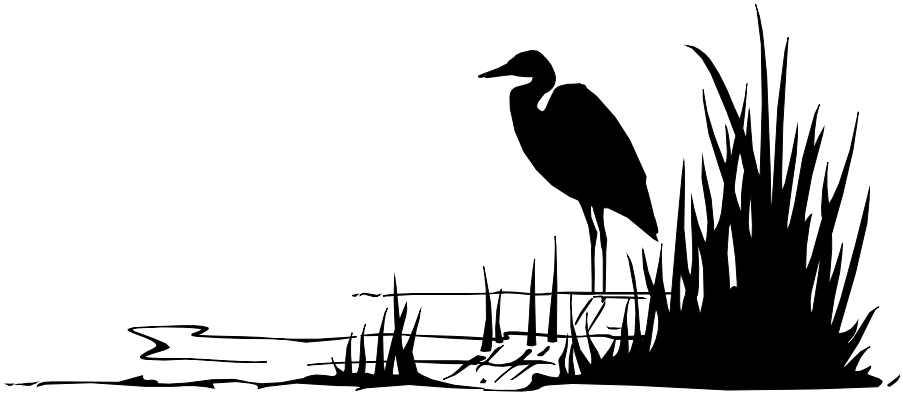
Aitkin County

Shoreland Management Ordinance



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AITKIN COUNTY SHORELAND 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 103F Minnesota Regulations, Parts 6120.2500 – 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

1.2 Policy.

The uncontrolled use of shorelands of Aitkin County, Minnesota affects the public health, safety and general welfare, not only by contributing to the pollution of public waters, but also by impairing the local tax base. Therefore, 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 responsibility is hereby recognized by Aitkin County. "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 that extend landward from the waters for lesser distances and when approved by the commissioner of the Department of Natural Resources.

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 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, 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.

(1) This ordinance is adopted by reference pursuant to the provisions of Minnesota Statutes Section 394.37. It is declared unlawful for any person to violate any of the terms or conditions of this ordinance. Violation thereof shall be a misdemeanor.

(2) In the event of a violation or a threatened violation of this ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations. The Department may and is empowered to issue citations and/or cease and desist orders to halt the progress of any on-going violation. When the work has been stopped by the Department for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

(3) Any person with standing, may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

(4) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provisions of this ordinance shall be guilty of a misdemeanor, punishable by $1000.00 and/or 90 days imprisonment or both. Each day that a violation is permitted to exist shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.

(5) Any application for a permit which is made after the work is commenced and which requires a permit shall be charged five (5) times the permit fee or five (5) percent of the project cost, whichever is more. The Planning Commission and/or Board of Adjustment may require correction and/or restoration of the property to its original state before the permit is considered.

(6) After two or more attempts to achieve compliance, the Department may charge for the enforcement of violations of this Ordinance to recover actual costs for staff time, mileage and supplies. This cost shall be above and beyond any other fee imposed by this ordinance.

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 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, with the exception of the Aitkin County Flood Plain Ordinance.

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 structure which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. An accessory structure shall not be used for human habitation.

2.712 **Attorney.** "Attorney" means the County Attorney of Aitkin County, Minnesota or his/her authorized representative.

2.713 **Auditor.** "Auditor" means the County Auditor of Aitkin County, Minnesota or his/her authorized representative.

2.714 **Basement. "**Basement" means the space below the main living floor that is normally greater than four (4) feet in height and used for habitable purposes and/or storage.

2.715 **Bluff.** "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (land feature 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 or 25 feet above the toe of the bluff;

(3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.

(4) The slope must drain toward the waterbody.

2.716 **Bluff impact zone.** "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

2.717 **Board of Adjustment.** "Board of Adjustment" means the Board of Adjustment for Aitkin County, Minnesota as created by resolution of the County Board of Commissioners. Membership of the Board of Adjustment shall consist of five (5) persons to be appointed by the Board of County Commissioners.

2.718 **Boathouse.** "Boathouse" means a one level accessory structure designed and used solely for the storage of boats or boating equipment.

2.719a **Building Coverage.** "Building Coverage" means the ground surface covered by any building or appurtenance, including, but not limited to, decks, platforms, overhangs and projections therefrom, outdoor furnaces, fishhouses, sheds, carports, lean-to's, or any similar building.

2.719b **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.

2.720 **Cabin.** "Cabin" 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.

2.721 **Commercial planned unit developments.** "Commercial planned unit developments" means uses or 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.

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

2.723 **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Natural Resources.

2.724 **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 ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with any existing neighborhood.

2.724A **Conservation Subdivision.** "Conservation subdivision" means a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development.

2.725 **Contiguous Lot.** "Contiguous lot" means an adjacent lot under the same ownership with a common boundary line.

2.726 **County Board.** "County Board" is the Board of County Commissioners of Aitkin County, Minnesota.

2.727 **Crawl space.** "Crawl space" means a low or narrow space, such as one beneath the floor that gives workers access to plumbing or wiring equipment. Any area beneath the main living floor area that is not considered a basement, and the floor, whether concrete, wood or earthen material, is the lowest floor of the structure for Federal Emergency Management Agency regulatory purposes.

2.728 **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 the deck surface extends more than thirty inches above ground. For purposes of measuring building setback distances, a detached deck must have at least two (2) feet of open space between the structure and any portion of the deck, otherwise the deck will be considered attached and part of the main structure.

2.729 **Department.** "Department" means the Aitkin County Environmental Services Department.

2.730 **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.

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

2.732 **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.

2.733 **Essential Services.** "Essential Services" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift stations and hydrants, but not including buildings.

2.734 **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.

2.735 **Farm – Commercial.** "Farm – Commercial" means agriculture of a primarily commercial nature including, but not limited to fur farms, poultry and egg farms, raising of livestock for profit, hog farms, feed lots and any other agricultural endeavor for profit.

2.736 **Farm – Hobby.** "Farm – Hobby" means the pursuit of hobby and family-type agricultural activities; including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses. (Not including gardens of 2 acres or less.)

2.737 **Floodplain.** "Floodplain" includes the beds proper and the area adjoining a watercourse which have been, or hereafter may, be covered by the regional flood.

2.738 **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.

2.739 **Garage, Private.** "Garage, Private" means a detached accessory structure or portion of the principal structure which is used primarily for storing passenger vehicles, trailers, or personal property. See definition of accessory structure.

2.740 **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.

2.740A **Habitable structure.** "Habitable structure" means a structure which contains one or more of the following - one or more sleeping areas, bath tub, shower, toilet facilities, or any other feature that would make the structure more oriented towards a dwelling unit than an accessory structure.

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

2.742 **Height of structure.** "Height of structure" means the vertical distance between the lowest adjoining ground level at the building and the highest point of the roof.

2.743 **Home occupation.** "Home occupation" means any occupation of a service character that is secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such a secondary use.

2.744 **Impervious surface coverage.** "Impervious surface coverage" means any structure, facility or surface that sheds water including structures and facilities, sewage treatment system absorption areas (equal to 190 sq.ft./bedroom), retaining walls, and roadway surfaces and parking areas. Impervious surface does not include eaves of two feet and less.

2.745 **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.

2.746 **Intensive vegetation clearing.** "Intensive vegetation clearing" means the removal of vegetation which would reduce the natural screening of a principal structure from a lake, river or stream, assuming summer "leaf-on" conditions, and/or create an erosion or other water quality impact to the water body.

2.747 **Kennel.** "Kennel" means any structure or premises or commercial activity where two (2) or more dogs over three (3) months of age are kept for compensation.

2.748 **Landing.** "Landing" means the top or bottom of a section of stairway, with or without railings.

2.749 **Lot.** "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by legal description.

2.750 **Lot Depth.** Measured perpendicular to the lot width. Normally is the distance measured perpendicular from the lake to the opposite lot line or perpendicular from the lot line abutting the road or edge of the road right-of-way to the opposite lot line. Lot depth shall not be less than the minimum required lot width.

2.750A **Lot Frontage.** "Lot Frontage" means the front of a lot shall be construed to be the portion nearest the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated.

2.751 **Lot width.** "Lot width" means the shortest distance between lot lines as measured at the midpoint of the building setback line and also as measured at the ordinary high water level for riparian lots; and for non-riparian lots the width as measured on the lot line that fronts the road and also as measured at the midpoint of the building setback line. The

minimum lot width dimension beyond the building setback line shall not be less than 50% of the required lot width.

2.752 **Mobile Home.** "Mobile Home" means a single-family dwelling unit suitable for year-round occupancy that, if located at the same site outside a mobile home park for more than 90 days, during which time it is being used either part-time or full-time for residential purpose, shall be placed on a foundation or blocked and skirted within six (6) months.

2.753 **Mobile Home Park.** "Mobile Home Park" means a parcel of land which has been planned and improved for the placement of two or more mobile homes.

2.754 **Motor Vehicle.** "Motor vehicle" means every vehicle which is self propelled. Motor vehicle does not include a vehicle moved solely by human power.

2.755 **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.

2.756 **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 that 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.

2.757 **Outside Motor Vehicle Storage.** "Outside motor vehicle storage" means any establishment or place of storage or deposit, that is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped and ruined motor vehicles.

2.758 **Parking Space, Off-Street.** "Parking Space, Off-Street" means any off-street parking space comprising not less than 180 square feet of parking area, plus necessary maneuvering space incidental to parking or unparking and shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.

2.759 **Patio.** "Patio" means any surface other than a deck or platform that is used in a similar manner as a deck or platform. Sidewalks less than five (5) feet in width are not considered patios.

2.759A **Planning Commission.** "Planning Commission" consists of five (5) members appointed by the County Board of Commissioners. At least two

(2) members shall be residents of that portion of the County lying outside the corporate limits of municipalities. No more than one (1) voting member shall be an officer or employee of the County.

2.760 **Planned Unit Development and Group Housing.** "Planned unit development and group housing" 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.

2.761 **Planning and Zoning Administrator.** "Planning and Zoning Administrator" means the Planning and Zoning Administrator of Aitkin County, Minnesota, or his authorized representative.

2.762 **Platform. "**Platform" means a horizontal, unenclosed structure with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at all points the platform surface extends less than 30 inches above ground and is located above the ordinary highwater level. For purposes of measuring building setback distances, a detached platform must have at least two (2) feet of open space between the structure and any portion of the platform, otherwise the platform will be considered attached and part of the main structure.

2.763 **Principal structure. "**Principal structure" means the primary structure as distinguished from subordinate or accessory structures. Structure that is used primarily for dwelling purposes.

2.763A **Private Road.** A road, easement or strip of land serving as vehicular access to two (2) or more parcels of land which is not dedicated to nor maintained by the public. Private road shall include, but not be limited to, any road, easement or strip of land such as driveways, trails and paths that serve two (2) or more parcels of land.

2.764 **Public Road.** "Public road" means a public way which affords primary means of legal access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard or however other designated.

2.765 **Public waters.** "Public waters" means any waters as defined in Minnesota Statutes, section 103G.005.

2.766 **Recreational camping vehicle.** "Recreational camping vehicle" shall mean any of the following:

(1) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.

(2) Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(3) Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(4) Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation and vacation use.

(5) Fish houses being used for human habitation on land, unless they are part of an establishment licensed with the Aitkin County Environmental Services Department.

2.767 **Recreational Camping Vehicle Park Area.** "Recreational Camping Vehicle Park Area" means a parcel of land in which two or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes, unless they meet requirements of Section 5.14.E.

2.768 **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.

2.769 **Resort –** "Resort" means any building, structure, enclosure, or any part thereof, located within the shoreland district for purposes of providing convenient access thereto, and kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures.

2.770 **Restaurant.** "Restaurant" means any establishment having appropriate facilities for the serving of meals, and where, in consideration of payment therefore, meals are regularly served to the general public. This designation shall include restaurants and supper clubs in unincorporated or unorganized areas of Aitkin County which qualify under the law for license for the "on-sale" or combination license for the "on-sale and off-sale" of intoxicating liquor.

2.771 **Sanitary station.** "Sanitary station" means a facility used for removing and disposing of wastes from recreational vehicle holding tanks.

2.772 **Self-contained recreational vehicle.** "Self-contained recreational vehicle" means a recreational vehicle which can operate independently of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.

2.773 **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.

2.774 **Sensitive resource management.** "Sensitive resource management" means the 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 management.

2.775 **Service building (comfort station).** "Service building (comfort station)" means a structure housing toilet, lavatory and such other facilities as may be required by this ordinance.

2.776 **Setback.** "Setback" means the minimum horizontal distance between a structure, including overhangs, eaves or projections therefrom, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road right-of-way, property lines, or other facility.

2.777 **Sewage treatment system.** "Sewage treatment system" means system as described and regulated in Section 5.7 of this ordinance. Individual sewage treatment system shall meet the requirements of Aitkin County's Individual Sewage Treatment System and Wastewater Ordinance No.1.

2.778 **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.

2.779 **Sewered.** "Sewered" means property which is served by a publicly owned and maintained sewer system.

2.780 **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% of the required structure setback but not less than 50 feet, whichever is greater.

2.781 **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 that extend landward from the waters for lesser distances and when approved by the commissioner.

2.782 **Sign.** "Sign" means a displayed structure bearing lettering or symbols, used to identify a place of business or promote the interest of any person(s).

2.783 **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 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 designated to be significant historic sites.

2.784 **Standard Individual Sewage Treatment System.** "Standard Individual Sewage Treatment System" means an individual sewage treatment system that meets the requirements of the Technical Standards and Criteria of Minnesota Rules Chapter 7080**.**

2.785 **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.

2.786 **Structure.** "Structure" means any building or appurtenance, including decks, platforms, overhangs and projections therefrom, except fences less than eight (8) feet in height, retaining walls, aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities, antennas, propane tanks, outdoor furnaces and currently licensed fish houses. Recreational camping vehicles, fish houses, propane tanks, and outdoor furnaces must meet setback requirements of this ordinance.

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

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

2.789 **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.

2.790 **Toe of the bluff.** "Toe of the bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

2.791 **Top of the bluff.** "Top of the bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

2.792 **Trailer.** "Trailer" means every vehicle without motor power designed or used for carrying persons or property and for being drawn by a motor vehicle or by horses and other like husbandry.

2.793 **Unsewered.** "Unsewered" means property that is served by a privately owned and maintained sewage treatment system.

2.794 **Variance.** "Variance" means any modification or variation of the provisions of the ordinance where it is determined pursuant to the provisions of this ordinance that, by reason of exceptional circumstances, the strict enforcement of the ordinance would cause unnecessary hardship as defined or described in Minnesota Statutes Chapter 394.

2.795 **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, patios, and detached decks.

2.796 **Wetland.** "Wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this subpart, wetlands must:

(1) have a predominance of hydric soils;
(2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of

hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) under normal circumstances, support a prevalence of hydrophytic vegetation.

2.797 **Zoning permit.** "Zoning permit" means a document issued by the zoning office to use land as designated in this ordinance. In addition to specific instances provided for herein, and unless otherwise provided for herein, a permit shall be required before beginning any construction, moving, rebuilding or material alteration of a structure or septic system.

SECTION 3.0 – ADMINISTRATION

3.1 Permits Required

3.11 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. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include 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.

3.12 Any permit authorized requiring an onsite inspection by the Department shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 5.7, shall be reconstructed or replaced in accordance with the provisions of this ordinance with the following exception:

1) Decks, platforms and accessory structures less than 240 square feet in size that are not a water oriented structure – there will be no septic system upgrade requirements on permits for decks or platforms unless the septic system is an imminent threat to public health and safety as defined in Minnesota Rules Chapter 7080.

3.13 A Natural Landscape Protection Plan shall be required as part of any construction permit. Said plan shall identify how erosion from the site will be controlled. A copy of the plan requirements can be obtained from the Zoning Administrator. It shall be a violation of this section to allow erosion into any water body.

3.14 Outstanding Violations. No permit(s) shall be issued to the landowner or property on which there is an unresolved violation of this Ordinance.

3.15 Contractors shall abide by all provisions of this Ordinance and shall be subject to its penalties. A contractor performing work for a landowner may be responsible for activities performed by the contractor that are in violation of this Ordinance. The landowner shall have the ultimate responsibility for remedying any violation regardless of a contractors action or inaction.

3.2 Certificate of Zoning Compliance

The Zoning Administrator shall issue a certificate of zoning compliance for each permitted activity requiring certification. All permitted activities as specified in Section 3.1 of the ordinance shall be inspected to ensure 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.

3.21 Certificate of Compliance is required, as defined in section 5.71.

3.3 Variances

3.31 Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. A variance shall not circumvent the general purposes and intent of this ordinance. No variance shall 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 board of adjustment must also consider several factors, including but not limited to: is the variance in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan, is the owner proposing to use the property in a reasonable manner not permitted by the official control, is the practical difficulty due to circumstances unique to this property, is the need for the variance created by actions other than the landowner or prior landowners, will the issuance of the variance maintain the essential character of the locality, and does the practical difficulty involve more than economic considerations.

After a practical difficulty has been determined, the Board of Adjustment may use the “Aitkin County Shoreland Performance” sheet as found in Appendix III to attempt to mitigate impacts to the water-body and/or adjoining properties.

3.32 The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 3.52 below shall also include the board of adjustment’s summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3.33 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 construction of a conforming sewage treatment system, and elimination of all nonconforming sewer systems.

3.34 All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final, except that any aggrieved person or person with proper standing or any Department, Board of Commissioners or the State shall have the right to appeal within thirty (30) days after receipt of notice of the decision, to the District Court in the County in which the land is located on Questions of law and fact.

3.4 Conditional Use Permit

3.41 Conditional use permits shall only be granted in accordance with Minnesota Statutes, Chapter 394, including the public hearing provisions thereof and the provisions of that statute shall apply to all conditional use permits issued under this ordinance.

3.42 Application for a conditional use permit shall be on forms provided by the Zoning Administrator, shall be signed by the owner of the property involved, and shall be submitted with such plans, maps and information as the Zoning Administrator determines necessary for evaluation of the application. The application for a conditional use permit must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The conditional use permit, if granted, must require construction of a conforming sewage treatment system, and elimination of all nonconforming sewage treatment systems.

3.43 Application for a conditional use permit shall be granted by the Planning Commission only if the Planning Commission makes all the following findings:

(1) That the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor impair property values within the surrounding neighborhood;

(2) That the proposed conditional use will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;

(3) That the location and character of the proposed conditional use are considered to be consistent with a desirable pattern of development for the locality in general;

(4) That the proposed conditional use conforms to the comprehensive land use for the County;

(5) That adjoining property owners, and others required to be given notice pursuant to Minnesota Statutes, Chapter 394, have been given written notice pursuant to Minnesota Statutes, Chapter 394 of the proposed conditional use and of the hearing before the Planning Commission;

(6) That other applicable requirements of this ordinance, or other ordinances of the County, have been met, including without limitation, Section 5.6 and 3.7 of this ordinance.

(7) The requested use is not injurious to the public health, safety and general welfare.

3.44 In connection with the issuance of a conditional use permit the Planning Commission may impose such restrictions or conditions as it deems necessary to protect the public interest, to insure compliance and to protect adjacent properties, including, but not limited to, matters relating to appearance, lighting, hours of operation, performance characteristics, restoration and reclamation, and the delivery of bonds or other security for the proper completion and performance of any restrictions or conditions. Also, when deemed appropriate by the Planning Commission, recorded restrictive covenants may be required by the Planning Commission.

3.45 Any department, board or commission of the County or of the State of Minnesota or any person with proper standing may appeal any decision of the Planning Commission relative to a conditional use permit by writ of certiorari to the Minnesota Court of Appeals within thirty (30) days of the Planning Commission's final decision.

3.46 REVOCATION OF A CONDITIONAL USE PERMIT

A) A conditional use permit may be revoked by the Planning Commission for good cause, upon due notice and hearing.
B) Good cause shall include any violation of the agreed upon conditions attached to the conditional use permit.
C) Notice of Intent to Revoke. A written notice of intent to revoke shall be prepared by the Aitkin County Zoning Officer or his/her representative. This notice shall include the following:
   1) Identity and address of the conditional use permit holder(s).
   2) Legal description of the property.
   3) The facts alleged to constitute good cause to revoke and the dates or approximate dates of alleged violation(s).
   4) The date, time, and place of the public hearing of the Planning Commission at which time revocation of said conditional use permit will be considered and determined.
   5) The right of said conditional use permit holder or his authorized representative to attend and be heard at said hearing.

3.5 Notifications to the Department of Natural Resources

3.51 Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

3.52 A copy of approved amendments and subdivisions/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.

3.6 Notification to the Mississippi Headwaters Board.

Copies of all notices of any public hearings to consider variances, conditional use permits, amendments and subdivision/plats that are located within 500 feet of the Mississippi River must be sent to the Mississippi Headwaters Board or designated representative and postmarked at least ten days before the hearings. Copies of the application and materials must be included with said notice.

3.7 Conditional Uses.

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide including those set out in Section 3.4 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

3.71 Evaluation Criteria.

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

(1) the prevention of soil erosion or other possible pollution of public waters, both during and after the term of the proposed use;

(2) the visibility of structures and other facilities as viewed from public waters is limited;

(3) the site is adequate for water supply and on-site sewage treatment if applicable; and

(4) the type, 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.

3.72 Conditions Attached to Conditional Use Permits.

The Aitkin County Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance, and upon making the findings set out in Section 3.4 of this Ordinance, shall attach conditions and restrictions to the issuance of the conditional use permits pursuant to the provisions of Section 3.4 of this Ordinance. Such conditions may include, but are not limited to, those set out in Section 3.4 of this Ordinance and the following:

(1) increased setbacks from the ordinary high water level;

(2) reduction and limitation of noise, dust, lighting, signage, traffic and operation of any activity so as to protect adjacent properties and help preserve peace and tranquility in the locality of the use;

(3) the delivery to the County of such bonds or other security as the Planning Commission deems necessary to insure completion and fulfillment of any restrictions or conditions;

(4) limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

(5) special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

SECTION 4.0 – SHORELAND CLASSIFICATION SYSTEM LAND USE DISTRICTS

4.1 Shoreland Classification System

The public waters of Aitkin have been classified below; consistent with the criteria found in Minnesota Regulations, Part 6120.3000, and the Protected Waters Inventory Map for Aitkin County, Minnesota.

4.11 The classes of public waters are natural environment lakes, recreational development lakes, general development lakes, remote river segments, forested river segments, transition river segments, agricultural river segments, urban river segments, tributary river segments and public waters/public waters wetlands as shown on the map in Appendix IV, that are not listed as one of the lakes in Section 4.13 of this Ordinance. All of the river classes except tributary consist of watercourses that have been identified as being recreationally significant on a statewide basis. The Tributary class consists of all other watercourses identified in the protected waters inventory. General descriptions of each class follow:

(1) Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use. These lakes usually have less than 150 total acres and less than 60 acres per mile of shoreline, less than 3 dwellings per mile of shoreline and are less than 15 feet deep.

(2) Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally oriented commercial use. Many of these lakes have capacities for additional development and use. These lakes usually have between 60 and 225 acres of water per mile of shoreline, between 3 and 25 dwellings per mile of shoreline, and are over 15 feet deep.

(3) General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use. These lakes usually have

greater than 225 acres of water per mile of shoreline, over 25 dwellings per mile of shoreline, and are over 15 feet deep.

(4) Remote river segments are primarily located in roadless, forested, sparsely populated areas of the northeastern part of the state. Common land uses include multiple-use forestry, some recreation facilities, and occasional seasonal or year-round residential. Low intensity recreational uses of these river segments and adjacent lands are common. This class has limited potential for additional development and recreational use due to land suitability and road access constraints.

(5) Forested river segments are located in forested, sparsely to moderately populated areas with some roads in the north-central part of the state. Predominant land uses include multiple-use forestry, some recreation facilities, seasonal residential, and, within commuting distances of several cities, some year-round residential. Low-intensity recreational uses of these rivers and adjacent lands are common. This class has substantial potential for additional development and recreational use.

(6) Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes in items D to H. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

(7) Public waters/public waters wetlands that are not listed in section 4.13 of this Ordinance are generally small, often shallow lakes/wetlands with limited capacities for assimilating the impacts of development and recreational use. See Section 5.14, H for regulations on these waters.

4.12 The shoreland area for the waterbodies listed in sections 4.13 and 4.14 shall be as defined in Section 2.781 and as shown on the Official Zoning Map.

4.13 Aitkin County Lakeshore Classification

General Development

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Big Sandy	1-62	Shamrock	9,380	1980
		Libby		
		Turner		
		Workman		
Hill	1-142	Hill Lake	898	1978
Mille Lacs	48-2	Lakeside	62,680	1979
		Wealthwood		
		Hazelton		
		Malmo		
Minnewawa	1-33	Shamrock	2,451	1980

Recreational Development

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Aitkin	1-40	Turner	850	1981
Ball Bluff	1-46	Cornish	185	1978
Big Pine	58-138	Wagner	85	1978
Cedar	1-209	Farm Island	1,494	1978
		Aitkin		
Clear	1-93	Glen	590	1977
Dam	1-96	Glen	633	1978
		Kimberly		
Diamond	1-171	Farm Island	80	1977
Elm Island	1-123	Nordland	656	1978
Esquagamah	1-147	Waukenabo	808	1977
		Unorg. 49-27		
Farm Island	1-159	Hazelton	2,025	1978
		Farm Island		
Fleming	1-105	Fleming	326	1977
Glacier	1-42	Turner	139	1981
Gun	1-99	Fleming	735	1977
Hammal - (Bass)	1-161	Farm Island	393	1977
Hanging Kettle	1-170	Farm Island	320	1977
Hickory	1-179	Farm Island	183	1977
Horseshoe	1-34	Shamrock	252	1978
Island	1-22	Haugen	281	1978
Jenkins	1-100	Fleming	127	1977
Lone	1-125	Nordland	437	1978
Long	1-89	Glen	433	1977
Moulton	1-212	Unorg. 49-27	199	1977
Nord	1-117	Nordland	414	1978
Pine	1-1	Wagner	391	1978
Pine, Big	1-157	Hazelton	646	1978
Pine, Little	1-176	Farm Island	126	1977
Rabbit	1-91	Glen	210	1977
Rat	1-77	Workman	442	1981
Ripple	1-146	Nordland	676	1978
		Farm Island		
Rock	1-72	Jevne	366	1977
Round	1-23	Haugen	571	1978
		Shamrock		
Round	1-137	Waukenabo	645	1977
Round	1-204	Hazelton	536	1978
Sandy River	1-60	Workman	368	1980
		Shamrock		
Section 10-(Wladimiraf)	1-115	Nordland	440	1978
Section 12	1-120	Nordland	167	1978
Sissabagamah	1-129	Nordland	386	1981
		Spencer		

Recreational Development (Continued)

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Spirit	1-178	Farm Island	523	1977
Sugar	1-87	Malmo	466	1977
		Glen		
Sunset	1-208	Farm Island	135	1978
Tame Fish	18-2	Hazelton	16	1981
Thornton - (Thorton)	1-174	Farm Island	186	1977
Townline	1-207	Farm Island	135	1977
Vanduse	1-58	Ball Bluff	233	1978
Waukenabo	1-136	Waukenabo	819	1977
Wilkins	1-102	Fleming	366	1977

Natural Environment

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Anderson	1-31	Shamrock	97	1981
Anderson	1-177	Farm Island	20	1981
Apple	1-180	Farm Island	27	1981
Avenue	1-191	Unorg. 29-27	29	1981
Bachelor	1-169	Farm Island	80	1981
Bass	1-63	Turner	94	1981
		Libby		
Bass	1-183	Aitkin	53	1981
Bass	1-73	Jevne	60	1977
Bass	1-195	Unorg. 50-27	123	1981
		Unorg. 51-27		
Bay	1-49	Cornish	60	1981
Bear	1-64	Idun	127	1978
Bible – (Hill)	1-144	Hill Lake	21	1981
Birch	1-206	Hazelton	231	1981
Blackface	1-45	Cornish	85	1981
Black Shadow	1-165	Farm Island	29	1981
Blackwater	1-198	Unorg. 51-27	29	1981
Blind	1-188	Unorg. 48-27	323	1981
Blue	1-181	Farm Island	53	1981
		Aitkin		
Boot	1-55	Cornish	77	1981
Brown	1-78	Workman	97	1981
Brown	1-210	Libby		
Camp	1-32	Shamrock	23	1981
Camp	1-98	Kimberly	127	1981
Camp	1-155	Hazelton	60	1981
Carlson	1-166	Farm Island	33	1981
Cartie – (Kruny)	1-189	Unorg. 48-27	27	1981
Cedar	1-65	Idun	260	1978

Natural Environment (Continued)

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Chamberlin - (Chamberline)	1-145	Hill Lake	11	1981
Christmas	1-164	Farm Island	50	1981
Clear	1-106	Logan	123	1981
Coon	1-211	Unorg. 48-27	47	1981
Cranberry	1-11	Clark	19	1981
Cranberry	1-152	Hazelton	47	1981
Cranberry	1-202	Unorg. 52-27	130	1981
Cutaway	1-56	Cornish	123	1981
Davis	1-71	Jevne	150	1977
Deer	1-86	Malmo	47	1981
Dogfish	1-185	Aitkin	43	1981
Douglas	1-9	Clark	75	1981
Dummer	1-175	Farm Island	37	1981
Dutch	1-3	Salo	47	1981
Edna	1-213	Unorg. 50-27	220	1981
Edquist	1-119	Nordland	43	1981
Flowage, (Sandy)	1-61	Shamrock	720	1980
Four	1-116	Farm Island	47	1981
French	1-104	Fleming	155	1977
Gregg	1-158	Hazelton	27	1981
Hansen – (Hanson)	1-132	Spencer	200	1981
Hay	1-59	Ball Bluff	133	1981
Hill	1-168	Farm Island	23	1981
Holy Water	1-201	Unorg. 52-27	100	1981
Horseshoe	1-154	Hazelton	53	1981
Jay	1-7	Clark	12	1981
Johnson	1-94	Glen	20	1981
Johnson	1-131	Spencer	27	1981
Kangas	1-139	Macville	52	1981
Kelly	1-13	Clark	15	1981
Kingsley Pothole	1-138	Unorg. 50-26	33	1981
Lagoon	1-79	Libby	23	1981
Landgren	1-172	Farm Island	27	1981
Langs	1-108	Unorg. 52-25	43	1981
Laurel	1-153	Hazelton	28	1981
Libby	1-80	Libby	77	1981
Lily	1-88	Glen	50	1981
Lily	1-187	Aitkin	20	1981
Linde	1-121	Nordland	30	1981
Lingroth – (Lindgroth)	1-128	Nordland	83	1978
Little Ball Bluff	1-57	Cornish	37	1978
		Ball Bluff		
Little Blackface	1-48	Cornish	30	1981
Little McKinney – (Upper McKinney)	1-197	Unorg. 51-27	26	1981

Natural Environment (Continued)

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Little Prairie	1-16	Balsam	78	1981
Little Red Horse	1-52	Cornish	30	1981
Little Sheriff	1-26	Spalding	43	1981
Little Spruce	1-150	Hazelton	40	1981
Long	1-47	Cornish	30	1981
Long	1-101	Fleming	40	1981
Long	1-173	Farm Island	50	1981
Loon – (Townline)	1-24	Balsam	32	1981
Mallard – (Rice)	1-149	Hazelton	354	1981
Mandy	1-68	Unorg. 47-24	107	1981
McKinney	1-199	Unorg. 51-27	65	1981
Monson – (Sjodin)	1-126	Nordland	50	1981
Moose	1-140	Macville	148	1981
Mud	1-6	Clark	15	1981
Mud	1-29	McGregor	484	1981
Mud	1-35	Shamrock	65	1981
Mud	1-194	Unorg. 50-27	135	1981
Muskeg	1-193	Unorg. 50-27	29	1981
Nelson	1-10	Clark	71	1981
Newstrom	1-97	Kimberly	97	1981
Olds	1-192	Unorg. 50-26	26	1981
Olson – (Ripple)	1-133	Spencer	17	1981
Otter	1-196	Unorg. 50-27	135	1981
		Unorg. 51-27		
Oxbow	1-81	Verdon	36	1981
Packer	1-135	Waukenabo	20	1981
Perkins	1-130	Spencer	20	1981
Perry	1-143	Hill Lake	24	1981
Pickerel	1-182	Aitkin	107	1981
Pine Island – (Pine)	1-167	Farm Island	60	1981
Poor Farm	1-184	Aitkin	28	1981
Porcupine	1-66	Unorg. 45-24	53	1981
Portage	1-69	Unorg. 47-24	387	1977
		Jevne		
Previs	1-141	Hill Lake	17	1981
Raspberry	1-118	Nordland	27	1981
Rat House	1-53	Cornish	122	1981
Red	1-107	Logan	97	1981
Remote	1-38	Turner	135	1981
	1-39	Turner	14	1981
Rice	1-5	Salo	83	1981
		Clark		
Rice	1-30	McGregor	333	1981
Rice	1-67	Lee	4,422	1981
		Unorg. 47-24		

Natural Environment (Continued)

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
Round	1-70	Jevne	188	1977
Sanders	1-205	Hazelton	36	1981
Sandabacka	1-4	Salo	30	1981
Sanders	1-76	Workman	55	1981
Savanna	1-14	Balsam	90	1981
Section 25	1-127	Nordland	48	1981
Seth	1-116	Nordland	133	1981
Sheriff	1-27	Spalding	97	1981
Shovel	1-200	Unorg. 51-27	230	1981
		Unorg. 52-27		
Shumway	1-15	Balsam	27	1981
Sitas	1-134	Waukenabo	103	1981
Sixteen	1-124	Nordland	20	1981
Spectacle	1-156	Hazelton	107	1981
Split Rock	1-2	Unorg. 45-22	27	1981
Spring	1-90	Glen	30	1981
Spruce	1-8	Clark	26	1981
Spruce	1-151	Hazelton	80	1981
Starry	1-190	Unorg. 49-27	84	1981
Starvation	1-28	Spalding	81	1981
Stony	1-17	Balsam	52	1981
Studhorse	1-110	Unorg. 52-25	63	1981
Swamp	1-92	Glen	276	1981
Sweetman – (Dagle)	1-122	Nordland	30	1981
Tarr	1-186	Aitkin	25	1981
Taylor	1-109	Unorg. 52-25	53	1981
Taylor	1-163	Farm Island	50	1981
Terry	18-162	Unorg. 48-27	32	1981
Third Guide	11-1	Unorg. 52-27	19	1981
Thirty-One	1-114	Glen	40	1981
		Nordland		
Three	1-160	Farm Island	107	1981
Tiesen	1-44	Turner	30	1981
		Turner		
Townline	1-83	Jevne	80	1977
		Fleming		
Turner	1-74	Jevne	63	1981
Turtle	1-113	Glen	53	1981
		Nordland		
Twenty	1-85	Malmo	153	1981
Twenty-One	1-25	White Pine	50	1981
Twin – (Ude)	1-41	Turner	26	1981
Wakefield	1-36	Turner	171	1981
Washburn	1-111	Unorg. 52-25	73	1981
White Elk	1-148	Unorg. 50-26	780	1981

Natural Environment (Continued)

LAKE NAME	ID. #	TOWNSHIP	AREA IN ACRES	YEAR OF SURVEY
White Elk	1-148	Unorg. 50-27		
Whispering	1-103	Fleming	23	1978
Wolf	1-19	Balsam	168	1981
		Unorg. 51-22		
Unnamed	1-12	Clark	18	1981
Unnamed	1-20	Unorg. 51-22	19	1981
Unnamed	1-21	Unorg. 52-22	17	1981
Unnamed	1-37	Turner	19	1981
Unnamed	1-43	Turner	26	1981
Unnamed	1-50	Cornish	10	1981
Unnamed	1-54	Cornish	15	1981
Unnamed	1-82	Verdon	39	1981
Unnamed – (Sugar)	1-84	Malmo	23	1977
Unnamed	1-95	Glen	16	1981

4.14 Rivers and Streams

River and Stream Classifications: all rivers and streams in Aitkin County having a total drainage area of greater than two (2) square miles and not assigned a river class or zoning map, are assigned a River Classification of tributary.

The following streams are presently designated as official trout streams and must meet lot size, structure and sewer setbacks for Forested Rivers.

Libby Brook: S. 5, 6; T. 50; R. 23 & S. 1, 2; T. 50; R. 24.
Long Lake Creek: S. 10, 15; T. 46; R. 25.
Morrison Brook: S. 4, 9, 10, 14, 15; T. 52; R. 26.
Two Rivers Springs: S. 19; T. 51; R. 23 & S. 24, 25, 26; T. 51; R. 24

A. Mississippi River – Shoreland that falls within the corridor shall be excluded from this Ordinance and be governed by the Mississippi Headwaters Management Plan, a copy of which is hereby adopted by reference.

B. Mississippi River Diversion Channel – Land that falls within the channel and accompanying easements are governed by separate regulations.

C. Remote Rivers Legal Description

	FROM	TO
Rice	Boundary of Rice L. Natl. Wildlife Refuge In Sec. 30, T47N, R23W	Boundary of Rice L. Natl. Wildlife Refuge In Sec. 18, T47N, R24W
Snake	Co. Rd. bridge in Sec. 21, T43N, R23W	Border of Aitkin and Kanabec Counties

D. Forested Rivers Legal Description

	FROM	TO
Swan	Border of Aitkin and Itasca Counties	Confluence with Mississippi R. in Sec. 9, T52N, R23W
Willow	North section line, Sec. 3, T51N, R27W	East section line, Sec. 16, T51N, R26W
	Center, Sec. 30, T51N, R24W	Center, Sec. 6, T50N, R24W
	North section line, Sec. 31, T50N, R24W	Confluence with Mississippi R. in Sec. 2, T48N, R26W
Rice	SE¼ Sec. 24, T46N, R24W	Boundary of Rice L. Natl. Wildlife Refuge in Sec. 30, T47N, R23W
	Boundary of Rice L. Natl. Wildlife Refuge in Sec. 18, T47N, R24W	Confluence with Mississippi R. in Sec. 4, T47N, R26W
Ripple	Outlet of Spirit L. in Sec. 26, T46N, R27W	East section line, Sec. 35, T46N, R27W
	SW¼ Sec. 26, T46N, R26W	Confluence with Mississippi R. in Sec. 24, T47N, R27W
Snake	SE¼ Sec. 2, T44N, R23W	South section line, Sec. 28, T45N, R23W
	NE¼ Sec. 17, T44N, R23W	Co. Rd. bridge in Sec. 21, T43N, R23W

E. Tributary Streams – All protected watercourses in the area shown on the Protected Waters Inventory Map for Aitkin County, a copy of which is hereby adopted by reference, not given a classification in Items A-D above shall be considered "Tributary".

4.2 Land Use District Descriptions

4.21 Criteria For Shoreland Use. The land uses in Section 4.22 must be consistent with the following criteria, considerations and objectives:

A. General Considerations and Criteria for All Land Uses:

(1) present ownership and development of shoreland areas;

(2) shoreland soil types and their engineering capabilities;

(3) topographic characteristics;

(4) appropriate vegetation cover;

(5) in-water physical characteristics, values, and constraints;

(6) recreational use of the surface water;

(7) road and service center accessibility

(8) socio-economic development needs and plans as they involve water and related land resources;

(9) the land requirements of industry which, by its nature, requires location in shoreland areas; and

(10) 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, Sub. 3:

P – Permitted
C – Conditional Use Permit Required
NP – Not Permitted

(1) A special protection district is intended to be used for two basic purposes. The first purpose is to limit and properly manage development in the areas that are generally unsuitable for development or uses due to flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints. A second purpose is to manage and preserve areas with special historical, natural, or biological characteristics.

(2) A residential district is primarily intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

(3) A high density residential district is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited to residential development using standard, lot-block subdivisions. This approach enables such areas to be developed, often

even with higher than lot-block densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses such as residential planned unit development, surface water-oriented commercial, multiple unit single-family, parks, historic sites, and semipublic, are also allowed, primarily as conditional uses.

(4) A water-oriented commercial district is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity.

(5) A general use district is intended to be used only for land already developed or suitable for development with concentrated urban, particularly commercial, land uses. It should not generally be used on natural environment lakes or remote river classes. Several other intensive urban uses such as industrial and commercial planned unit development are allowed in this district if handled as conditional uses.

A. Land Use Districts for Lakes

(1) Special Protection District – Uses

	General Development Lakes	**Recreational Development Lakes**	**Natural Environment Lakes**
Forest management	P	P	P
Sensitive resource management	P	P	P
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots	NP	NP	NP
Parks and historic sites	C	C	C
Extractive Use	C	C	C
Single residential	C	C	C
Mining of metallic minerals and peat	C	C	C

(2) Residential District – Uses

	General Development Lakes	**Recreational Development Lakes**	**Natural Environment Lakes**
Single residential	P	P	P
Semipublic	C	C	C
Parks & historic sites	C	C	C
Extractive use	C	C	C
Duplex, triplex, quad residential	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	C	C

(3) High Density Residential District – Uses

	General Development Lakes	**Recreational Development Lakes**	**Natural Environment Lakes**
Residential planned unit developments	C	C	C
Single residential	P	P	P
Surface water oriented commercial*	C	C	C
Semipublic	C	C	C
Parks & historic sites	C	C	C
Duplex, triplex, quad residential	P	P	P
Forest management	P	P	P

(4) Water Oriented Commercial District – Uses

	General Development Lakes	**Recreational Development Lakes**	**Natural Environment Lakes**
Surface water-oriented commercial	C	C	C
Commercial planned unit development**	C	C	C
Public, semipublic	C	C	C
Parks & historic sites	C	C	C
Forest management	P	P	P

*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.

(5) General Use District – Uses

	General Development Lakes	**Recreational Development Lakes**	**Natural Environment Lakes**
Commercial	C	C	C
Commercial planned unit development**	C	C	C
Industrial	NP	NP	NP
Public, Semipublic	P	P	C
Extractive Use	C	C	C
Parks & historic sites	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	C	C

B. Land Use Districts for Rivers and Streams

(1) Special Protection District – Uses

	Remote	Forested	Tributary
Forest management	P	P	P
Sensitive resource management	P	P	P
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots	NP	NP	NP
Parks and historic sites	C	C	C
Extractive Use	C	C	C
Single residential	C	C	C
Mining of metallic minerals and peat	C	C	C

(2) Residential District – Uses

	Remote	Forested	Tributary
Single residential	P	P	P
Semipublic	C	C	P
Parks and historic sites	C	C	P
Extractive use	C	C	C
Duplex, triplex, quad residential	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	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.

(3) High Density Residential – Uses

	Remote	Forested	Tributary
Residential planned unit developments	C	C	C
Single residential	P	P	P
Surface water oriented commercial*	C	C	C
Semipublic	C	C	C
Parks and historic sites	C	C	C
Duplex, triplex, quad residential	P	P	P
Forest management	P	P	P

(4) Water-oriented Commercial – Uses

	Remote	Forested	Tributary
Surface water-oriented commercial	C	C	C
Commercial planned unit development*	C	C	C
Public, semipublic	C	C	P
Parks and historic sites	C	C	C
Forest management	P	P	P

(5) General Use District – Uses

	Remote	Forested	Tributary
Commercial	C	C	C
Commercial planned unit development**	C	C	C
Industrial	NP	NP	NP
Public, semipublic	C	C	C
Extractive use	C	C	C
Parks and historic sites	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	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 7.0 of this ordinance are satisfied.

4.23 Classification List. The following use list will be in effect until individual lakes and rivers are redistricted, at which time 4.22A and 4.22B will be used.

CLASSIFICATION LIST

A "C" appearing in the table for any use means that the Conditional Use will be permitted in that district only if a Conditional Use Permit is granted by the Planning Commission. A "P", means that the use is allowed with a permit in the zone district subject to the general provisions of the zoning ordinance. A "NP" means that the use is not-permitted. For uses not included on this list, application shall be made to the Board of Adjustment for Interpretation.

Industrial Use: Any type of manufacturing of goods, products, or commodities intended for wholesale purpose. A detailed statement including volume of operation and site layout must be submitted to the Zoning Office prior to permit application.

Lakes (Rivers)	GD (Tributary)	RD (Forested)	NE (Remote)
Acoustical material, mfg., storage	C	C	NP
Adult entertainment businesses	NP	NP	NP
Ag. Imp., distr., display, rep., sale	C	C	NP
Airport	NP	NP	NP
Airport, sea base	C	C	C
Amusement park	C	C	NP
Animal hospital	NP	NP	NP
Antique Sales	C	C	C
Antique displays, auto., mach., etc.	C	C	NP
Appl. Repair, sm. Household and/or sales	C	C	NP
Armory	NP	NP	NP
Asphalt and products processing, petroleum contaminated soil treatment plant	NP	NP	NP
Association (clubs, lodges) private	C	C	C
Athletic club	C	C	C
Athletic field	C	C	C
Auditorium, assembly hall	C	C	NP
Auto & truck sale, repair part, body shop	C	C	NP
Baker mfg., sales (sm. Home operation)	C	C	C
Baked goods, mfg. (industrial type)	NP	NP	NP
Bank and trust co., loan co.	C	NP	NP
Bar, saloon, cocktails, tavern	C	C	C
Beauty shop	C	C	C
Bed and breakfast	C	C	C
Beverage, wholesale and storage	NP	NP	NP
Bicycle, snowmobile, rep. And sales	C	C	C
Billboard, advertising display	C	C	NP
Bottled gas, storage, distribution	C	C	NP
Bowling alley	C	C	NP
Bldg. Contractor, large equip. warehouse	NP	NP	NP
Bldg. Contractor, light, res. And gen.	C	C	C
Bldg. Materials, storage and sales	C	C	NP
Brewery	NP	NP	NP
Broadcasting studio (radio & TV)	C	C	NP
Bus line, depot, garage, repair	NP	NP	NP
Bus storage (school, private)	C	C	C
Business Office, general	C	C	C
Business Office, professional	C	C	C
Café, restaurant, supper club	C	C	C
Campground (private, public)	C	C	C
Carpenter shop & power woodworking	C	C	C
Carpet & rugs, sales & storage	C	C	C
Carwash	NP	NP	NP
Casino	C	C	NP
Cement, concrete, mfg., sales, storage	C	C	NP
Cemetery (except family burial)	C	C	NP
Childcare center, playschool	C	C	C
Church, synagogue	C	C	C
Coin machine, rental & service	C	C	NP
College	C	C	NP
Community Center, Town Hall	C	C	C
Computer Graphics, Computer Businesses	C	C	C
Conservation Subdivision	C	C	C
Convent	C	C	NP
Curio & souvenir shop	C	C	NP
Dairy farm (exclusive of residence)	C	C	NP
Dairy products, sales & storage	C	C	C

Lakes (Rivers)	GD (Tributary)	RD (Forested)	NE (Remote)
Dance hall, pavilion	C	C	C
Dog pound, kennel	C	C	NP
Drive-in Restaurant	C	C	NP
Drive-in Theater	NP	NP	NP
Driving range, golf	C	C	C
Dry cleaning, bulk processing	C	C	NP
Dwelling, single family (mobile)	P	P	P
Dwelling, two family	C	C	C
Electric co., yards, substation	C	C	NP
Elevators, grain, corn, etc.	NP	NP	NP
Essential services	P	P	P
Explosives, storage, distribution	NP	NP	NP
Express co., warehouse, garage	NP	NP	NP
Fairground	NP	NP	NP
Farm (commercial)	C	C	C
Farm, hobby	C	C	C
Feed lot	NP	NP	NP
Feed, storage & sales	C	C	NP
Fertilizer, natural or processed except explosive, storage or sales	NP	NP	NP
Fertilizer (anhydrous ammonia), storage or sales	NP	NP	NP
Firearms Dealer	C	C	C
Fire station, fire tower	C	C	C
Fish or meat sales	C	C	C
Fish hatchery, fish farm, public, private	C	C	C
Fish house storage area	C	C	NP
Florist, greenhouse, nursery & sales	C	C	C
Forestland, private, commercial, public	P	P	P
Frozen food, cold storage locker	C	C	C
Fur farm, preparation, storage	NP	NP	NP
Game preserve, sanctuary	C	C	C
Game farm (with hunting)	NP	NP	C
Garage, public storage	C	C	NP
Garage sale	P	P	P
Gasoline – commercial retail	C	C	C
Golf course	C	C	C
Gravel pit, crushing operation, screening	C	C	C
Gravel pit, asphalt, ready mix, processing operation	NP	NP	NP
Grocery (with bait)	C	C	C
Group home (handicapped) 7 or more residents	C	C	C
Half-way house – 7 or more residents	C	C	C
Home, old age, children, nursing, maternity 7 or more residents	C	C	C
Home occupation	P	P	P
Hospital, public & private	C	C	NP
Housing, group or cluster (PUD)	C	C	C
Ice, manufacturing, sales	C	C	C
Ice skating rink – outdoor & public	C	C	C
Industrial park	NP	NP	NP
Industrial uses – see 2.745	NP	NP	NP
Junk & salvage yard, outside motor vehicle storage	NP	NP	NP
Laboratory research	C	C	NP
Laundry, bulk processing	NP	NP	NP
Laundromat	C	C	C
Liquor, off-sale	C	C	C
Lumber yard, retail	C	C	NP
Machine shop	C	C	NP

Lakes (Rivers)	GD (Tributary)	RD (Forested)	NE (Remote)
Marine, marina	C	C	NP
Meat processing, locker plant	C	C	NP
Mineral exploration	C	C	C
Mining, quarry, equipment, crushing, etc.	C	C	NP
Mobile home, seasonal or travel trailer (temporary)	P	P	P
Mobile home park	C	C	NP
Motel, hotel	C	C	NP
Museum, historical display	C	C	NP
Oil products, fuel storage (bulk)	NP	NP	NP
Paper & wood products, processing	C	NP	NP
Park, playground (no overnight camping)	P	P	C
Pipe, culvert, mfg.	NP	NP	NP
Pipe line, gas, oil, etc.	C	C	C
Professional office, doctor, etc.	C	C	C
Public building, including utility plant	C	C	C
Race track	NP	NP	NP
Radio, TV transmitting station, telecommunication towers	C	C	C
Ready mix, concrete plant	NP	NP	NP
Retail stores, sales (not specified)	C	C	C
Resort, rental cabins, incl. Residence	C	C	C
Rice farm, paddy, cranberry farm	C	C	C
Roadside park, rest (no overnight)	P	P	C
Roller skating rink, indoor ice skating	C	C	NP
Sauna, steambath	C	NP	NP
Sawmill	C	C	NP
Sawmill portable (temporary)	C	C	C
School, public & private	C	C	NP
School, commercial	C	C	NP
Second hand store, flea market	C	C	NP
Septic tank mfg.	NP	NP	NP
Sewage Treatment Plant	C	C	C
Shopping center	NP	NP	NP
Shooting range (indoor & outdoor) (trap, skeet, rifle, archery)	C	C	C
Silk Screening	C	C	C
Slaughter house	NP	NP	NP
Solid waste disposal site	NP	NP	NP
Solid waste transfer station	NP	NP	NP
Swimming pool, public	C	C	NP
Tannery	NP	NP	NP
Taxidermist	C	C	C
Tire, repair, equipment supplies, sales	C	C	NP
Timber harvest, logging operation	P	P	P
Upholstering	C	C	C
Water reservoir and related facility	C	C	C
Water treatment plant	C	C	C
Welding shop	C	C	NP
Wood products, secondary (pallet, etc.)	C	C	NP

4.24 For public waters/public waters wetlands as shown on the map in Appendix IV, that are not listed as one of the lakes in Section 4.13 of this Ordinance, the classification list found in Appendix A of the Aitkin County Zoning Ordinance, shall be the use list.

SECTION 5.0 – ZONING AND WATER SUPPLY/SANITARY PROVISIONS

5.1 Lot Area and Width Standards.

The lot area (in square feet) and lot width/frontage 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 the following: The minimum lot width dimension beyond the building setback line shall be 50% of the required lot width**.**

5.11 Unsewered Lakes

A. Natural Environment:

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
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

B. Recreational Development:

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
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

C. General Development:

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
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

5.12 Sewered Lakes

A. Natural Environment:

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	40,000	220
Triplex	100,000	325	60,000	315
Quad	130,000	425	80,000	410

B. Recreational Development:

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	20,000	100	20,000	100
Duplex	40,000	180	40,000	180
Triplex	60,000	260	60,000	260
Quad	80,000	340	80,000	340

C. General Development:

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	20,000	100	20,000	100
Duplex	40,000	180	40,000	180
Triplex	60,000	260	60,000	260
Quad	80,000	340	80,000	340

5.13 **River/Stream Lot Width and Area Standards.** The lot width and area standards for single, duplex, triplex and quad residential developments for the six river/stream classifications are:

MINIMUM LOT WIDTH STANDARDS in Feet

	Remote	Forested	Tributary	
			Unsewered	Sewered
Single	300	200	100	75
Duplex	450	300	150	115
Triplex	600	400	200	150
Quad	750	500	250	190

MINIMUM LOT AREA STANDARDS in Square Feet

	REMOTE	FORESTED	TRIBUTARY
Single	80,000	60,000	40,000
Duplex	120,000	90,000	60,000
Triplex	160,000	120,000	80,000
Quad	200,000	150,000	100,000

5.14 Additional Special Provisions.

A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 5.12 and 5.13 can only be allowed if designed and approved as residential planned unit developments under Section 7.0 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 sewered lot area dimensions in section 5.12 can only be used if publicly owned sewer system service is available to the property.

B. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes 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.

C. 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 (excluding deck) and must not exceed 15 feet in height; and in addition to all other restrictions, as of June 1, 2005, the building coverage shall not exceed 15% of the lot area and the total impervious surface coverage shall not exceed 25% of the lot area.

(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.

D. 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 25 percent for each watercraft beyond six.

(3) they must be jointly owned 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 of adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. 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.

E. Recreational Camping Vehicle Use Standards

(1) Recreational camping vehicles shall not be used as a principal structure.

(2) Any recreational camping vehicle that is on a parcel of land, that does not have a principal dwelling unit, for more than 180 days out of a 365 day period, shall be considered a structure and shall conform to the requirements of this Ordinance.

(3) No more than one recreational camping vehicle may use provision number 2 above. If a lot meets the duplex lot size requirements in Section 5.11 then a second recreational camping vehicle would be allowed under number 2 above.

(4) A parcel of land that has a principal dwelling unit may use one recreational camping vehicle. The recreational camping vehicle is not to be used for rent or commercial purposes. Sewage and/or wastewater shall not be discharged to an unapproved individual sewage treatment system or to the ground surface.

(5) No more than two recreational camping vehicles may be stored on a parcel of land and only at a location meeting all structural setback distance requirements. Recreational camping vehicles that are being stored inside an accessory structure are excluded from this section.

(6) A fully licensed recreational camping vehicle meeting all requirements of this section, may be used as an occasional

sleeping facility and must meet all structural setback distance and septic system requirements.

(7) All recreational camping vehicles, being stored outside, must be fully licensed within state requirements for transportation purposes.

F. Home occupations must be consistent with the following provisions.

(1) Conduct of the home occupation shall not change the residential character thereof and shall be conducted within the home.

(2) Signage shall consist of no more than one single or double-faced sign with a maximum area of two square feet per side.

(3) No outdoor display of goods.

(4) Except for goods or articles produced on the premises, no stock in-trade shall be sold on the premises.

(5) Additional need for parking generated by the home occupation shall be limited to three spaces and shall meet all required setback distances.

(6) All home occupations shall conform to Section 4.23 (must not be a non-permitted use).

(7) Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home.

(8) No outside storage is permitted.

(9) The home occupation shall not generate sewage of a nature or type that exceeds the allowable strength limits to be discharged to an Individual Sewage Treatment System as established by the Minnesota Pollution Control Agency.

G. Outside Motor Vehicle Storage Standards.

(1) Outside storage of unlicensed motor vehicles and/or parts is not permitted where the waste, body or discarded material is equal in bulk to two (2) or more motor vehicles or a volume of 1440 cubic feet, whichever is less.

(2) All outside storage of unlicensed motor vehicles and/or parts must meet setback distance requirements of this Ordinance.

H. For public waters/public waters wetlands as shown on the map in Appendix IV, that are not listed as one of the lakes in Section 4.13 of this Ordinance, the structure and septic system setback distance requirements shall be the same as for a Natural Environment Lake. No other provision of this Ordinance shall apply to the above mentioned public waters/public waters wetlands.

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 dwelling units exist on the adjoining lots on both sides of a proposed dwelling site, dwelling setbacks may be altered without a variance to a point twenty (20) feet landward from the adjacent development shoreline average to the ordinary high water level, provided the proposed dwelling site is not located in the shore impact zone or bluff impact zone. The existing structure on adjoining lots must be of a quality such that a reasonable and prudent

person would use the same for the purpose of habitation, and must not be a recreational camping vehicle, guest cottage or accessory structure. Structures shall be located as follows.

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

SETBACKS*

Classes of Public Waters	Structures		Sewage Treatment
	Unsewered	Sewered	Systems
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	75	75
Rivers			
Remote	200	200	150
Forested	150	150	100
Tributary	100	75	75

*The shore impact zone for Natural Environmental Lakes is 75 feet and 50 feet for both Recreational Development Lakes and General Development Lakes.

*One water-oriented accessory structure designed in accordance with Section 5.22 of this ordinance 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:

Setback From:	Setback (in feet)
(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, private road easement or other roads or streets not classified.	30
(5) property line, alley, boulevard	10

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

D. Uses Without Water-oriented Needs. Commercial, public, and semi-public uses without water-oriented needs must be located on lots or parcels without public water 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.

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 or crawl space, 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 ordinary high water level.

(2) for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above 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 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

(3) 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 and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

B. Water-oriented Accessory Structures. Each tract of land which meets the size requirements of Section 5.1 and 6.2 of this Ordinance may have one water-oriented accessory structure not meeting the normal structure setback in Section 5.21,A of this ordinance 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 120 square feet and the maximum width of the structure is 10 feet as measured parallel to the configuration of the shoreline. 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;

(6) the structure or facility must be located in the center third of the owners riparian lot.

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, further that the design is approved by the Planning and Zoning Office prior to construction;

(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;

(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 subitems (1) to (5) are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

D. Significant Historic Sites. No structure shall 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.

F. Maximum structure height is 35 feet. This does not include churches, telecommunication towers, water towers, chimneys, wind-powered generators, essential services, and buildings permitted as part of a conditional use permit.

5.3 Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve significant sites, prevent bank slumping, and protect fish and wildlife habitat.

5.31 Vegetation Alterations.

A. The intent is to have a shoreline buffer, consisting of trees, shrubs, and ground cover for purposes of soil retention and filtering runoff. 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 Sections 5.62 and 5.63, respectively, is allowed subject to the following standards:

(1) Cutting of trees and shrubs within the shore and bluff impact zones and on steep slopes is not allowed, except as provided for in subparagraph (2) below. 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 approved by the soil and water conservation district in which the property is located.

(2) A vegetation alteration permit is required prior to vegetative clearing in the shore impact zone and bluff impact zone and on steep slopes. In shore impact zones and bluff impact zones and on steep slopes, no clearing or cutting of trees and shrubs will be allowed until a plan is submitted to and reviewed by Aitkin County Soil and Water Conservation District and approved by the Aitkin County Planning and Zoning Office. The approved plan shall be submitted with the application for the vegetation alteration permit. The approval of the plan may require re-vegetation to meet the intent of this section. Limited pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and picnic areas, access paths, 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, shall not be substantially reduced;

(b) along rivers and lakes, existing shading of water surfaces shall be preserved;

(c) If the shore impact zone has had no past vegetation removal, as a general rule, the plan would allow removal of up to 1/3 of the trees greater than 5" in diameter 4.5 feet above ground level (DBH), diameter at breast height, and 1/3 of the trees/shrubs less than 5" (DBH) as long as screening is maintained and shading of the shoreline is still provided. To allow access to water bodies for individual lot owners, an open area of 40 feet or 33% of the lot width, whichever is less, may be allowed to be cleared of trees and shrubs, as long as the above 1/3 tree/shrub removal is still in compliance. The clearing shall not extend more than 25 feet landward from the ordinary high water level . A grass cover shall remain to prevent erosion to the water body.

As an incentive to move the above described open areas off the shoreline, if the open area begins at least 25 feet back from the ordinary highwater (OHW) level an open area of 60 feet or 50% of the lot width, whichever is less and 30 feet in depth, may be allowed to be cleared of trees and shrubs, as long as the above 1/3 tree/shrub removal is still in compliance. The area between the OHW level and open area must be left in its natural condition excluding a 10 foot wide access path from the open area to the waterbody.

(d) Burning of yard waste (including leaves, twigs, stumps, and grass) is not permitted within the shore and bluff impact zones or on steep slopes. A fire ring or pit is allowed as long as it does not exceed 4 feet in diameter.

(e) **Exception**- Limited pruning is allowed as long as adequate screening and shading as viewed from the water is maintained and preserved, during leaf on periods of the year. Dead, diseased or hazardous trees may be removed with the landowners being encouraged to replace them by planting a species suitable for the site.

C. Use of fertilizers, herbicides and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both. If fertilizer is used it must be phosphorus free.

5.32 Grading and Filling/Land Alteration Permits.

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 land alteration 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. Work below the OHW level requires approval by the Department of Natural Resources.

C. Maintenance of driveways, public roads and parking areas are regulated by Section 5.4 of this ordinance.

D. Except for the activities described in Items A and C above, a plan must be submitted to the Aitkin County Soil and Water Conservation District for review and to the Aitkin County Planning and Zoning Office for approval prior to issuance of a land alteration permit. A land alteration permit may require the revegetation of the shore impact zone to meet the intent of Section 5.31.

Activities requiring a land alteration permit:

(1) On steep slopes and shore and bluff impact zones - activities that involve the excavation or placement of more than ten (10) cubic yards of material**.**

With a permit, a minimum amount of excavation or placement of material to achieve the goal of the project may be permitted but shall not exceed 30 cubic yards. The 30 cubic yards is the maximum amount of excavation or placement of material allowed on an existing parcel of land. The excavation or placement of material shall be done within any existing or proposed recreational use area or access path and not in a separate area; and

(2) Outside of steep slopes and shore and bluff impact zones - activities that involve the excavation or placement of more than fifty (50) cubic yards of material.

However, when at any one time, more than 200 cubic yards of excavation or fill is proposed, an erosion or sedimentation plan must be submitted to the Aitkin County Zoning Office for referral to the Aitkin County Water and Soil Conservation District for technical review and approval.

(3) Excavation or placement of fill, as described in D (1) and D (2) above, is allowed no more than twice, unless the excavation or placement of fill is to regrade an annual ice ridge.

(4) Access to water bodies for purposes of launching watercraft require a land alteration permit. A plan must be submitted to the Aitkin County Soil and Water Conservation District for review and to the Aitkin County Planning and Zoning for approval. The plan must show how surface water run-off will be managed to prevent erosion and sedimentation into the water body. The intent is to prevent exposed soil and/or concrete/asphalt driveways to the lake and to use vegetated areas for filtration. In certain cases, if needed to accomplish the purpose of the access, vegetation intermixed with soil/concrete/asphalt may be permitted.

E. 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**,** or any grading and filling activity:

(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;
(b) storage of surface runoff to prevent or reduce flood damage;
(c) fish and wildlife habitat;
(d) recreational use;
(e) shoreline or bank stabilization; and
(f) noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

(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 Natural Resource 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) No filling of wetlands is permitted in the shore impact zone and in wetlands that have a contiguous connection to a protected waters, this shall not include activities in Section 5.42;

(10) Any alterations below the ordinary high water level of public waters must first be authorized by the Department of Natural Resources under Minnesota Statutes, section 103G.245;

(11) 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, this includes the creation or changing of drainage ways; and

(12) Placement of natural rock riprap must meet Minnesota Department of Natural Resource guidelines.

F. 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 DNR commissioner has approved the proposed connection to public waters.

5.4 Placement, Design and Maintenance 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. For further technical criteria, refer to County Engineer/Soil Conservation Office.

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. Maintenance of existing road, driveways, and parking areas shall be allowed without a permit provided that the design or location is not altered.

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 and public 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 drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

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

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

5.52 Specific Standards:

A. As of June 1, 2005, building coverage of lots must not exceed 15 percent of the lot area, and total impervious surface coverage of lots must not exceed 25 percent of the lot area. Lot area must not include wetland areas, bluff areas or land below the ordinary high water level when calculating the square footage of the lot. Wetlands are classified per the Army Corps of Engineers approved methods.

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. No direct connection shall exist to the public waters.

5.6 Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

5.61 Standards for Commercial, Public, and Semipublic Uses.

A. Surface-water oriented commercial uses and 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 shall 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 establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial 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 Agriculture Use Standards.

A. General cultivation farming, grazing, livestock watering areas, 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 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 Natural Resource 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) 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 only allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones and meet all other applicable restrictions.

(2) New feedlots must not be located in shoreland.

C. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

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," and with standards, requirements, details and specifics now or hereinafter set out in the Vegetative Management Provisions cited in "A Management Plan for the Upper Mississippi River, Mississippi Headwaters Board".

A. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:

(1) Shore and bluff impact zones must not be intensively cleared of vegetation; and

(2) An erosion and sediment control plan shall be developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.

B. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

5.64 Extractive Use Standards.

A. Sand and Gravel Pits. Extraction of top soils, sand, gravel, aggregate materials and minerals is a conditional use in the shoreland areas of Aitkin County, only if a conditional use permit is authorized pursuant to the provisions of Section 3.4 of this ordinance, and then only if all of the following standards and requirements are met:

(1) Preparation and approval by Aitkin County Zoning Office of a site development and restoration plan for each use developed after the effective date of this ordinance (January 21, 1992). The plan must address each of the following:

(a) Dust control
(b) Noise control
(c) Discharge of materials that may be pollutants
(d) Hours of Operation, dates of operation and duration of activity
(e) Anticipated vegetative alterations
(f) Anticipated topographic alterations
(g) Proposed mitigation of effects on wildlife
(h) Proposed mitigation of effects on erosion
(i) Proposed mitigation for cultural sites
(j) Rehabilitation of site after use expires

(k) Alternate existing gravel sites
(l) Depth of excavation
(m) Depth of water table.

(2) Extractive uses and crushing operations shall not be permitted within 500 feet of the ordinary high water mark or within 30 feet of the top of a bluff as determined by the Aitkin County Soil and Water Conservation District. Crushing operations are permitted only on a temporary basis not to exceed 30 working days within a 2 month period each year and are permitted between the hours of 7:00 am to 7:00 pm, Monday through Friday. Processing of ready mix concrete, asphalt, and hot mix materials are not permitted in the shoreland.

(3) Owners or other persons controlling sites that have been in operation prior to the effective date of this ordinance pursuant to duly and validly issued permits and licenses which are still in force as of the effective date of this ordinance, shall prepare a rehabilitation plan for the site addressing mitigation of the effects on erosion and sedimentation and restoration of the site and shall conform to fulfill such plans.

(4) The standards, requirements, criteria and conditions of Section 3.7 of this ordinance, if the use is within a shoreland.

(5) All other standards, requirements, details and specifics now or hereafter set out in the Aitkin County Mining and Reclamation Ordinance.

B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback requirements for structures from ordinary high water levels of public waters and from bluffs.

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, shall be a conditional use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

5.66 Rice and Cranberry Farms.

A. Farming practices such as are commonly used in rice or cranberry paddies which requires that the farmland or paddies be flooded and drained each year are a conditional use in the shoreland areas of Aitkin County if a conditional use is authorized pursuant to the provisions of Section 3.4 of this ordinance, and then only if all if the following standards and requirements are met:

(1) Preparation and approval of the Aitkin County Soil and Water Conservation District Office and the Aitkin County Zoning Office of a site development plan for each use developed after the effective date of this ordinance (January 21, 1992). The plan must address each of the following points:

(a) Anticipated topographic alterations;

(b) Anticipated vegetative alterations;
(c) Proposed mitigation for cultural sites;
(d) Discharge of nutrients, other materials or water into, or that may eventually enter, public waters, that may degrade the quality of lakes or cause, or increase aquatic plant or algal growth, in lakes;
(e) Discharge of pollutants including pesticides which are approved for use by appropriate federal and state agencies;

(2) The standards, requirements, criteria and conditions of Section 5.7 of this Ordinance.

5.7 Water Supply and Sewage Treatment.

5.71 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.

5.71 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 where available.

B. All individual sewage treatment systems must meet or exceed the requirements of Aitkin County's Individual Sewage Treatment System and Wastewater Ordinance No.1 and any subsequent revisions, a copy of which is hereby adopted by reference and declared to be a part of this ordinance.

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

D. Lots created after January 21, 1992, through the subdivision/platting process and/or after January 23, 1996, through the metes and bounds descriptions must have two (2) septic system sites capable of supporting standard individual sewage treatment systems. Both sites must be designated as septic system sites and must remain undisturbed except for use as a septic system site.

E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 6.4 of this ordinance.

F. Transfer without certificate prohibited. The title to real estate with a dwelling unit, mobile home or any other building served by or required to have an ISTS, or before the transfer of title by deed, contract or lease of a term of three (3) years or more shall not be transferred on or after January 1, 1992, without a Certification of Compliance to the grantee or lessee, prior to the time of transfer. Involuntary transfers and transfers by operation of law are excluded from this requirement.

G. Time of sale shall means prior to Transfer of Title to Real Estate with dwelling unit, mobile home or any building served by or required to have an ISTS, or, before the transfer of title by deed, contract or lease of a term of three (3) years or more.

H. Recertification of a system shall not be required by the county within (5) years of its initial certification date. A reinspection may take place within (5) years of the initial certification at the option of the applicant.

I. If the sanitary system is in compliance with the requirements of this ordinance, the Zoning Administrator shall cause a Certificate of Compliance to be issued to the present owner, which shall state that the sanitary system has been inspected and is in compliance with the minimal requirements of this ordinance.

J. The proposed buyer shall not take occupancy of the dwelling unit prior to the issuance of a Certificate of Compliance, except as per Aitkin County's Individual Sewage Treatment System and Wastewater Ordinance, No.1, Section 4.45,B and any subsequent revisions.

In all instances, even if in the event the property in question is not conveyed and the system is non-conforming the system must be brought into compliance within (10) months of the report date.

K. The fee for the inspection of the Certificate of Compliance shall be established by the County Board and shall be paid prior to the inspection.

SECTION 6.0 – NONCONFORMITIES

It is the intent of Section 6.0 to not encourage the continuation of nonconformities but to encourage, over time, compliance with Section 5.0 of this Ordinance.

All legally established nonconformities as of the date of adoption of this ordinance and respective amendments may continue, but they will be managed according to applicable state statutes and other regulations of this county 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:

A. **Change of Use.** Such use shall not be expanded, intensified or changed to another nonconforming use**,** or be re-established if discontinued for a continuous twelve (12) month period or more.

Destruction of Structure If a nonconforming structure is destroyed or altered by any cause, to an extent exceeding fifty percent of its estimated market value as indicated by the records of the County Assessor, a future structure or use of the site shall conform to this ordinance. Replacement of nonconforming structures under validly issued variances are considered to be in compliance with this ordinance.

B. **Setback** Bluff and Shore Impact Zone setback requirements must be addressed.

C. **Moving of structure** – If a nonconforming structure is moved from its location, in any direction horizontally, the future location shall conform to this Ordinance.

6.1 Construction on nonconforming lots of record.

A. 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 6.2 of this ordinance may be allowed as building sites for dwelling purposes 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.

B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot.

C. Variances shall only be granted in accordance with Minnesota Statutes, Chapter 394. A variance shall not circumvent the general purpose and intent of this ordinance. No variance shall 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 board of adjustment 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 requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

D. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 6.2 of this ordinance, the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lots 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 6.2 of this ordinance.

E. No portion of an existing lot shall be separated from the existing parcel unless all portions meet or exceed the lot size requirements in Section 5.1 of this Ordinance. However, a portion of a lot may be separated from the existing parcel as long as the existing parcel meets the requirements of Section 5.1 of this Ordinance and the newly created parcel is combined with an adjacent parcel. The existing parcel must meet the septic system requirements of a newly created lot as in Section 5.71, D, of this Ordinance.

Exception: An existing parcel may be combined with an adjacent parcel(s) under different ownership, to make the adjacent parcel(s) more conforming.

6.2 Minimum lot area and width standards for single residential nonconforming lots of record.

The minimum lot area (square feet) and minimum lot width standards (in feet) for single residential lots created prior to the date of enactment of this Ordinance for the lake classifications are the following:

A. Natural environment:

Riparian area	60,000
Lot width at shore	150
*Building Coverage	15%
*Impervious surface coverage	25%

B. Recreational development:

Riparian area	30,000
Lot width at shore	100
*Building Coverage	15%
*Impervious surface coverage	25%

C. General development:

Riparian area	15,000
Lot width at shore	75
*Building Coverage	15%
*Impervious surface coverage	25%
Non-riparian area	30,000
Lot width	100
*Building Coverage	15%
*Impervious surface coverage	25%

6.3 Additions/expansions to non-conforming principal structures built prior to January 21, 1992 without a variance. If a variance has been granted for an addition/expansion to a principal structure since January 21, 1992, then Sections 6.3 A, B, and C do not apply and a variance is required for any future additions and/or expansions.

A. All additions or any enlargement of an existing sub-standard principal structure shall be allowed providing all of the following criteria will be met: (If all of the following criteria are met, a one-time expansion since January 21, 1992 will be allowed without a variance.)

(1) The addition/expansion will not decrease the setback of the existing structure from the ordinary high water level,

(2) The addition/expansion will not exceed 50 percent of the total volume of the existing structure, or exceed 50 percent of the assessed market value as indicated in the records of the County Assessor**,**

(3) The existing structure is setback to a minimum of a line parallel with the Shore Impact Zone,

(4) Impervious surface coverage of the parcel or lot shall not exceed 25 percent.

(5) The existing structure and proposed addition/expansion must meet all other setback distance requirements of this Ordinance**.**

B. Deck additions shall 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:

(1) 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;
(2) 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;
(3) The deck is not roofed or screened; and
(4) All other setback distance requirements of this Ordinance must be met.

C. Platform additions shall 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:

(1) The platform encroachment toward the ordinary high water level does not exceed 20 percent of the existing setback distance of the structure from the ordinary high water level or does not encroach closer than 20 feet whichever is more restrictive.
(2) The platform is not roofed or screened, and
(3) All other setback distance requirements of this Ordinance must be met.

6.4 Nonconforming sewage treatment systems.

A. A sewage treatment system not meeting the requirements of Section 5.7 of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. 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, lot line or road right-of-way.

B. The governing body of Aitkin County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. Aitkin County will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 10 months. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.201 to 103F.221, in effect at the time of installation may be considered as conforming unless they are determined to be failing.

C. If a structure exists that is served by a holding tank and there is room on the property or adjoining property under the same ownership that is capable of supporting a standard ISTS, then no permits shall be issued until a standard ISTS is installed.

SECTION 7.0 – CONSERVATION SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD's)

7.1 Types of PUD's Permissible.

Conservation Subdivisions and 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 4.23 of this ordinance and the official zoning map. On Natural Environmental Lakes no more than 25% of a lakes shoreline can be in duplex, triplex, quadplex, conservation subdivisions and/or planned unit developments.

7.2 Processing of PUD's

Conservation Subdivisions and Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this ordinance was adopted (January 21, 1992**)** 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 7.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete. All developments must contain at least 400 feet of lot width.

7.3 Application for a Conservation Subdivision or a PUD.

The developers are encouraged to hold preliminary discussions with the Zoning Administrator and County Land Survey Coordinator to become familiar with the application submittal requirements, so that developers have an opportunity to understand the review process and community interests. The applicant for a Conservation Subdivision or a PUD must submit the following documents prior to final action being taken on the application request:

7.31 Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics such as bluffs and slopes greater than 25 percent;

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 2 standard onsite sewage treatment system 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 out to 15 feet, type of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

7.35 A site plan and/or preliminary plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, existing and post-construction vegetation plan which also designates which areas are included in the open space requirements as described in Section 7.82, screening of structures as viewed from the water, 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 preliminary plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

7.36 A property owners association agreement (for residential PUD's and Conservation Subdivision's) with mandatory membership, and all in accordance with the requirements of Section 7.8 of this ordinance.

7.37 Deed restrictions, 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; 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 7.8 of this ordinance; from a qualified holder as defined in Minnesota Statutes, section 84C.01-02. and 3) For conservation easements, a statement of preliminary acceptance.

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

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

7.4 Site "Suitable Area" Evaluation.

Proposed new or expansions to existing planned unit developments and conservation subdivisions must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 7.5.

7.41 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	200	200
General development lakes – second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

7.42 The suitable area within each tier is next calculated by excluding from the tier area all accessory structures, commercial facilities not involving dwelling units or sites, wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the conservation subdivision, residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites. In areas with overlapping tiers due to close proximity of public waters to each other, the more restrictive rules for the area shall be used, excluding the first tier.

7.5 Conservation Subdivision, Residential and Commercial PUD Density Evaluation.

The procedures for determining the "base" density of a Conservation Subdivision or 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. Structures that straddle tiers shall be rated as part of the tier closer to the ordinary high water level.

7.51 Residential PUD and Conservation Subdivision "Base" Density Evaluation:

A. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers 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 conservation subdivision and residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 7.8.

7.52 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; urban, agricultural, Tributary River Segments	Second and additional tiers on Unsewered General Development Lakes; Recreational Development Lakes; Transition and Forested River Segments	Natural Environment Lakes and Remote River Segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.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 for 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 1000 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 7.8.

7.53 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 7.8 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 (fifty) 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 (twenty-five) percent greater than the minimum setback.

B. Allowable Dwelling Unit or Dwelling Site Density Increases for Conservation Subdivision, Residential or Commercial Planned Unit Developments; maximum density increase in each tier shall not exceed (25%). To receive density increases, the shore impact zone must be revegetated to acceptable standards as recommended by the Aitkin County Soil and Water Conservation District and approved by the Aitkin County Planning Commission. Revegetation of the shore impact zone is not necessary if the Aitkin County Soil and Water Conservation District and the Aitkin County Planning Commission determine the existing vegetation is adequate and covenants, deed restrictions or permanent easements are established to ensure long-term preservation.

C. No dwelling unit or dwelling site density increase multiplier will be allowed for lands having average slopes over 12 (twelve) percent, as measured over horizontal distances of 50 (fifty) feet or more, that are not bluffs.

7.6 Special Provisions: Mobile Homes and Mobile Home Parks.

7.61 Purpose. It is the purpose of this regulation to permit the development of mobile home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such developments.

7.62 General Requirements, mobile homes and mobile home parks. It shall be unlawful for any person to construct, alter, or extend any mobile home park, structures or uses within the park unless he holds a valid permit issued by the Zoning Administrator upon compliance with all provisions of this ordinance. In addition to all other requirements imposed by law, the following regulations shall be observed.

Mobile home and mobile home parks permitted: Permits shall be issued for mobile homes and mobile home parks only in districts designated elsewhere in this ordinance.

Area and yard requirements: Mobile home parks shall comply with all area and yard requirements prescribed for such uses in the district in which located.

Lot area occupancy: The buildings and trailers in any mobile home park – together with any accessory buildings already on the lot – shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.

Landscaping – unused areas: All areas not used for access parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than

thirty (30) feet in width when adjoining residential districts, shall be established and maintained within the trailer park along its exterior boundaries.

Accessory buildings: All mobile homes which are established as a single-dwelling unit or within a mobile home park shall have a accessory building or garage for storage purposes for each mobile home unit. The size of the accessory building shall be a minimum of four (4) feet by six (6) feet.

7.63 Mobile Home Park, Submission of Plan. An application for the establishment of a mobile home park shall be filed with the Zoning Administrator and must be accompanied by a plan drawn to scale and prepared by a, registered land surveyor, civil engineer or architect. Such drawing shall include, but not necessarily be limited to the following:

A. Accurate dimensions if the proposed mobile home park shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger

B. The number, location and size of all mobile home lots.

C. The location and width of roadways, walkways, approaches and method of ingress and egress from the public highways.

D. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.

E. The location of electric power or gas distribution system, water mains or wells or water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, sanitary sewers or septic tanks, sewer drain lines, fire protection stalls, fire hydrants, and other buildings, structures or uses contemplated for use by the applicant.

F. The applicant shall submit seven (7) copies of the plan to the Zoning Office of which the Zoning Office shall distribute two (2) copies to the Planning Commission and one (1) each to the State Department of Transportation if abutting a State or Federal highway, Aitkin County Highway Department if abutting a county road, State Department of Natural Resources, Township Clerk, and the Aitkin County Soil and Water Conservation District.

7.64 Mobile Home Parks – Requirements. Mobile home parks shall be designed and maintained in accordance with the following requirements:

A. Park area: The minimum mobile home park area shall be not less than three (3) acres.

B. Lot area: The minimum lot area per mobile home unit site within the park shall be four thousand (4,000) square feet.

C. Access: Each park shall abut upon a public road and each mobile home lot shall have direct access to a private hard surface road.

D. Mobile home sitting: Mobile homes shall be located at least fifty (50) feet from any public road right-of-way, and at least thirty (30) feet from mobile home park boundary. There shall be a minimum distance of ten (10) feet between an individual mobile home and the right-of-way of a mobile home park street or common parking area or other common areas. Mobile homes and their additions shall be separated from each other and from other building and structure by at least twenty (20) feet, provided that mobile homes placed end to end may have a clearance of twenty (20) feet where opposing rear walls are staggered.

E. Utilities: No building, plumbing, heating and electrical requirements other than those adopted pursuant to Minnesota Statutes Section 327.31 – 327.34 shall be required. A sanitary sewer or septic system and water system shall be installed in accordance with County and State specifications.

F. Interior roads: The minimum roadway width of interior one-way roads with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way roads with parking permitted on two sides shall be thirty-six (36) feet and surfaced according to County specifications for residential roads and maintained in good condition and lighted at night.

G. Recreation area: There shall be provided within each mobile home or trailer park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of two thousand five hundred (2,500) square feet in the aggregate or one hundred (100) square feet for each mobile home space in said park whichever is the greatest. The recreation sites shall be furnished, equipped and maintained for the use of the mobile home facilities.

H. Length of occupancy: No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to a permanent sanitary sewer system of the park.

I. Mobile home skirting: Every unit within the park shall be skirted.

J. Maintenance: It shall be the responsibility of the mobile home park owner to see that good housekeeping and living conditions are maintained in the mobile home park at all times. Each mobile home lot shall be landscaped or maintained in grass. No unused building materials, debris, or rubbish shall be allowed to accumulate.

K. Vehicle storage: no more than two (2) motor vehicles shall be stored or kept on any mobile home lot. No vehicle shall be dismantled, nor shall mechanical work except for minor repair nature be done on any vehicle on a mobile home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored or kept on the mobile home lot or in a mobile home park, except a vehicle that became inoperable when it was in the mobile home park and then it shall not be parked in that condition for a period of more than seven (7) days.

7.7 Travel Trailer Park and Campgrounds. In the case of travel trailer park or campground project consisting of two (2) or more units to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots, an application for a planned unit development permit for such a project shall be made to the Zoning Administrator. Before recommending the approval of the permit to the County Board, the Planning Commission shall require the applicant to:

A. The applicant shall submit seven (7) copies of the plan drawn to a scale of one (1) inch equals one hundred (100) feet or a larger scale. The plan must be prepared by a Registered Land Surveyor, Civil Engineer or Architect.

B. The Zoning Office shall submit two (2) copies to the Planning Commission and one (1) each to the State Department of Transportation, if abutting a State or Federal Highway, Aitkin County Highway Department if abutting a county road, State Department of Natural Resources, Township Clerk, Aitkin County Soil and Water Conservation District.

C. Have a minimum size campsite to accommodate one family group that is at least two thousand (2,000) square feet in area. Campsites are limited to one (1) RV or tent per site.

D. Have a roadway with driving surface of fourteen (14) feet for one-way and twenty-four (24) feet for two-way roads.

E. Have traffic control consisting of parking limited to individual campsite spurs and parking areas constructed for that purpose. No parallel parking on site access roads within camping area shall be permitted. Barrier posts or other traffic control devices shall be installed to eliminate parking along site access roads and prevent users from setting up camp on areas other than designated campsites.

F. Have a setback for all campsites and permanent structures for one hundred fifty (150) feet from a Natural Environment lake, one hundred (100) feet from a Recreational Development lake and seventy-five (75) feet from a General Development lake. The setbacks would be from the ordinary high water level. The setback from any adjacent public road, street or highway shall be fifty (50) feet. The setback distance from adjacent property boundaries shall be 30 feet.

G. Provide sanitary facilities. All sanitary facility installations shall comply with the current standards of the Minnesota Department of Health, as well as any other applicable State and Local codes and standards. In conjunction with and in addition to the above, the following minimum standards shall apply.

H. Provide disposal facilities.

(1) Sealed vault-type pit toilets: sealed vault-type pit toilets shall comply with the setbacks designated in the Shoreland Management Standards.

The bottom of the vault in sealed vault-type toilets shall be a minimum of one (1) foot above the highest known ground water table.

(2) Central buildings with flush toilets: Central buildings shall comply with the setbacks designated in the Shoreland Management Standards.

(3) Provide water holding tank dumping facilities: Any overnight camping facility to be used by camper or trailer units equipped with waste holding tanks shall have a minimum of one dumping facility per one hundred (100) units or fractions thereof. A minimum of one thousand five hundred (1,500) gallon holding tank is required with curbing and water supply to wash area.

(4) Solid waste disposal: Garbage cans shall be provided at a minimum ratio of one (1) can per two (2) units. Garbage cans shall be provided with non-tip stands and tight fitting covers.

No on-site solid waste disposal areas will be permitted. Solid waste shall be disposed of at the approved solid waste facility which serves the projects area.

7.71 Structure replacement within an existing resort.

Local governments may allow resorts to maintain and replace their structures, without regard to available density, so long as the establishment continues to operate as a resort and all of the following standards are met:

A. Structures, including lodges, shall not be replaced any closer to any waterbody or setback than the existing structure. Replacement structures must meet elevation and maximum height requirements for the relevant shoreland classification. For resorts established prior to the date of local adoption of these standards, structures not meeting the structure setbacks in Section 5.21, A and bluff setbacks, must only be replaced with structures with the same or lesser height of building, not withstanding provisions of Section 7.71, item A (1). There shall be no increase in structure footprint, except as follows:

(1) An increase in the structure footprint or height of structure may be permitted to minimally meet federal, state, or local dwelling standards or codes, provided there is no increase in structure footprint lakeward and no increase in structure width as measured parallel to shore. To minimally meet such standards or codes means that the replacement structure shall not add new architectural elements such as more bedrooms than the original structure.

(2) A structure within the first tier that is moved or replaced outside the shore impact zone and landward to meet the structure setback requirements to the maximum extent feasible within the tier with regard to wetlands, bluffs, land below the ordinary high water level of public waters, and sewage treatment systems, may be permitted a larger building footprint provided it conforms with the allowable density standards in each tier as calculated in Section 7.52, and the impervious surface coverage within the first tier shall not exceed 25 percent.

B. A specified area within the development shall be restored and maintained in a natural state to the following standards:

(1) For developments with less than 50 percent of shore impact zone currently in a natural state, at least 10 percent of the shore impact zone and shoreline shall be restored to its natural state or, alternatively, in front of each replacement structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory plants extending from the shoreline landward 35 feet shall be created according to a plan approved by the local government.

(2) For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained according to a plan approved by the local government.

C. For resorts with 20 or more dwelling units, erosion control and stormwater management for the entire resort shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest Pollution Control Agency's stormwater best management practices manual, approved by the local government, and effectively implemented. For resorts with less than 20 dwelling units, erosion control and stormwater management plans for the entire resort shall be approved by the local government and effectively implemented.

D. For developments that exceed or will exceed the allowable density as calculated in Section 7.52, stormwater runoff from the expansion structures and associated impervious surfaces created shall be specifically mitigated using best management practices that may include filter strips, infiltration basins, rain gardens and other conservation designs. Best management practices must be designed and installed in accordance with the latest Pollution Control Agency's stormwater best management practices manual.

7.8 Maintenance and Design Criteria.

7.81 Maintenance and Administration Requirements.

A. Before final approval of a planned unit development or conservation subdivision, 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. For areas greater than ten (10) acres, easements shall be held by a qualified unit of government, Conservation Organization, Land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, Section 84C.01-05, as approved by the local unit of government. Local units of government may also hold or co-hold as easement. The instruments must include all of the following protections:

(1) commercial uses shall be prohibited (for residential developments);
(2) vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;

(3) construction of additional buildings, impervious surface or storage of vehicles and other materials shall be prohibited;
(4) uncontrolled beaching of watercraft shall be prohibited; and
(5) dumping, storage, processing, burning, burying, or landfill of solid or other wastes shall be prohibited.

C. Shoreland vegetation shall be preserved, restored and maintained according to the approved shoreland vegetation buffer plan. The loss of vegetation shall be replaced in-kind.

D. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential 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 rate 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, and it must enforce covenants, deed restrictions, and easements. The association must have a land stewardship plan for common open space areas greater than 10 acres specifically focusing on the long-term management of these open space lands.

E. Amendments or revisions to covenants or deed restrictions. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the local government unit pursuant to Minnesota Statutes, Section 515B.1-106. Under no circumstances shall covenants or deed restrictions be modified without the local government units determination that the proposed changes fully comply with the requirements of Section 7.0.

F. All residential developments must contain at least five (5) dwelling units or sites.

7.82 Open Space Requirements. Residential and commercial developments must contain open space meeting all of the following criteria:

A. At least 50 percent of the total project area must be permanently preserved as common open space. Common open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries, and at least 75 percent of the common open space must be upland area. At least 33 percent of the common open space shall be retained in a contiguous area.

B. The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, an area of 25 feet around each structure, all road rights-of-way, and all land covered by impervious surfaces, road surfaces,

parking areas, or structures, shall not be included in the computation of common open space.

C. A shoreland vegetation buffer plan designed and implemented meeting the standards in Section 5.31.

D. Open space may include outdoor recreational facilities for use by owners of the dwelling units/sites, or the public.

E. The shore and bluff impact zones, based on normal structure setbacks shall be included as common open space. New developments, and redevelopments of existing developments shall meet vegetation standards in Section 5.31. No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings. For conservation subdivisions, there must be at least one access corridor to the shore impact zone common open space for use by all members of the owners association. The minimum width of an access corridor shall be 50 feet, and access corridors shall be in upland areas.

F. Common open space shall not include commercial facilities.

G. The appearance of common open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of permanent easements, public dedication and acceptance, or other equally effective and permanent means. For permanent easements, a willing party for receiving easements must be declared, otherwise a party may be assigned pursuant to Minnesota Statutes 375.18, Subp. 12.

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

I. 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;

7.83 Erosion Control and Storm Water Management.

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

(1) be designed by certified personnel in erosion and sediment control using the best management practices found in the latest Minnesota Pollution Control Agency's storm water best management practices manual, 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 must be

reviewed by the Aitkin County Soil and Water Conservation District and approved by the Aitkin County Planning Commission; and

(2) 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 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 5.3.

7.84 Centralization and Design of Facilities.

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

(1) planned unit developments and conservation subdivisions 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 Section 5.2 and 5.7 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(2) dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. The site design must incorporate the use of narrower road right-of-ways than conventional subdivisions, some single loading streets, looped roadways versus cul-de-sacs, use of pervious surfaces and preservation of trees, unique resources, and scenic vistas. Setbacks from the ordinary high water level must be increased in accordance with Section 7.53 of this Ordinance for Developments with density increases;

(3) For conservation subdivisions, riparian lot standards shall meet the minimums in Sections 5.1 – 5.13, and lots shall not extend into the shore impact zone. For conservation subdivisions, the non-riparian lot standards that apply are the lot size and width standards in Section 5.1 – 5.13, however these are the maximum lot size and width standards for these developments, not minimum lot size and lot width standards.

(4) 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, aquatic and shoreland vegetation, soils, depth to ground water and bedrock, or other relevant factors. Boating facilities shall be located adjacent to the

deepest water available. The number of spaces provided for continuous beaching, mooring, or docking of water craft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Individual docks shall not be allowed. 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, and their watercraft shall be stored outside the building setback line. All shore recreational facilities shall be approved by the Aitkin County Planning Commission;

(5) structures, parking areas, and other facilities must meet or exceed the structure setbacks in Section 5.21, and 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;

(6) accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and

(7) water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.22 of this ordinance and are centralized.

7.9 Conversions

Existing resorts or other land uses and facilities may be converted to residential developments if all of the following standards are met:

7.91 Proposed conversions must be initially evaluated using the same procedures for residential developments involving all new construction. All inconsistencies between existing features of the development and these standards must be identified.

7.92 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.

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

(1) removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities that no longer need to be located in shore or bluff impact zones;

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

(3) 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.

7.94 Existing dwelling unit or dwelling site densities that exceed standards in Section 7.5 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.

C:\ordinance\shorlord2008adopted

Adopted by the Aitkin County Board of Commissioners this 7th Day of

October 2008.

The effective date of the amendments is January 1, 2009.

Chairperson
Aitkin County Board of Commissioners

Attest:

Kirk Peysar
Aitkin County Auditor

Approved as to Form:

Jim Ratz
Aitkin County Attorney

ORDINANCE CERTIFICATION CHECKLIST
AITKIN COUNTY MINNESOTA

1. July 9, 16, 23, 30, 2008 August 6, 2008 Date of Published Hearing Notice.

2. July 1, 2008 Date of Postmark of Hearing Notice To Commissioner of the DNR / Area Hydrologist.

3. August 9, 2008 Date of Hearing (s).

4. October 7, 2008 Date of Ordinance Adoption. - Effective Date - January 1, 2009

5. August 6, 2008 Date of Affidavit of Published Amendments to the Ordinance.

6. _____ Date of Official Filing of Adopted Amendments to the Ordinance. (_____ Record Book Number _____ Page Number.)

7. YES Board of Adjustment/Appeals has Been Established.

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED October 7, 2008

1. By Commissioner Bailey 100708-097

WHEREAS, the Aitkin County Board adopted the Shoreland Ordiance in 1992, and

WHEREAS, the County Board directed staff, on October 7, 2007, to amend portions of the Shoreland Ordinance, and

WHEREAS, a public hearing was held on August 9, 2008 where public comment was received, and

WHEREAS, the County Board received those public comments and made revisions based upon those comments,

NOW THEREFORE BE IT RESOLVED, That the Aitkin County Board agrees to amend the Shoreland Ordinance as submitted on October 7, 2008, with an effective date of January 1, 2009.

Commissioner Lueck moved the adoption of the resolution and it was declared adopted upon the following vote

MEMBERS PRESENT All Members Voting Yes.

STATE OF MINNESOTA)
County of Aitkin) ss.
Office of County Auditor,)

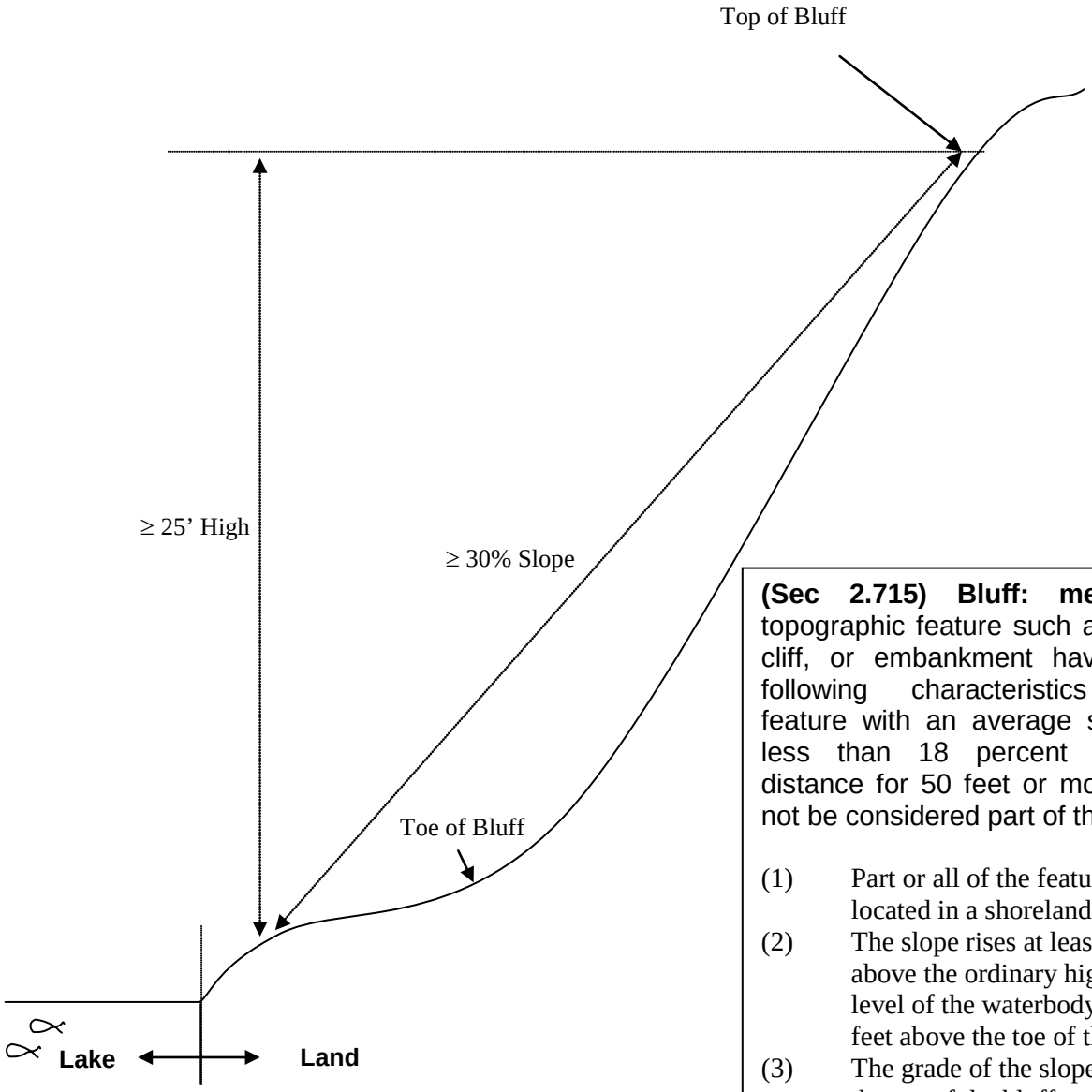
I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 7th day of October A.D., 2008, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 7th day of October A.D. 2008

KIRK PEYSAR, County Auditor
BY _____, Deputy

Appendix - I

Bluff Illustration



(Sec 2.715) Bluff: means a topographic feature such as a hill, cliff, or embankment having the following characteristics (land feature 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 or 25 feet above the toe of the bluff;

(3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.

(4) The slope must drain toward the waterbody.

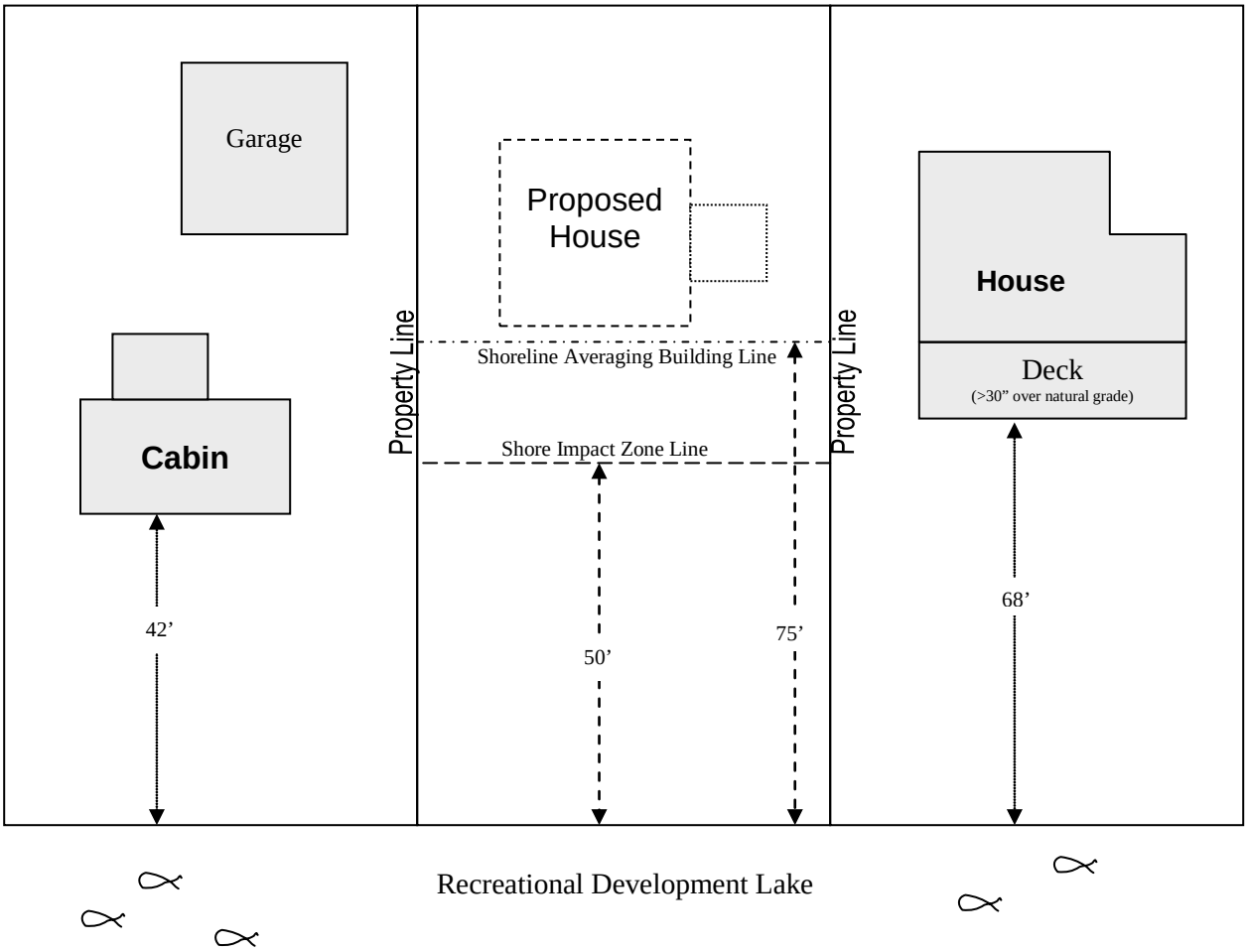
Appendix - II

Shoreline Averaging

5.21 Placement of Structures on Lots. *… Where dwelling units exist on the adjoining lots on both sides of a proposed dwelling site, dwelling setbacks may be altered without a variance to a point twenty (20) feet landward from the adjacent development shoreline average to the ordinary high water level, provided the proposed dwelling site is not located in the shore impact zone or bluff impact zone. The existing structure on adjoining lots must be of a quality such that a reasonable and prudent person would use the same for the purpose of habitation, and must not be a recreational camping vehicle, guest cottage or accessory structure…*

Definition: "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% of the structure setback but not less than 50 feet, whichever is greater.

Note: *Shoreline averaging is for* new residences *only*



Averaging Setbacks: 68'+ 42'=110' ÷ 2 = 55'
Add 20' to Average: 55' + 20' = 75'
In this example Shoreline Averaging = 75'
(Minimum setback is the Shore Impact Zone Line)

NOTE: All other setbacks must be met to be qualified for shoreline averaging

Appendix – III

AITKIN COUNTY SHORELAND PERFORMANCE

(Structure Placement Guidance)

A property should obtain a score of 100 or more to meet performance standard requirements. A conforming lot is assigned a score of 100. A lot is deemed conforming when the structure meets the required setbacks to the protected water as specified in the Aitkin County Shoreland Management Ordinance (SMO). A structure that fails to meet this definition is considered non-conforming.

To determine the level of non-conformance and score (See Reference Table):

1) Determine the DNR classification of the protected water on the lot (SMO-4.13 & 4.14)..... 1:_____
2) Determine the required "Structure Setback" to that classification of water (SMO 5.2) ..... 2:_____
3) Determine the "Actual Setback" of the structure by measuring the closest part of the structure to the protected water, bluff, right-of-way, property line, etc. for which a variance is sought ..... 3:_____
4) Enter the corresponding 'Score Multiplier' ..... 4:_____
5) Pre-mitigation 'Lot Score': Determine the percentage of the encroachment as it relates to the standard setback by multiplying the Actual Setback with the 'Score *Multiplier' (Note: round to the nearest whole number)* ..... 5:_____

Reference Table: Performance Multipliers for structures, septics, bluff, and sidelots in Aitkin County.

Protected Waters Type *(DNR Classification; SMO 4.13-4.14)*	**Required Structure Setback**	**Score Multiplier Structures**	**Required Septic Setback**	**Score Multiplier Septic**	**Score Multiplier Bluff**	**Score Multiplier Sidelot**
General Development Lake	75'	1.333	75'	1.333	(30' setback)	(10' setback)
Recreational Development Lake	100'	1.000	75'	1.333		
Natural Environment Lake	150'	0.667	150'	0.667		
Mississippi River	150'	0.667	125'	0.800		
Tributary Stream	100'	1.000	75'	1.333	3.33	10.000
Forested Stream	150'	0.667	100'	1.000		
Remote Stream	200'	0.500	150'	0.667		

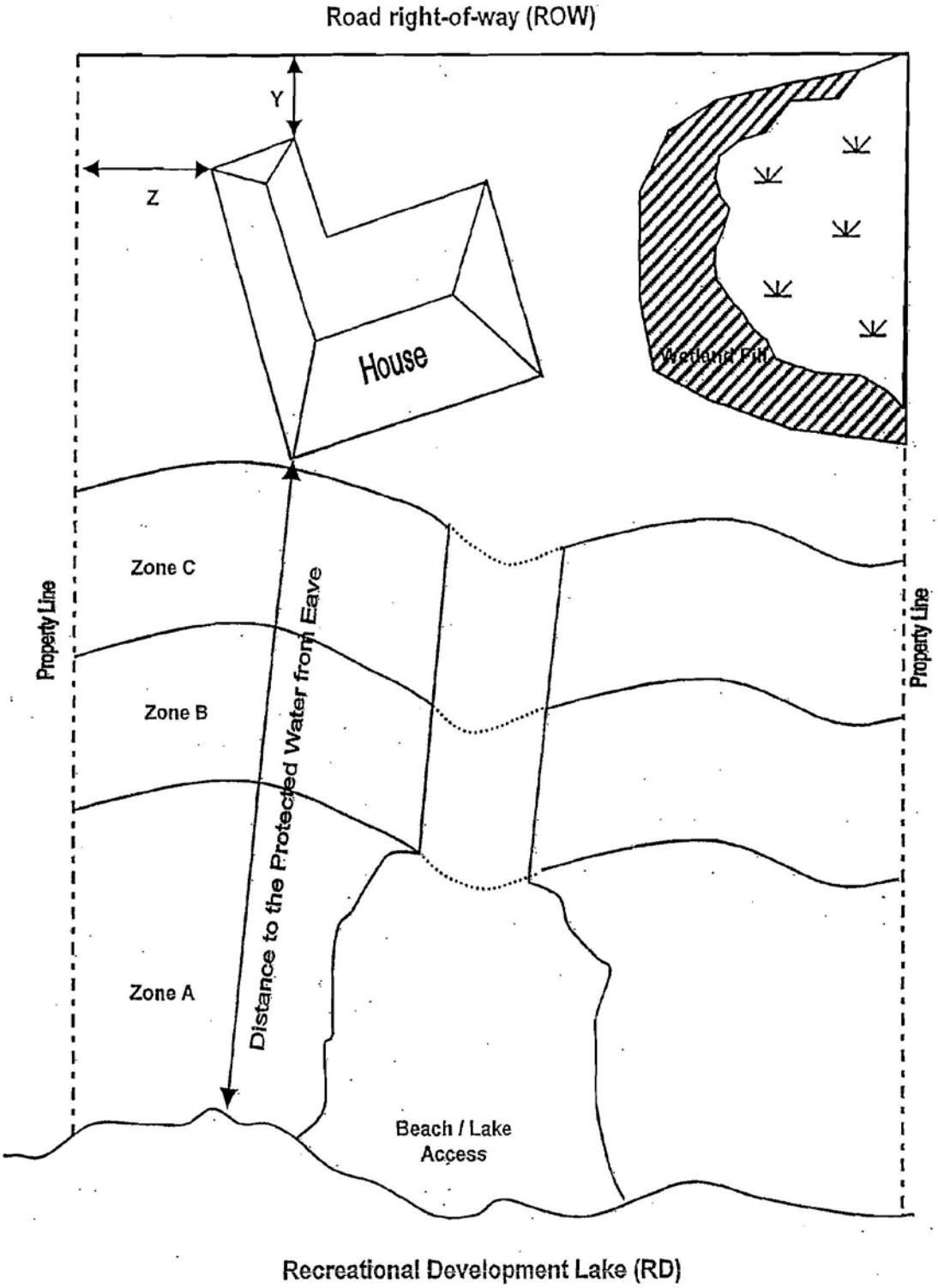
Mitigation: *To bring a non-conforming structure to a score of 100 the landowner conducts and maintains one or more of the below listed mitigating activities:*

A) Zone A: Plant and/or maintain a 25' wide natural vegetated buffer zone adjacent to the OHW and record deed restrictions to maintain vegetation in its natural state, prohibit mowing or vegetation removal.* Water access as defined in the Shoreland Management Ordinance is allowed (Section 5.31.B.2.c) ..... 30 points
B) Zone B: Plant and/or maintain an additional 12.5' wide natural vegetated buffer zone between Zone A landward. Record deed restrictions to maintain vegetation in its natural state, prohibit mowing or vegetation removal.* A ten-foot (10') access path is allowed. ..... 20 points
C) Zone C: Plant and/or maintain an additional 12.5' wide natural vegetated buffer zone between Zone B landward. Record deed restrictions to maintain vegetation in its natural state, prohibit mowing or vegetation removal.* A ten-foot (10') access path is allowed. ..... 10 points
D) Construction of rain garden(s) to Wisconsin DNR Manual specifications..... 20 points
E) Removal of all other structures that do not meet the standard building setbacks, including water oriented structures..... 20 points
F) Removal of impervious surfaces to at least half ordinance limits (SMO 5.52.A) ..... 10 points
G) Removal of fill all placed in historic wetlands and guarantee of no future wetland fill recorded on deed ..... 10 points
H) Re-vegetate bluff or steep slopes* and provide screening of structures from the lake..... 10 points
I) Diversion of all water runoff from impervious surfaces away from the lake into retention ponds, subsurface drains, wetlands, etc. with no outlet to the lake or tributary..... 10 points
J) Existing conditions may apply on the property that warrant credit..... *To be determined by P&Z*

Final Score = Pre-mitigation Lot Score (Line 5) _____+ Mitigation Totals (Lines A-I)_____=_____

**Note:* *Plant materials for vegetative buffers shall be native to northern Minnesota. For every 5,000 square feet of buffer area, there shall be a minimum of four types of trees, six types of shrubs, seven forbs, and three grasses planted to achieve a one plant per square foot minimum coverage. Survival of all plants must be guaranteed for a minimum of 5 years*

AITKIN COUNTY SHORELAND PERFORMANCE
(Example)



Appendix IV

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Pursuant to Minnesota Statutes, Section 105.391, Subd. 1, the Commissioner of Natural Resources hereby publishes the final inventory of Protected (i.e. Public) Waters and Wetlands for Aitkin County. This list is to be used in conjunction with the Protected Waters and Wetlands Map prepared for Aitkin County. Copies of the final map and list are available for inspection at the following state and county offices:

DNR Regional Office, Grand Rapids
Aitkin SWCD
Aitkin County Auditor

Dated: July 3 1985

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

JOSEPH N. ALEXANDER, Commissioner

By:

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATERS
FINAL DESIGNATION OF PROTECTED WATERS AND WETLANDS WITHIN AITKIN COUNTY, MINNESOTA.

A. Listed below are the townships of Aitkin County and the township/range numbers in which they occur.

Township Name	Township	Range
Aitkin	47; 136	27; 25
Ball Bluff	52	23
Balsam	50	22
Beaver	46	22
Clark	48	22
Cornish	51	23
Farm Island	46	27
Fleming	48	25
Glen	46	25
Haugen	49	22
Hazelton	44; 45	27
Hill Lake	52	26
Idun	43	24
Jevne	48	24
Kimberly	47	25
Lakeside	44	25
Lee	46	24
Libby	50	24
Logan	49	25
Macville	51	26
Malmo	45	25
McGregor	48	23
Morrison	48	26
Nordland	46	26
Pliny	44	23
Rice River	46	23
Salo	47	22
Seavey	44	24
Shamrock	49	23
Spalding	47	23
Spencer	47	26
Turner	50	23

Township Name	Township	Range
Unorganized Territories	44;45	22
	45	24
	47	24
	48; 49	27
	50	25; 26; 27
	51	22; 25; 27
	52	22; 24; 25;27
Verdon	51	24
Wagner	43	22
Waukenabo	49	26
Wealthwood	45	26
White Pine	45	23
Williams	43	23
Workman	49	24

B. PROTECTED WATERS

1. The following are protected waters:

Number and Name	Section	Township	Range
1-1 : Pine Lake	23,24,25,26	43	22
1-2 : Split Rock Lake	6,7	45	22
1-3 : Sandabacka Lake	16,17	47	22
1-4 : Dutch Lake	16,17,20	47	22
1-5 : Rice Lake	4,5;33	47;48	22
1-6 : Mud Lake	13	48	22
1-8 : Spruce Lake	23	48	22
1-14 : Savanna Lake	6;1	50	22;23
1-15 : Shumway Lake	8,9	50	22
1-16 : Little Prairie Lake	14,15	50	22
1-17 : Stony Lake	16,17	50	22
1-18 : Unnamed	18	50	22
1-19 : Wolf Lake	5,6;32	50;51	22
1-20 : Unnamed	32	51	22
1-21 : Unnamed	11,12	52	22
1-22 : Island Lake	7,18;12,13	49	22;23
1-23 : Round Lake	30,31;25,36	49	22;23
1-24 : Loon Lake	7;12,13	50	22;23
1-25 : Twenty-one Lake	16,21	45	23
1-26 : Little Sheriff Lake	1	47	23

Number and Name	Section	Township	Range
1-27 : Sheriff Lake	1	47	23
1-28 : Starvation Lake	8,9	47	23
1-29 : Mud Lake	9,10,15	48	23
1-30 : Rice Lake	28,29,32	48	23
1-31 : Anderson Lake	10,11,14,15	49	23
1-32 : Camp Lake	13,14	49	23
1-33 : Lake Minnewawa	various	49	23
1-34 : Horseshoe Lake	23,24	49	23
1-35 : Mud Lake	32,33	49	23
1-36 : Wakefield Lake	2,3	50	23
1-37 : Unnamed	6	50	23
1-38 : Remote Lake	11,12,13,14	50	23
1-39 : Unnamed	14,15,22	50	23
1-40 : Aitkin Lake	16,17,19,21,29,30	50	23
1-41 : Twin Lake	21	50	23
1-42 : Glacier Lake	23,26	50	23
1-43 : Unnamed	29	50	23
1-44 : Tiesen Lake	30	50	23
1-45 : Blackface Lake	3,4,10	51	23
1-46 : Ball Bluff Lake	5	51	23
1-47 : Long Lake	9,16	51	23
1-48 : Unnamed	10	51	23
1-49 : Bay Lake	15	51	23
1-50 : Unnamed	16,17	51	23
1-51 : Unnamed	17	51	23
1-52 : Little Red Horse Lake	21	51	23
1-53 : Rat House Lake	26,35	51	23
1-55 : Boot Lake	33,34	51	23
1-56 : Cutaway Lake	35,36	51	23
*1-57 : Little Ball Bluff Lake	4,5;32	51;52	23
1-58 : Vanduse Lake	15,22,27	52	23
1-59 : Hay Lake	25,26,35,36	49	23;24
1-61 : Flowage Lake	various	48;49	23;24
1-62 : Big Sandy Lake	various	49;50	23;24
1-63 : Bass Lake	18,19	50	23
1-64 : Bear Lake	3,4	43	24
1-65 : Cedar Lake	7,8	43	24
1-66 : Porcupine Lake	13	45	24
1-67 : Rice Lake	various	46;47	24
1-68 : Mandy Lake	23	47	24
1-69 : Portage Lake	5,6,7;32	47;48	24

Number and Name	Section	Township	Range
1-70 : Round Lake	9,10,15,16	48	24
1-71 : Davis Lake	10,14,15,23	48	24
1-72 : Rock Lake	16,20-22,27,28	48	24
1-73 : Bass Lake	22,27	48	24
1-74 : Turner Lake	28,29,32	48	24
1-76 : Sanders Lake	4,5	49	24
1-77 : Rat Lake	13,14,22-24,26,27	49	24
1-78 : Brown Lake	1;36	49;50	24
1-80 : Libby Lake	34,35	50	24
1-82 : Unnamed	36	51	24
1-83 : Townline Lake	18;13	48	24;25
1-84 : Unnamed	2	45	25
1-85 : Twenty Lake	20,29	45	25
1-86 : Deer Lake	32,33	45	25
1-87 : Sugar Lake	2,3;34,35	45;46	25
*1-89 : Long Lake	3,4,9,10	46	25
1-90 : Spring Lake	16,17	46	25
1-91 : Rabbit Lake	17,18,19,20	46	25
1-92 : Swamp Lake	26	46	25
*1-93 : Clear Lake	27,28,29,33,34	46	25
1-96 : Dam Lake	2,3;34,35,36	46;47	25
1-97 : Newstrom Lake	16,17	47	25
1-98 : Camp Lake	27	47	25
1-99 : Gun Lake	8,9,10,16,17,20	48	25
1-100: Jenkins Lake	10,11,14,15	48	25
1-102: Wilkins Lake	15,16,21,22	48	25
1-104: French Lake	19,20,29,30	48	25
1-105: Fleming Lake	20,21,22,29	48	25
1-106: Clear Lake	3,4,9,10	49	25
1-107: Red Lake	9,16	49	25
1-108: Langs Lake	13	52	25
1-109: Taylor Lake	16	52	25
1-110: Studhorse Lake	19	52	25
1-111: Washburn Lake	23,24	52	25
1-112: Dagle Lake	30	52	25
1-113: Turtle Lake	19;24	46	25;26
1-114: Thirty-One Lake	31;36	46	25;26
1-115: Section Ten Lake	3,10,11	46	26
1-116: Lake Four	4	46	26
1-117: Nord Lake	4,5,7,8	46	26

Number and Name	Section	Township	Range
1-118: Raspberry Lake	6	46	26
1-120: Section Twelve Lake	11,12	46	26
1-121: Linde Lake	14,15	46	26
1-122: Sweetman Lake	14	46	26
1-123: Elm Island Lake	15,16,21,22,27	46	26
1-124: Sixteen Lake	16	46	26
1-125: Lone Lake	19,20,21,28,29,30	46	26
1-126: Monson Lake	22,23	46	26
1-128: Lingroth Lake	35,36	46	26
1-129: Sissabagamah Lake	2,3;34,35	46;47	26
1-132: Hansen Lake	28,29,32,33	47	26
1-134: Sitas Lake	3,10	49	26
1-135: Packer Lake	4,5	49	26
1-136: Waukenabo Lake	9,10,11,14,15,16	49	26
1-137: Round Lake	16,17,20,21	49	26
1-138: Kingsley Pothole	29	50	26
1-140: Moose Lake	27,28,33,34	51	26
1-141: Previs Lake	1,12	52	26
1-142: Hill Lake	2,11-14,23,24	52	26
1-143: Perry Lake	7	52	26
1-146: Ripple Lake	17,18,19,20;13,24	46	26;27
1-147: Esquagamah Lake	7,8,17,18;12,13	49	26;27
1-148: White Elk Lake	18,19;13,24	50	26;27
1-149: Mallard Lake	2,3,11	45	27
1-151: Spruce Lake	7,8	45	27
*1-153: Laurel Lake	8	45	27
1-156: Spectacle Lake	17,18	45	27
1-157: Big Pine Lake	20,21,28,29	45	27
1-158: Gregg Lake	22	45	27
1-159: Farm Island Lake	4-6;28,29,31-33	45;46	27
1-160: Lake Three	3	46	27
1-161: Hamal Lake	3,9,10	46	27
1-167: Pine Island Lake	9	46	27
1-168: Hill Lake	9,16	46	27
1-169: Bachelor Lake	10,14,15	46	27
1-170: Hanging Kettle Lake	12,13,14	46	27
1-171: Diamond Lake	13	46	27
1-173: Long Lake	16	46	27
*1-174: Thornton Lake	19	46	27
1-176: Little Pine Lake	21,22,27,28	46	27
1-178: Spirit Lake	23,24,25,26	46	27

Number and Name	Section	Township	Range
1-179: Hickory Lake	26,27	46	27
1-181: Blue Lake	3,4;33,34	46;47	27
1-182: Pickerel Lake	27,28,33,34	47	27
1-183: Bass Lake	28	47	27
1-185: Dogfish Lake	28,33	47	27
1-187: Lily Lake	4,35	47	27
1-188: Blind Lake	10,11,14,15	48	27
1-189: Cartie Lake	21;1	48;136	27;25
1-190: Starry Lake	3,4	49	27
1-191: Avenue Lake	23,26	49	27
1-192: Olds Lake	3	50	27
1-193: Muskeg Lake	3,4	50	27
1-194: Mud Lake	14,23	50	27
1-195: Bass Lake	1;36	50;51	27
1-196: Otter Lake	3;34,35	50;51	27
1-197: Little McKinney Lake	3,26	51	27
1-198: Blackwater Lake	24,25,26	51	27
1-199: McKinney Lake	26	51	27
1-200: Shovel Lake	3,4;33,34	51;52	27
1-201: Holy Water Lake	3	52	27
*1-202: Cranberry Lake	4	52	27
1-203: Unnamed	22	52	27
1-204: Round Lake	6;31,32;1;36	44;45	27;28
1-206: Birch Lake	18,19;13,24	45	27;28
1-207: Townline Lake	19,30;24	46	27;28
1-208: Sunset Lake	30,31;25,36	46	27;28
1-209: Cedar Lake	various	46;47	27;28
1-210: Brown Lake	4;13	48;137	27;25
1-211: Coon Lake	16;25	48;137	27;25
1-212: Moulton Lake	16,21;25,36	49;138	27;25
*1-213: Edna Lake	3,4,9;13,24	50;139	27;25
1-217: Little Turtle Lake	19;24	46	26;27
1-219: Round Lake	16	46	27
1-221: Unnamed	16,17,20,21	46	27
1-228: Unnamed	30	45	27
1-230: Unnamed	16,17,20	45	27
1-232: Johnson Lake	12	45	27
1-233: Constance Lake	11,14	45	27
1-238: Killroy Lake	3,4	45	26
1-243: Unnamed	1,2	44	23
1-251: Unnamed	10	47	23

Number and Name	Section	Township	Range
1-252: Lost Lake	3	47	23
1-257: Unnamed	35	51	23
1-258: Unnamed	2	50	23
1-259: Unnamed	1	49	23
1-260: Unnamed	29	51	23
1-262: Unnamed	23	52	25
1-263: Unnamed	25,26	52	25
1-269: Unnamed	24	47	25
1-278: Unnamed	27,28	51	27
1-283: Krilwitz Lake	6;1	48	26;27
1-285: Unnamed	20	49	26
1-286: Unnamed	8	49	26
1-287: West Lake	9,10	49	26
1-298: Unnamed	21,22	45	24
1-299: Unnamed	36	44	24
1-311: Unnamed	22	45	27
1-313: Unnamed	11,12,13,14	46	26
1-314: Unnamed	24	46	26
1-323: Townhall Lake	16,21	46	27
1-325: Smith Lake	22,27	49	27
1-326: Big Logan (Oxbow) Lake	4;33,34	47;48	26
1-327: Little Logan (Oxbow) Lake	33,34	48	26
1-331: Upper Blind Lake	11	48	27
1-332: Unnamed	30;25	49	26;27
1-333: Unnamed	14	49	27
1-334: Unnamed	13,14	49	27
1-336: Unnamed	21	48	26
1-337: Unnamed	5;32	48;49	25
1-343: Unnamed	24	47	22
1-351: Unnamed	31,32	52	26
1-352: Unnamed	18	52	26
1-355: Unnamed	20	52	23
1-356: Unnamed	10	52	25
1-358: Moose River Pool	4,5,8,9	51	25
1-361: Unnamed	31;36	51	23;24
1-362: Unnamed	24	50	24
1-363: Unnamed	18,19	50	23
1-364: Unnamed	30	50	23
1-365: Unnamed	28	50	23
1-368: Unnamed	2	49	23

Number and Name	Section	Township	Range
1-370 : Unnamed	12,13	50	23
1-371 : Unnamed	3	50	23
1-383 : Jewett WMA Impoundment	5,6,8,9	45	24
1-386 : Unnamed	26,27	45	24
1-394 : Unnamed	4;33	45;46	26
1-395 : Unnamed	18	45	27
1-397 : Unnamed	15,16	46	27
1-408 : Unnamed	12	47	25
1-409 : Unnamed	1	47	24
1-410 : Kimberly WMA Impoundment	3,4,5,8,9,17	47	24
1-411 : Kimberly WMA Impoundment	8,17,18	47	24
1-412 : Rice River Impoundment	10,13,14,15,24	47	24
1-413 : Unnamed	22	47	24
1-415 : Salo WMA Impoundment	1,2;35,36	47;48	22
1-418 : Unnamed	33	48	26
1-419 : Unnamed	22	49	26
1-420 : Unnamed	19,30	49	26
1-423 : Unnamed	14,23	50	23
1-427 : Cornish Impoundment	13,14,23	51	23
1-429 : Unnamed	13,14	52	23
1-430 : Unnamed	4	52	23
1-431 : Unnamed	31,32	52	25
*1-433 : Little Hill Impoundment	11,12,13,14	52	27
11-1 : Third Guide Lake	28;1	51;139	27;25
18-2 : Tame Fish Lake	6,7;1,12	45	27;28
18-16 : Terry Lake	28;1,12	48;136	27;25
48-2 : Mille Lacs Lake	various	42;43;44;45	25-28
58-138: Big Pine Lake	7,8,18,19;13,24	43	21;22

2. The following natural and altered natural watercourses are protected waters:

Name	From Section	From Township	From Range	To Section	To Township	To Range
Mississippi River (MR)	6	52	23	6	52	23
	5	52	23	5	52	23
	5	52	23	5	52	23
	5	52	23	5	52	23
	5	52	23	6	47	27
Swan River (SR)	6	52	22	9	52	23
Libby Brook	6	52	22	7	52	22

Name	Section	From Township	Range	Section	To Township	Range
Unnamed to SR	8	52	22	7	52	22
Unnamed to SR	26(Basin 59)	52	23	11	52	23
Unnamed to MR	27(Basin 58)	52	23	29	52	23
Unnamed to Unnamed	5(Basin 46)	51	23	29	52	23
Twin Rivers Springs (TRS)	19	51	23	27	51	24
Unnamed to TRS	36(Basin 361)	51	24	26	51	24
Libby Brook	5	50	23	2	50	24
*Sandy River	10(Basin 71)	48	24	25	50	24
Unnamed to Davis Lake	22(Basin 72)	48	24	10(Basin 71)	48	24
Minnewawa River	32(Basin 33)	49	23	36	49	24
Unnamed to Lake Minnewawa	18(Basin 22)	49	22	23(Basin 33)	49	23
Unnamed to Unnamed	19	49	22	19	49	22
*Unnamed to Sandy River Lake	24(Basin 77)	49	24	24(Basin 60)	49	24
Prairie River (PR)	25	50	22	3(Basin 62)	49	23
Unnamed to PR	14(Basin 16)	50	22	23	50	22
Unnamed to PR	16(Basin 17)	50	22	29	50	22
Tamarack River (TR)	36	49	22	32	50	22
Little Tamarack River	12	49	22	15	49	22
Unnamed to TR	8	49	22	8	49	22
*Unnamed to TR	4	49	22	4	50	22
West Savanna River	6(Basin 4)	50	22	35(Basin 62)	50	23
Unnamed to Savanna Lake	15(Basin 49)	51	23	6(Basin 14)	50	22
Unnamed to Rat House Lake	23(Basin 427)	51	23	26(Basin 53)	51	23
Unnamed to Unnamed	2(Basin 36)	50	23	1	50	23

Name	From Section	From Township	From Range	To Section	To Township	To Range
Unnamed to Big Sandy Lake	34	50	23	34(Basin 62)	50	23
Unnamed to Big Sandy Lake	22(Basin 39)	50	23	29(Basin 62)	50	23
Unnamed to Big Sandy Lake	29(Basin 40)	50	23	30(Basin 62)	50	23
Willow River (WR)	33(Basin 200)	52	27	2	48	26
Unnamed tributary	4(Basin 202)	52	27	4	52	27
Unnamed to WR	9(Basin 139)	51	26	16	51	26
Unnamed tributary	2	52	26	2(Basin 142)	52	26
Morrison Brook (MB)	4	52	26	23(Basin 142)	52	26
Unnamed to MB	9(Basin 144)	52	26	10	52	26
Unnamed to MB	10(Basin 145)	52	26	10	52	26
Cold Water Creek	22	52	26	22	52	26
Little Hill River	1	52	27	27	52	26
Moose River (MoR)	28(Basin 11-1)	51	27	19	51	25
	20	51	25	33	52	25
Unnamed to MoR	26(Basin 199)	51	27	26	51	27
Unnamed to MoR	36(Basin 195)	51	27	30	51	26
Unnamed to MoR	27(Basin 140)	51	26	27	51	26
Unnamed tributary	3	52	25	26	52	25
Unnamed to Unnamed	23(Basin 111)	52	25	23	52	25
Unnamed to WR	9(Basin 107)	49	25	16	49	25
White Elk Brook	23	49	26	2	48	26
Unnamed tributary	14(Basin 194)	50	27	13(Basin 148)	50	27
Rice River (RR)	24	46	24	4	47	26

Name	From Section	From Township	From Range	To Section	To Township	To Range
Dam Brook	26(Basin 92)	46	25	10	45	24
Unnamed to RR	29	46	23	29	46	23
Beckman Creek	22	46	23	29	46	23
Unnamed to RR	23	46	24	24	46	24
Section Five Creek	6	46	22	5	46	23
Unnamed to RR	22	47	23	30	47	23
Wakefield Brook	19	47	22	24	47	24
Dam Brook (DB)	3(Basin 89)	46	25	13	47	25
Long Lake Creek	15	46	25	9(Basin 89)	46	25
Unnamed to DB	27(Basin 98)	47	25	26	47	25
Portage Brook	7(Basin 69)	47	24	13	47	25
Unnamed to Portage Lake	32(Basin 74)	48	24	32(Basin 69)	48	24
Unnamed to RR	20(BNRR)	47	25	16	47	25
*Fleming Brook	29(Basin 105)	48	25	6	47	25
Sissabagamah Creek	2(Basin 129)	46	26	20	47	26
Unnamed to Sissabagamah Lake	14(Basin 122)	46	26	2(Basin 129)	46	26
Rabbit Creek	30(Basin 94)	46	25	25	47	26
Unnamed to Johnson Lake	30	46	25	30(Basin 94)	46	25
Starvation Creek	4(Basin 116)	46	26	20	47	26
Ripple River (RpR)	6(Basin 18-2)	45	27	35	46	27
	26	46	26	24	47	27
Unnamed to Farm Island Lake	9(Basin 154)	45	27	4(Basin 159)	45	27
Unnamed to RpR	35(Basin 128)	46	26	26	46	26
Unnamed to RpR	24(Basin 113)	46	26	26	46	26

Name	From Section	From Township	From Range	To Section	To Township	To Range
Unnamed to Hanging Kettle Lake	14(Basin 169)	46	27	14(Basin 170)	46	27
Unnamed to RpR	10(Basin 161)	46	27	2	46	27
Raspberry Creek	6(Basin 118)	46	26	36	47	27
Little Willow River	18(Basin 147)	49	26	8	48	26
Unnamed to Esquagamah Lake	1	49	27	12(Basin 147)	49	27
Unnamed tributary	13(Basin 334)	49	27	12(Basin 147)	49	27
Unnamed to Waukenabo Lake	34	50	26	9(Basin 136)	49	26
Unnamed tributary	21(Basin 137)	49	26	21	49	26
Cedar Brook	29(Basin 209)	47	27	17	47	27
East Creek	21	50	27	21	50	27
Unnamed tributary	4(Basin 190)	49	27	4	49	27
Coon Creek	16(Basin 211)	48	27	11(Basin 188)	48	27
Unnamed to Round Lake	29(Basin 157)	45	27	31(Basin 204)	45	27
Seastade Creek	22	45	26	22(Basin 48-2)	45	26
Reddy Creek	23	45	26	23(Basin 48-2)	45	26
Borden Creek	1	44	25	5(Basin 48-2)	44	25
Seventeen Creek	9	44	25	17	44	25
Peterson Creek (PC)	27	44	25	32	44	25
Unnamed to PC	34	44	25	33	44	25
Cedar Creek	7(Basin 65)	43	24	7	43	24
Malone Creek (MC)	32	43	24	31	43	24
Verl Brook	30	43	24	31	43	24
Snake River (SR)	2	44	23	28	45	23
	17	44	23	33	43	23

Name	From Section	From Township	From Range	To Section	To Township	To Range
Unnamed to SR	26(Basin 386)	45	24	6	44	23
Unnamed to SR	23(Hwy 26)	44	23	29	44	23
Unnamed to SR	29	44	23	29	44	23
Bear Creek (BC)	3(Basin 64)	43	24	5	43	23
Unnamed to BC	33	44	24	3	43	24
Unnamed to BC	7	43	23	6	43	23
Bergman Brook (BB)	35	43	24	31	43	23
Unnamed to BB	36	43	24	36	43	24
Cowan Brook	26	43	23	34	43	23
Chelsey Brook (CB)	33	44	22	32	43	22
Unnamed to CB	5(Basin 248)	43	22	20	43	22
Pine River	24(Basin 1)	43	22	24(Basin 58-138)	43	22
Unnamed to Pine Lake	15	43	22	26(Basin 1)	43	22
Unnamed to Unnamed	27	43	22	26	43	22
Unnamed to Pine Lake	2	43	22	24(Basin 1)	43	22
Unnamed tributary	36	43	22	36	43	22
Breman Creek	14	44	22	24	44	22
Birch Creek	11	45	22	13	45	22
Split Rock River	34	46	22	36	46	22
Unnamed to Split Rock Lake	31	46	22	6(Basin 2)	45	22
Unnamed tributary	28(Hwy. 27)	46	22	33	46	22
Unnamed tributary	23	46	22	25	46	22
Dead Moose River	34	47	22	24	47	22

C. WETLANDS

The following are wetlands:

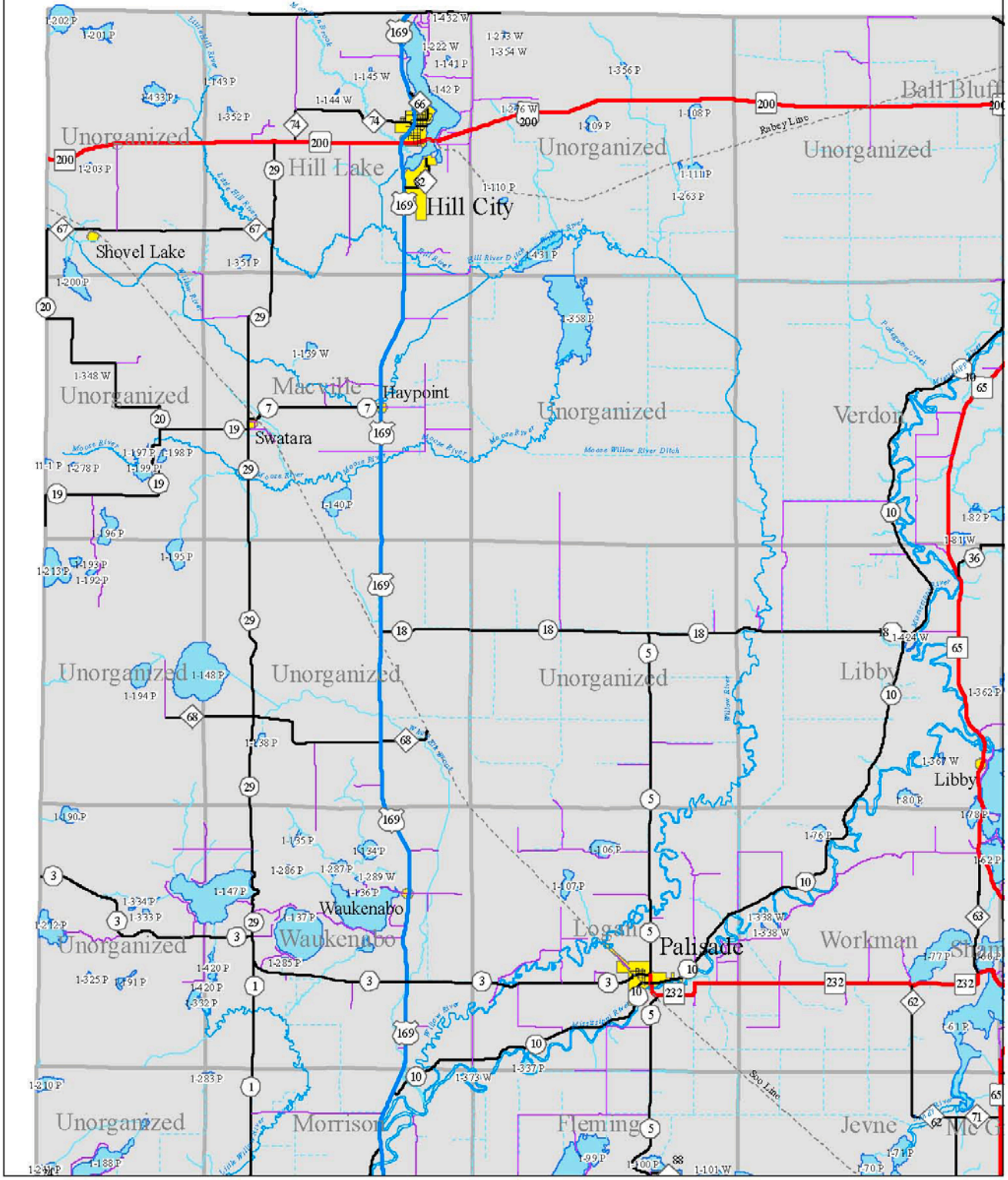
Number and Name	Section	Township	Range
1-7 : Jay Lake	22,27	48	22

Number and Name	Section	Township	Range
1-9 : Douglas Lake	23,24	48	22
1-10 : Nelson Lake	23,26	48	22
1-11 : Cranberry Lake	24	48	22
1-12 : Unnamed	13,24	48	22
1-13 : Kelly Lake	7,28	48	22
1-54 : Unnamed	32	51	23
1-75 : Ude Lake	32,33	48	24
1-81 : Oxbow Lake	35,36	51	24
1-88 : Lily Lake	3	46	25
1-94 : Johnson Lake	30	46	25
1-95 : Unnamed	34	46	25
1-101: Long Lake	13	48	25
1-103: Whispering Lake	16	48	25
1-119: Edquist Lake	7	46	26
1-127: Section 25 Lake	25	46	26
1-130: Perkins Lake	27	47	26
1-131: Johnson Lake	28	47	26
1-133: Olson Lake	32	47	26
1-139: Kangas Lake	9	51	26
1-144: Bible Lake	9,16	52	26
1-145: Chamberlin Lake	10	52	26
1-150: Little Spruce Lake	7	45	27
1-152: Cranberry Lake	8	45	27
1-154: Horseshoe Lake	9	45	27
1-155: Camp Lake	17	45	27
1-162: Lake Four	4,9	46	27
1-163: Taylor Lake	5	46	27
1-164: Christmas Lake	6	46	27
1-165: Black Shadow Lake	8	46	27
1-166: Carlson Lake	8,9	46	27
1-172: Landgren Lake	15	46	27
1-175: Dummer Lake	21,28	46	27
1-177: Anderson Lake	22	46	27
1-180: Apple Lake	33,34	46	27
1-184: Poor Farm Lake	28	47	27
1-186: Tarr Lake	34	47	27
1-205: Sanders Lake	6;1	45	27;28
1-216: Schoolhouse Lake	20,29	46	27
1-222: Unnamed	1	52	26
1-223: Camp Lake	8,17	46	27
1-224: Unnamed	7,18	46	27

Number and Name	Section	Township	Range
1-225: Unnamed	18	46	27
1-226: Brennen Lake	18	46	27
1-227: Unnamed	3	46	27
1-229: Unnamed	20	45	27
1-237: Little Ripple Lake	7,18	46	26
1-239: Unnamed	22	46	26
1-240: Haveri Lake	1	46	26
1-241: Unnamed	14	46	26
1-242: Unnamed	14	46	26
1-254: Bone Lake	24	48	22
1-255: Unnamed	36	49	23
1-261: Unnamed	19,20	51	23
1-264: Unnamed	14	48	25
1-270: Unnamed	27,28	48	24
1-273: Unnamed	6	52	25
1-276: Smith Lake	17,18	52	25
1-281: Unnamed	2	46	27
1-282: Soderman Lake	5;32	46;47	26
1-288: Baker Lake	10	49	26
1-289: East Lake	10	49	26
1-309: Unnamed	10	45	25
1-312: Unnamed	22	45	27
1-316: Sjodin Lake	27	46	26
1-319: Unnamed	22	46	27
1-321: Prescott Lake	17	46	27
1-322: Unnamed	17	46	27
1-328: Unnamed	4,5	47	26
1-329: Unnamed	6,7	47	26
1-330: Unnamed	33	47	26
1-338: Unnamed	18	49	24
1-340: Unnamed	17	49	23
1-345: Unnamed	22,27	48	22
1-347: Unnamed	22	48	22
1-348: Unnamed	15	51	27
1-354: Unnamed	6	52	25
1-359: Unnamed	20	52	23
1-360: Unnamed	29	52	23
1-366: Unnamed	22	50	23
1-367: Unnamed	26,35	50	24
1-372: Unnamed	15,22	47	27
1-373: Clark Logan (Oxbow) Lake	6;1	48	25;26

Number and Name	Section	Township	Range
1-389: Unnamed	32	45	25
1-396: Unnamed	6	45	27
1-398: Unnamed	30,31	46	27
1-399: Unnamed	5	46	27
1-401: Unnamed	23	46	26
1-403: Unnamed	21	46	25
1-407: Unnamed	4,5,8,9	47	27
1-421: Unnamed	20	49	23
1-424: Unnamed	14,15	50	24
1-432: Unnamed	1;36	52;53	26
1-434: Unnamed	30;31	50	23
*9-74 : Kettle Lake	19;24	48	21;22

*This is corrected from a previous typographic and/or cartographic error.



MN DNR Protected Waters & Wetlands

Legend
DNR Protected Water or Wetland

0 0.5 1 2 3 4 5 6 7 8 9 10 11 12 13 Miles

N W E S

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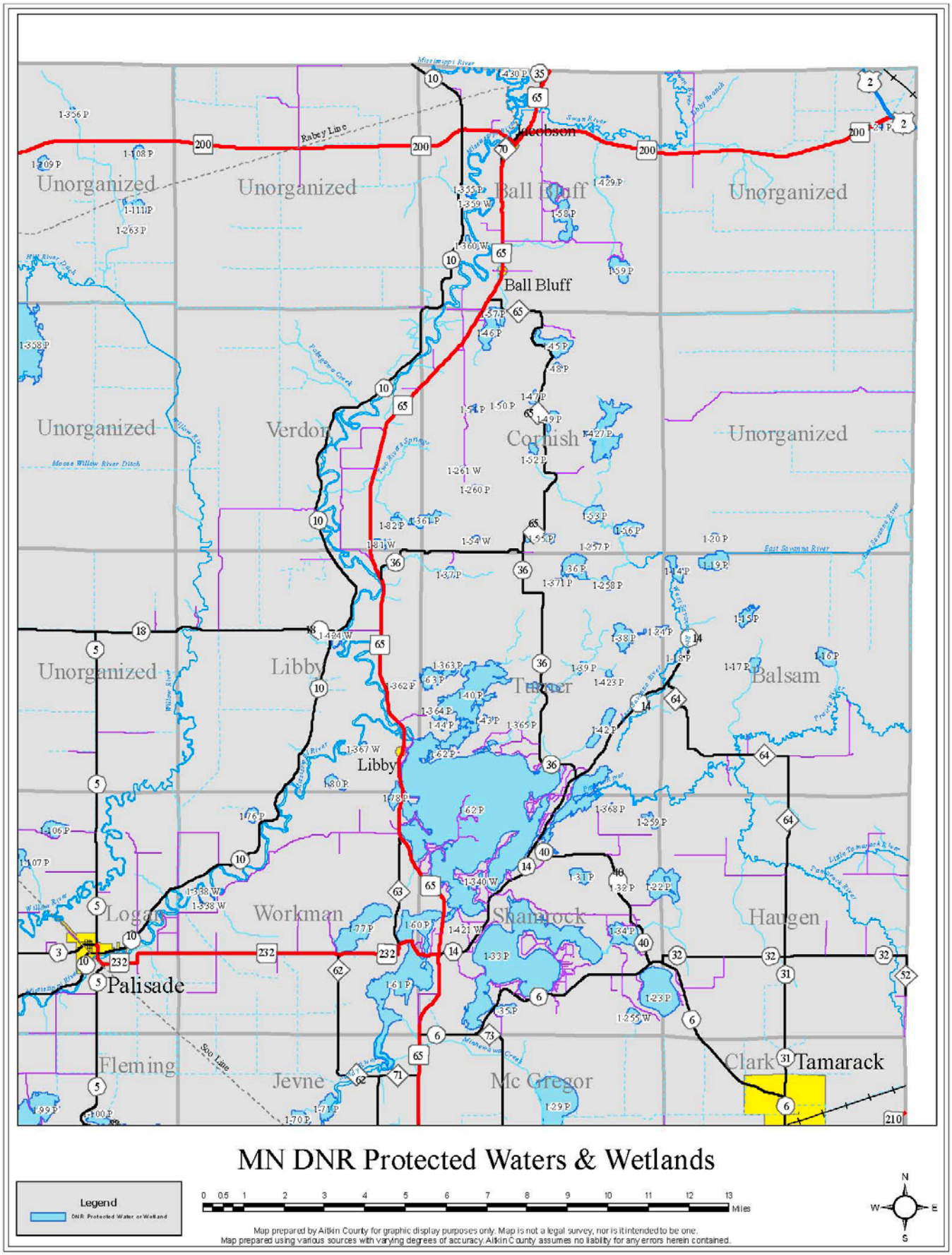
Map prepared using various sources with varying degrees of accuracy. Aitkin County assumes no liability for any errors herein contained.


MN DNR Protected Waters & Wetlands
Legend
DNR Protected Water or Wetland
0 0.5 1 2 3 4 5 6 7 8 9 10 11 12 13 Miles
Map prepared by Aitkin County for graphic display purposes only. Map is not a legal survey, nor is it intended to be one.
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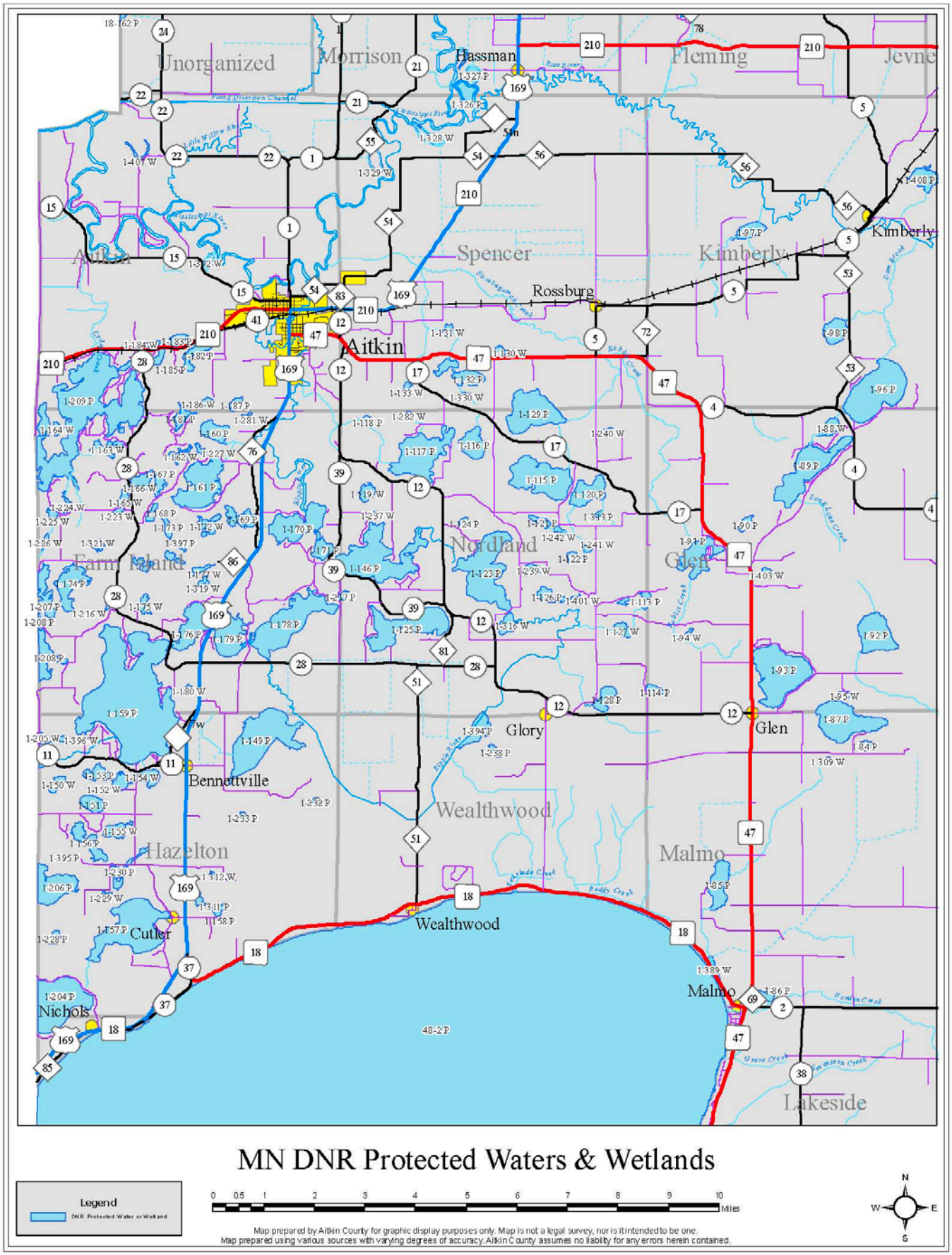
N
W
E
S
Unorganized
Unorganized
Ball Bluff
Unorganized
Ball Bluff
Unorganized
Verdon
Cornish
Unorganized
Unorganized
Libby
Turner
Balsam
Libby
Logan
Workman
Shamrock
Haugen
Palisade
Fleming
Jevne
Mc Gregor
Clark
Tamarack
Raby Line
Soo Line


MN DNR Protected Waters & Wetlands
Legend
DNR Protected Water or Wetland
0 0.5 1 2 3 4 5 6 7 8 9 10 Miles
N
W
E
S
Map prepared by Aitkin County for graphic display purposes only. Map is not a legal survey, nor is it intended to be one.
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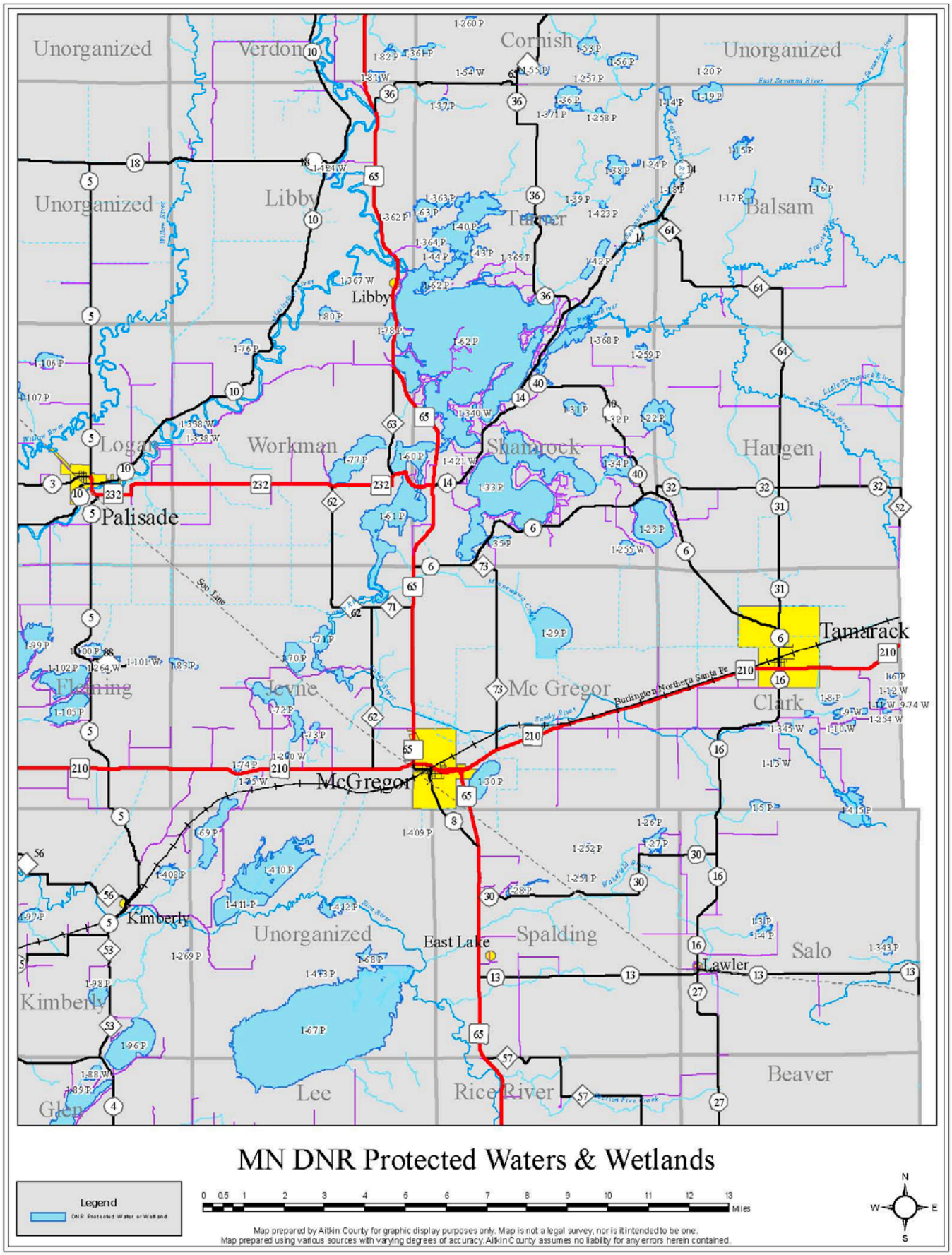
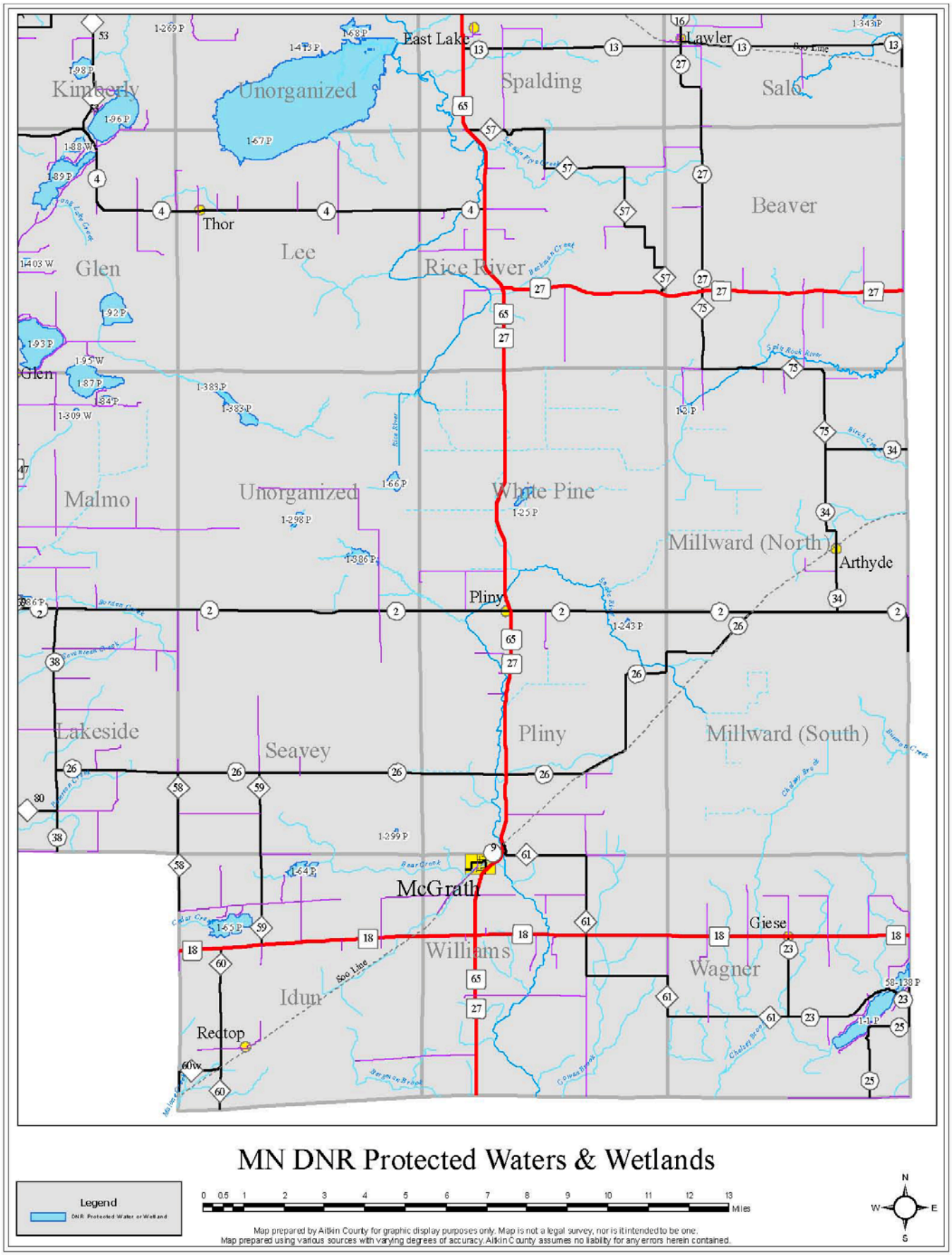
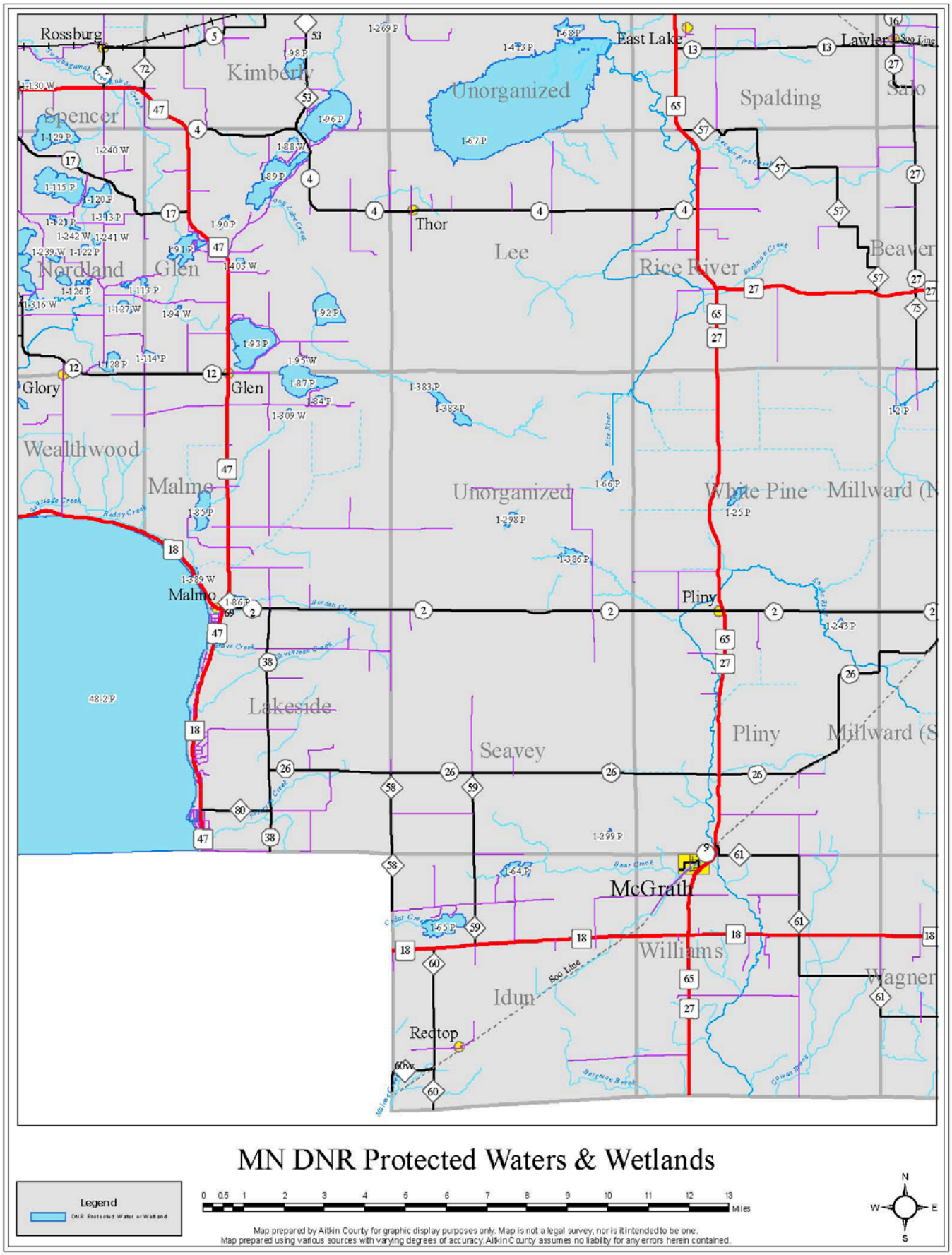
Unorganized
Morrison
Hassman
Fleming
Jevne
Aitkin
Spencer
Kimberly
Rossburg
Farm Island
Nordland
Glen
Glory
Bennettville
Wealthwood
Hazelton
Malmo
Cutler
Nichols
Lakeside



MN DNR Protected Waters & Wetlands


MN DNR Protected Waters & Wetlands
Legend
DNR Protected Water or Wetland
0 0.5 1 2 3 4 5 6 7 8 9 10 11 12 13 Miles
Map prepared by Aitkin County for graphic display purposes only. Map is not a legal survey, nor is it intended to be one.
Map prepared using various sources with varying degrees of accuracy. Aitkin County assumes no liability for any errors herein contained.
N
W
E
S
East Lake
Lawler
Kimberly
Unorganized
Spalding
Salo
Beaver
Thor
Lee
Glen
Rice River
Malmo
Unorganized
White Pine
Millward (North)
Arthyde
Pliny
Lakeside
Seavey
Pliny
Millward (South)
McGrath
Giese
Williams
Wagner
Idun
Rectop
Soo Line


MN DNR Protected Waters & Wetlands
Legend
DNR Protected Water or Wetland
0 0.5 1 2 3 4 5 6 7 8 9 10 11 12 13 Miles
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Map prepared using various sources with varying degrees of accuracy. Aitkin County assumes no liability for any errors herein contained.
N
W
E
S
Rossburg
Kimberly
Unorganized
East Lake
Lawler
Spalding
Spencer
Thor
Lee
Rice River
Beaver
Nordland
Glen
Glory
Wealthwood
Malmo
Unorganized
White Pine
Millward (N
Pliny
Lakeside
Seavey
Pliny
Millward (S
McGrath
Williams
Wagner
Idun
Redtop
Soo Line