnamed	56048700	STAR LAKE
Unnamed	56049500	STAR LAKE
Unnamed	56049600	STAR LAKE
Unnamed	56154200	STAR LAKE
Unnamed	56044600	SVERDRUP
Unnamed	56045200	SVERDRUP
Unnamed	56045300	SVERDRUP
Unnamed	56045600	SVERDRUP
Unnamed	56045900	SVERDRUP
Unnamed	56046000	SVERDRUP
Unnamed	56046200	SVERDRUP
Unnamed	56046500	SVERDRUP
Unnamed	56047000	SVERDRUP
Unnamed	56145800	SVERDRUP
Unnamed	56044300	SVERDRUP, TORDENSKJOLD
Unnamed	56042500	TORDENSKJOLD
Unnamed	56042600	TORDENSKJOLD
Unnamed	56042900	TORDENSKJOLD
Unnamed	56043200	TORDENSKJOLD
Unnamed	56043400	TORDENSKJOLD
Unnamed	56043600	TORDENSKJOLD
Unnamed	56043800	TORDENSKJOLD
Unnamed	56043900	TORDENSKJOLD
Unnamed	56101300	TRONDJHEM
Unnamed	56101600	TRONDJHEM
Unnamed	56058100	TUMULI
Unnamed	56058200	TUMULI
Unnamed	56058500	TUMULI
Unnamed	56058800	TUMULI
Unnamed	56059000	TUMULI
Unnamed	56059100	TUMULI
Unnamed	56059200	TUMULI
Unnamed	56059500	TUMULI
Unnamed	56059600	TUMULI
Unnamed	56059900	TUMULI
Unnamed	56060000	TUMULI
Unnamed	56060100	TUMULI
Unnamed	56060300	TUMULI

LAKE NAME	DNR LAKE NUMBER	TOWNSHIP
Unnamed	56060500	TUMULI
Unnamed	56060700	TUMULI
Unnamed	56060800	TUMULI
Unnamed	56060900	TUMULI
Unnamed	56061200	TUMULI
Unnamed	56061600	TUMULI
Unnamed	56061800	TUMULI
Unnamed	56137200	TUMULI
Unnamed	56137500	TUMULI
Unnamed	56138000	TUMULI
Unnamed	56138300	TUMULI
Unnamed	56095500	WESTERN
Unnamed	56096000	WESTERN
Unnamed	56096200	WESTERN
Unnamed	56139600	WESTERN
Unnamed	56139700	WESTERN
Unnamed	56030900	EVERTS
Upper Lightning	56095700	WESTERN
Valen	56043500	TORDENSKJOLD
Venstrom	56071900	MAPLEWOOD
Vergas	56055200	CANDOR
Vinge	56040200	ST OLAF
Warner	56051600	DORA
Wedel	56085600	FERGUS FALLS
Wendt	56033200	EDNA
West Annalaide	56000500	EASTERN
West Lost	56048100	MAINE
West Red River	56071100	FRIBERG
West Spirit	56050200	DORA
William	56050800	DORA
Wilson	56073200	MAPLEWOOD
Windy	56005400	NEWTON
Wing River	56004300	ELMO
Wolf	56034500	EDNA
Wolf	56070600	FRIBERG
Zorns	56049700	STAR LAKE

APPENDIX B-- RIVER CLASSIFICATIONS*

Rivers in Otter Tail County are classified as follows:

	CLASS	RIVER NAME	FROM	TO
LRA	TRANS	LEAF	OUTLET OF EAST LEAF L IN SEC 24 T134N R38W	BORDER OF WADENA AND OTTER TAIL COUNTIES
ORA	AG	OTTER TAIL	BORDER OF OTTER TAIL AND BECKER COUNTIES	INLET OF LITTLE PINE L IN SEC 35 T137N R39W
ORB	TRANS	OTTER TAIL	OUTLET OF LITTLE PINE L IN SEC 1 T136N R39W	INLET OF BIG PINE L IN SEC 6 T136N R38W
ORC	TRANS	OTTER TAIL	OUTLET OF BIG PINE L IN SEC 17 T136N R38W	INLET OF OTTER TAIL L IN SEC 10 T134N R39W
ORD	AG	OTTER TAIL	OUTLET OF OTTER TAIL L IN SEC 4 T133N R 40W	BORDER OF OTTER TAIL AND WILKIN COUNTIES
PRA	AG	PELICAN	BORDER OF OTTER TAIL AND BECKER COUNTIES	INLET OF L PELICAN L IN SEC 1 T137N R42W
PRB	AG	PELICAN	OUTLET OF LITTLE PELICAN IN SEC 2 T137N R42W	INLET OF BIG PELICAN IN SEC 2 T137N R42W
PRC	AG	PELICAN	OUTLET OF FISH L IN SEC 17 T137N R42W	INLET OF LAKE LIZZIE IN SEC 29 T137N R42W
PRD	TRANS	PELICAN	OUTLET OF LAKE LIZZIE SEC 7 T136N R42W	INLET OF PRAIRIE LAKE SEC 11 T136N R43W
PRE	AG	PELICAN	OUTLET OF PRAIRI L IN SEC 14 T136N R43W	CONFLUENCE WITH OTTER TAIL R IN SEC 31 T133N R 432
RR	AG	REDEYE	BORDER OF BECKER AND OTTER TAIL COUNTIES	BORDER OF WADENA AND OTTER TAIL COUNTIES
TR	TRIB	TRIBUTARIES	ALL OTHER NON-CLASSIFIED WATERCOURSES PER COUNTY PWI MAP AND LIST	
WRA	TRANS	WING	OUTLET OF WING RIVER L IN SEC 14 T132N R37W	EAST SEC LINE SEC 20 T132N R36W
WRE	AG	WING	WEST SEC LINE SEC 21 T132N R36W	BORDER OF OTTER TAIL AND TODD COUNTIES

**REVISIONS TO THE SHORELAND MANAGEMENT ORDINANCE
OF OTTER TAIL COUNTY
Otter Tail County Resolution No. 2021 - 117**

WHEREAS,; Minnesota Rules, Chapter 6120 requires each local unit of government to be responsible for administration and enforcement of shoreland management controls adopted and in compliance with said state rules; AND

WHEREAS, Otter Tail County has adopted and revised official controls regulating the use of shorelands since October 15, 1971; AND

WHEREAS the purpose of the proposed revisions to the Shoreland Management Ordinance are to protect the public health, safety and general welfare of its citizens and to protect the surface waters and natural resources of Otter Tail County; AND

WHEREAS, the Minnesota Department of Natural Resources has provided preliminary approval of the proposed revisions of the Shoreland Management Ordinance of Otter Tail County as being substantially compliant with the statewide shoreland standards; AND

NOW THEREFORE BE IT RESOLVED THAT, Otter Tail County by this resolution adopts the proposed revisions to the Shoreland Management Ordinance of Otter Tail County.

The motion for the adoption of the foregoing resolution was introduced by Commissioner Murphy, duly seconded by Commissioner Johnson and, after discussion thereof and upon vote being taken thereon, passed unanimously.

Adopted at Fergus Falls, MN this twenty second day of June 2021.

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Dated: June 22, 2021

By:

Leland R. Rogness
Leland R. Rogness, Board of Commissioners Chair

Attest

Nicole Hansen
Nicole Hansen, Clerk

STATE OF MINNESOTA)

)

COUNTY OF OTTER TAIL)

I, Nicole Hansen, the County Administrator, do hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by Otter Tail County at a duly authorized meeting therefore held on the twenty second day of June, 2021.

Nicole Hansen
Nicole Hansen, Clerk

OPEN BURNING

92.60 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIRE CHIEF, FIRE MARSHAL, and ASSISTANT FIRE MARSHALS. The Fire Chief, Fire Marshal, and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.

OPEN BURNING. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a Arecreational fire@ as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as open burning.

RECREATIONAL FIRE. A fire set with approved starter fuel no more than three feet in height, contained within the border of a Arecreational fire site@ using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

RECREATIONAL FIRE SITE. An area of no more than a three foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a Arecreation fire site@ as defined herein. Recreational fire sites shall not be located closer than 25 feet to any structure.

RUNNING FIRE. An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

VEGETATIVE MATERIALS. Dry leaves, dry grass clippings, twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, Apresto logs,@ charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves

or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three-foot lengths.

' 92.61 PROHIBITED MATERIALS.

(A) No person shall conduct, cause or permit open burning oils, petrol fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

(B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

(C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.
Penalty, see ' 92.99

' 92.62 PERMIT REQUIRED FOR OPEN BURNING.

No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in ' 92.60.

Penalty, see ' 92.99

' 92.63 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burn permits may be issued only for the following purposes:

(1) Elimination of fire of health hazard that cannot be abated by other practical means.

(2) Ground thawing for utility repair and construction.

(3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, land spreading or other alternative methods are not practical.

(4) Disposal of diseased trees generated on-site, diseased or infected nursery stock, diseased bee hives.

(5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

(6) Running fires.

(B) Fire training permits can only issued by the Minnesota Department of Natural Resources.

(C) Permits for the operation of permanent tree and brush burning sites may only be issued by the Minnesota Department of Natural Resources (DNR).

Penalty, see ' 92.99

' 92.64 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Open burning permits shall be obtained by making application on a form prescribed the Department of Natural Resources (DNR) and adopted by the Fire Department. The permit application shall be presented to the Fire Chief, Fire Marshal, and Assistant Fire Marshals for

reviewing and processing those applications.

(B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established in the Ordinance Establishing Fees and Charges, authorized by ' 30.11, as it may be amended from time to time.

Penalty, see ' 92.99

' 92.65 PERMIT PROCESS FOR OPEN BURNING.

Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal, or Assistant Fire Marshals, if he or she reasonably believes necessary, may schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.

' 92.66 PERMIT HOLDER RESPONSIBILITY.

(A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

(B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

(C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

Penalty, see ' 92.99

' 92.67 REVOCATION OF OPEN BURNING PERMIT.

The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Fire Marshal, or Assistant Fire Marshals. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

Penalty, see ' 92.99

' 92.68 DENIAL OF OPEN BURNING PERMIT.

If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal, or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

' 92.69 BURNING BAN OR AIR QUALITY ALERT.

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potentially hazardous fire conditions or when the MPCA has

declared an Air Quality Alert.
Penalty, see ' 92.99

' 92.70 RULES AND LAWS ADOPTED BY REFERENCE.

The provisions of M.S. ' ' 88.16 to 88.22, as these statutes may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

' 92.71 EXTERNAL SOLID FUEL-FIRED HEATING DEVICES (OUTDOOR WOOD BURNING STOVES).

(A) Definitions.

(1) **EXTERNAL SOLID FUEL-FIRED HEATING DEVICE.** A device designed for external solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

(2) **PERSON.** An individual, partnership, corporation, company or other association.

(3) **STACKS OR CHIMNEYS.** Any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially, the part of such a structure extending above a roof.

(B) Requirements for operation.

(1) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, is declared a public nuisance.

(2) No person may install, use or operate an external solid fuel fired heating device on a lot less than four acres in size.

(3) All stacks or chimneys must be so constructed to withstand high winds or other related elements and in accordance to the specifications of the manufacturer of the external solid fuel-fired heating device. The stack height shall be a minimum of 25 feet above ground level, but shall also extend at least as high as the height of the roofs of residents within 500 feet. All stacks or chimneys must be of masonry or insulated metal with a minimum six-inch flue.

(4) All external solid fuel-fired heating devices must be setback a minimum of 50 feet from all property lines.

(5) All external solid fuel-fired heating devices must be setback a minimum of ten feet from any principal or accessory structure.

(C) Fuels.

(1) Only fuels designed for burning in an external solid fuel-fired heating device may be burned. No garbage may be burned in an external solid fuel-fired heating device.

(2) The only fuel permitted to be burned is untreated fuel. Wood may not be treated, processed, stained, finished or painted - specifically prohibited woods include plywood, particle board and similar products. Other fuels, such as corn, shall not contain any additives, treatments or chemicals. No petroleum products or processed materials of any kind may be burned.