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Part I.

Administration and Authority

A. WHO is the Mississippi Headwaters Board (MHB)?

The **MHB** is an eight-county (Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, and Morrison) joint-powers board united in 1980, with the signing of the Joint Powers Agreement (Appendix 1). It was duly authorized by the Minnesota legislature in 1981 to preserve and protect the outstanding and unique natural, scientific, historical, recreational, and cultural values of the first 400 miles of the Mississippi River. (MN Stat. 103F.361. Subd. (1) and (2). MN Stat. 103F.361-377, Appendix 2).

Organization and Structure

The members of the MHB consist of eight county commissioners, one from each county, and are governed by the MHB By-laws. The MHB Advisory Committee (MHAC) consists of members appointed by Counties, at large by the Board, and other entities such as cities or townships, that have adopted or share the MHB values for the Mississippi River. MHAC members may also be from technical groups such as planning and zoning, forestry, land commissions, Minnesota Department of Natural Resources (MNDNR), Pollution Control Agency (PCA), US Army Corps of Engineers (ACOE) and other agencies including tribal partners. Administration of the standards of the MHB lies chiefly with the member counties. The functions of the MHB are governed by the By-laws. The MHB provides opportunities for member counties to review and comment on administration and enforcement of MHB ordinance at public meetings. The MHB relies on its Advisory Committee to review and advise on the administration and enforcement of its land use regulations.

Purpose

Minnesota Statute 103F.367 states “ The Mississippi Headwaters Board established by the eight (8) counties pursuant to Section 471.59 is established as a permanent board with authority to prepare, adopt and implement a comprehensive land use plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties.” (MN Stat. 103F.361. Subd. (1) and (2)). (MN Stat 103F.361 –377) The MHB informs the public about river protection and Best Management Practices (BMPs) for property owners concerning shoreline development.

B. WHAT does the MHB do?

The Mission

The (MHB) mission is to enhance and protect outstanding and unique natural, scientific, historical, recreational, and cultural values in the first 400 miles of the Mississippi River from its source at Lake Itasca in Clearwater County to the southerly boundary of Morrison County, Minnesota. (Pursuant to Minnesota law, (MN Stat. 103F.361 –103F.377, the joint powers agreement, and cooperation with other entities).

Powers

The Minnesota Legislature has empowered the counties to protect streams and lakes through regulation of land use above the Ordinary High Water Mark (OHWM). Some activities below the OHWM are permitted by other agencies, with review by MHB to promote consistent administration of standards. In the Mississippi Headwaters corridor, the Comprehensive Land Use Plan (Plan) represents the “common administration ” (MN Stat 103F.369Subd. 3) of “minimum standards”(Subd. 2) for protection of the river by the counties, (Subd.4) townships, and/or annexing municipality, or governmental unit adopting the standards (MN Stat. 103F.371). Where the Plan is more restrictive than the Local Government Unit (LGU) standard, the MHB standards are the governing standard. More restrictive tribal, or LGU standards take precedence over the Mississippi Headwaters standards

Certification and Review Authority: MHB certifies or disapproves variances, plats, and the adoption or amendment of ordinances. Specifically, the MHB, as necessary, ensures that the plan is not nullified by unjustified exceptions. MHB shall review and provide comment on land use actions prior to the local public hearings.

MHB provides administrative review and comments on conditional use permit requests prior to the local public hearing. MHB provides administrative review of Unified Site Plans (USPs) and Forestry Plans. MHB implements the Plan as referenced throughout the statute as stated in MN Statutes 103F.361 to 103F.377. MHB encourages and promotes consistent and effective protection of the scientific, natural, cultural, historic, and recreational values of the Mississippi River.

C. WHEN Did the MHB Go into Effect?

MHB History

The MHB was begun in 1980, as the result of a grass roots effort by the Counties as an alternative to federal control of the Mississippi River corridor. Had the Mississippi Headwaters been included in the National Wild and Scenic Rivers System (it remains eligible), the National Park Service would have been the administering agency with authority to condemn private lands and purchase at a specific market value.

The result is one of the most unique pieces of Minnesota legislative history and one of the first joint zoning authorities in northern Minnesota. MHB serves as a model for other joint power boards. As it stands today, the Mississippi Headwaters is under the control of **locally elected officials**, with administration through county government. With zoning authority provided by the Minnesota State Legislature, the joint powers agreement of the eight counties surrounding the River, the MHB implemented the 1981 Management Plan. The Plan was updated in 1984, 1992 and now in 2001. A comprehensive history of the authority of the MHB from 1981 to 2000 is maintained in the MHB office or may be viewed on the website at <www.mississippiheadwaters.org>.

Requirements of the National Park Service

The National Park Service agreed in November 1980 to hold in abeyance its conceptual master plan for designation of the Mississippi Headwaters into the National Wild and Scenic River system. However, the federal government recommended that the MHB achieve the following goals to "head off potential problems in its plans for the river."

- “1. The Mississippi Headwaters Board should "initiate and maintain cooperative agreements with the United States Forest Service, the State of Minnesota and the Leech Lake Indian Reservation to address the concerns and management roles of the Board, its member counties and these agencies in implementation of the plan. The Board may enter into cooperative agreements with such other entities as it may deem necessary for implementation of the plan;”
- “2. The Mississippi Headwaters Management Plan should be established as the standard of the Mississippi Headwaters Board and the eight member counties by the Minnesota Legislature;
- “3. The Mississippi Headwaters Board should establish a flexible land acquisition program that would identify those vulnerable shorelands requiring more protection than zoning; provide an acquisition schedule that sets priority for the shorelands by their vulnerability and availability for sale; recognize that availability for sale may change over time and allow revision of acquisition priority; and explore the many avenues of willing acquisition for the landowner's education including land exchange, donation, easements, etc;
- “4. The Mississippi Headwaters Management Plan should provide a strong and consistent zoning ordinance, including standards for conditional use permits, for consistent management of land use rules and equal treatment of landowners;
- “5. The Mississippi Headwaters Board should address management of recreation activity including management of recreation between developed facilities; management of litter and trespass problems; responsibility in the event of incidents or accidents; and control of careless recreational activity; and
- “6. The Mississippi Headwaters Board should establish long-term secure funding for operations and achievement of management goals and objectives.”

The **major points of difference** between the MHB's 1980 Plan and the proposals for management of the Upper Mississippi by the National Park Service are that the MHB Plan:

1. Did not propose any new federal authority or role.
2. Relied primarily on local zoning authority and use of existing public lands and authorities to protect the river rather than relying on significant new purchases of land or interests in land.
3. Where some new purchases are recommended to provide new recreation sites or shoreland protection, it would be solely on a willing seller basis, rather than the possible use of condemnation to acquire lands or interests

in lands, under the terms and conditions prescribed in the National Wild and Scenic Rivers Act.

- 4 Recommended the continuance and enhancement of the full range of recreational pursuits

D. WHERE is the MHB Corridor?

Jurisdiction

The MHB jurisdiction applies to the unincorporated areas of the Counties lying along the Mississippi River and Headwaters Lakes. The MHB Corridor consists of 3 designations as **Scenic River**, **Wild River** and nine (9) Mississippi **Headwaters Lakes** through which the Mississippi River flows -- Carr, Irving, Bemidji, Stump (impoundment), Wolf, Andrusia, Cass, Winnibigoshish, and Little Winnibigoshish. For delineation of Corridor boundaries see the Official Zoning Maps at Appendix 3.

Leech Lake Band of Ojibwe

MHB jurisdiction does not alter or expand the zoning jurisdiction of the counties within the boundaries of the Leech Lake Indian Reservation. The plan and county ordinances adopted pursuant to Section 103F. 369 Subd. 4 apply only to area within the zoning jurisdiction of the counties as provide by law in effect prior to May 30, 1981.

E. WHY is the MHB's Ongoing Work Important?

Common Administration

The counties are the fundamental unit of Corridor protection for the MHB. The MHB unites the eight counties through a set of consistent standards and management objectives providing common administration through the first 400 miles of the longest river in North America. In so doing, people who live along the Corridor have access to local officials and are easily able to participate in the processes and voice concerns about the decisions that affect the Corridor, where they work, live and recreate. Minnesotans have provided a unified voice for sustainable land uses in the MHB corridor. Minnesota Senator Bob Lessard maintains that local people are the true environmentalists with their deep appreciation and understanding of the Corridor. "Local officials protect and enhance the Corridor better, cheaper and with more first hand knowledge than the federal government can do it."

It has been shown throughout MHB history that the Corridor is effectively protected and enhanced for future generations by local levels of government that choose to unite in a joint powers format and work toward common goals. MHB is built on the premise that local government provides this service more effectively and less expensively than higher levels of government. Primarily MHB protects and enhances the Mississippi River, corridor lakes and associated aquifer water quality through land use stewardship. Public health, safety, and welfare are protected through zoning authority for an expanding population of Minnesota in the Upper Mississippi River Basin.

F. HOW does the MHB Perform the Task?

Management Tools

1. Zoning authority to regulate land use was set forth in this plan establishing allowable uses and development. The plan was written and approved by the MHB and adopted by the eight member counties and the 1981 Minnesota Legislature. The original statute also established the authority for the MHB to review and certify certain decisions of the counties. Increased pressure for development and modern technology has been the impetus behind Plan updates. A corridor of generally 500 feet (Scenic River) or 1,000 feet (Wild River and Headwaters Lakes) on either side of the river or lake was established.
2. The Zoning Authority provides administration and enforcement of the land use standards outlined in this Plan. The MHB has certification authority over specific county decisions as outlined in MN Stat. 103F.361-377. The MHB provides review and comment on other land use decisions. (See Part III, Section V)
3. Coordinate and facilitate management of the river corridor through administering the standards and Plan Objectives.
4. Provide Education to stakeholders about the standards and the function of the MHB for monitoring and public health safety and welfare of the River.
5. The Cooperative Agreements sets forth standards and guidelines for activities on lands associated with the river corridor. The goals and objectives of the plan are achieved through cooperative agreements with the Leech Lake Band of Ojibwe, the Minnesota Department of Natural Resources and the United States Forest Service-Chippewa National Forest and the U.S Army Corps of Engineers. The following is a comprehensive list of past, present and future MHB partners and supporters, not to be considered exclusive:

Mississippi Headwaters Board Partners

<u>Cooperative Agreements/Partnerships</u>	<u>Funding</u>	<u>Inkind</u>	<u>Program</u>
Federal			
Environmental Protection Agency	X		X
US Army Corps of Engineers*		X	X
USFS Chippewa National Forest*	X	X	X
Department of Transportation			X
National Park Service			X
State			
Board of Water and Soil Resources	X	X	X
Department of Natural Resources*	X	X	X
Environmental Quality Council (EQB)	X	X	X
Governor's Water Plan 2000		X	X
Itasca State Park		X	X
Legislative Commission on MN Resources	X	X	X
Minnesota Historical Society	X	X	X

MHB Partners, continued.

<u>Cooperative Agreements/Partnerships</u>	<u>Funding</u>	<u>Inkind</u>	<u>Program</u>
Minnesota State Archeology	X	X	X
MN Department of Health	X	X	X
MN Department of Transportation	X		
Office of Environmental Assistance		X	X
Pollution Control Agency*	X	X	X
County			
County Commissioners	X	X	X
Planning and Zoning Offices		X	X
County Highway Departments		X	X
County Historical Societies		X	X
Land Commissioners		X	X
Soil and Water Conservation Districts	X	X	X
Local Water Planning Task Force	X	X	X
Sentence to Serve			X
Regional			
American Heritage River Initiative	X	X	X
Leech Lake Band of Ojibwe*			
Heritage Center		X	X
Dept. of Resource Management	X	X	X
Mille Lacs Band of Ojibwe		X	X
River Defense Network		X	X
Mississippi River Parkway Commission		X	X
Mississippi River Basin Alliance		X	X
River Watch Network		X	X
River Network		X	X
Other Local Governments			
City of Cass Lake		X	X
City of Little Falls		X	X
City of Palisade		X	X
Bemidji Township		X	X
Northern Township		X	X
Ten Lake Township		X	X
Schools		X	X
Organizations			
Big Sandy Lake Assoc.		X	X
Economic Regional Groups		X	X
Great River/Great People		X	X
Lake Bemidji Watershed Project		X	X
Minnesota Power	X	X	X
Mississippi Headwaters Canoe Club		X	X
Ottertail Power		X	X
Pokegama Lake Assoc.		X	X
Tri-County Leech Lake Assoc.		X	X
Whitefish Area Property Owners Assoc.	X	X	X
Retired Senior Volunteer Program (RSVP)		X	

MHB Partners, continued.

<u>Cooperative Agreements/Partnerships</u>	<u>Funding</u>	<u>Inkind</u>	<u>Program</u>
Visitors Bureaus and Chambers of Commerce		X	X
Star Island Protective League		X	X
Foundations			
Blandin Foundation	X		
McKnight Foundation	X		
Initiative Foundations	X		

Key: Funding - Funding for MHB programs and activities
 In- Kind - Manpower, Services and Supplies
 Program – Participate(d) in program operations and activities
 *Cooperative Agreements -entered into agreement

6. Funding: Initial cash funding for the MHB was provided in 1981, by the Legislative Commission on Minnesota Resources (LCMR) and the member counties. Many changes have occurred in funding over the years. Currently, the MHB receives a biennial appropriation of \$170,000 administered by the MDNR Bureau of Planning. Each County contributed \$2,500 per year in cash during FY 1999-2001. Total county inkind contributions usually exceed \$1,000,000 annually. The majority of county contributions are in-kind and not cash contributions under the following categories: administration of land use controls, timber management activities, recreation management activities, construction and maintenance of roads, bridges and accesses in the River corridor, office administration, attorney’s fees.

Seed money for River Watch (a community based water quality monitoring and protection activity) was provided with a grant from the Charles K. Blandin Foundation in 1990 with the agreement that cost for ongoing work would be, and has been provided by local supporters since 1995. MHB seeks additional grants and funding in support of special projects that promote the MHB mission and vision as the need arises.

The MHB is organized as a joint powers board, pursuant to Minnesota Statutes, Section 471.59. As such, the board is an agency of government and is exempt from Internal Revenue tax requirements, to the extent the law allows. The MHB received a ruling from the State Attorney General's office in 1981 stating this conclusion.

The MHB records its financial activities in accordance with generally acceptable accounting standards. With the receipt of grant funds, separate accounts are established to record receipts and expenditures for those program activities. These accounts are established to ensure that funds are used only for eligible activities. Cass County serves as the fiscal agent and is the host County. MHB is audited by the State Auditor on a biennial basis

Fees: Local permit fees and inspection fees may be established by resolution of the County. Fees shall be collected by the Zoning authority for deposit with the County Treasurer and credited to the appropriate fund.

7. An inventory of river resources developed and adopted by the MHB shall be reviewed, revised and presented to the Minnesota Legislature as needed. This inventory is available as the MHB Guidebook, Mississippi Headwaters River Trails maps, and River Watch data, which inventory natural, cultural, scenic, scientific and recreational sites on the Mississippi Headwaters. The information contains an assessment of the river's health and risks to the Corridor.
8. Land Exchanges and acquisitions are management policies that may be used to provide for the retention and improvement of existing lands along the river for fish and wildlife habitat and recreational use. MN Stat. 103F.369 Subd. 2 states, "...state or county lands within the boundaries established in the Plan may not be offered for sale or public lease..." As an alternative to public land acquisition, this Plan calls for the consolidation of public ownership along the river through land exchanges and conservation connections. Administration of the management policies is through the counties, land commissioners and the MHB. Procedures are established in the Plan for the State of Minnesota to notify and advise compliance of governmental activities in the river corridor with the Mississippi Headwaters "Comprehensive Land Use Plan" (MN Stat 103F. 365 Subd. 4).
9. MHB Policies are approved or rescinded by the Board. Policies may provide direction to staff in administrative decision-making and general office operations. Policies may simply reflect the best available information or technology of the day. Policies are available upon request from the MHB office.

The Role of Local Government Units

Counties

The eight member counties comprise the MHB. Each County appoints an elected County Commissioner to the MHB. Each County also appoints citizen and technical members to the Advisory Committee. Each county is represented by its duly elected Commissioner and appointed Advisory Committee members. The adoption and enforcement of the Plan is carried out through the individual counties. "The Counties shall adopt land use ordinances consistent with the Plan" according to MN Stat. 103F.369 Subd. 4.

Municipalities

Incorporated cities were not included in the original MHB Plan or jurisdiction. When cities annex lands within the MHB corridor, they must adopt the MHB standards for the annexed lands. Minnesota Statutes 103F.375, Subd.1. (1) and (2) requires a moratorium on all platting, building permits, construction, grading and filling, and vegetative cutting until land use regulations that are at least as stringent as the MHB standards are adopted by the annexing government unit which "comply with the provisions of (this) plan". The resulting regulations shall be certified for consistency with the Plan. Upon adoption of the MHB standards, and MHB certification of the applicable rules under the process outlined in MN Stat 103F.373 Subd.1, 2, & 3, the moratorium may be lifted. Cities presently setting precedent for other municipalities include Palisade, Cass Lake, and Little Falls.

Townships

A limited number of townships along the Corridor administer their own zoning ordinances according to MN Stat. 394.33 Subd. 1. Townships that have adopted the MHB standards in their ordinances include Bemidji, Northern, and Ten Lake Townships of Beltrami County. The county is required to comply with the MHB Comprehensive Plan. Townships, being part of the counties, must in accordance with MN Rules 6120.3900, adopt shoreland management controls consistent with county controls and thus MHB standards. Townships must cover the full range of shoreland management provisions that are covered by the county controls.

“All local and special units, councils, commissions, boards and districts and all state agencies and departments must exercise their powers so as to further the purposes of MN Stat. 103F.361 to 103F. 377. Land owned by the state, its agencies and political subdivisions shall be administered in accordance with the plan.”(MN Stat 103F.371)

Part II.

Management Objectives

II. Management Objectives

The MHB endorsed goals to implement the Plan. They are to complement existing water protection efforts in the Upper Mississippi River watershed; to provide a format for partnerships working together for the common good and toward common goals; to encourage stewardship in practices affecting water quality; to provide opportunities for education to diverse peoples and increased information regarding the protection and enhancement of the five MHB values.

A. Vision Statement

MHB strives to protect and enhance the outstanding values of the Mississippi Headwaters to provide an area of clean water, healthy environment, and sustainable communities, which are balanced by economic, environmental and social factors.

B. The Significance of Protecting the Mississippi River

The significance of hydrogeological interchange between ground water and surface water has been recognized by the Environmental Protection Agency (EPA) and the Minn. Department of Health (MDH) in the Source Water Protection (SWP) Program. More information is needed to adequately address how one influences the other. The significance of this interchange is that wellhead protection which is primarily a ground water source, and surface water are part of the same system in a watershed. The result is that the welfare of the Upper Mississippi Watershed has the potential to influence rural and urban public health in public and domestic wells. Communities along the Mississippi River corridor including down-gradient urban drinking water sources in St. Cloud, Minneapolis, and St. Paul are dependent on the quality of water maintained in the Headwaters area for their drinking water. These cities are major population centers for the state of Minnesota. As a result, the significance of protecting and enhancing the upper Mississippi River impacts health and safety of more than 25-33% of the State's population.

One of the goals of this plan is to support the eight MHB counties' local water planning efforts by achieving adoption of the minimum standards by each county. The contents of this section of the Plan, is the result of input from numerous public meetings, MHB meetings, discussions, and actions; the MHB, MHAC and subcommittees; letters, e-mails and phone calls from private citizens; legislative and legal advisors; as well as River Watch students and teachers.

C. Objectives and Implementation Methods

Each of these objectives is intended to fulfill one or more of the five values in MHB's mission statement and/or statutory authority. Objectives and action items are not limited to those listed and are not in any priority of order. The interactive and interdependent nature of the values becomes apparent as the Vision is implemented through various projects.

C.1. To Protect and Enhance the Scientific Values

Objective:

Encourage use of up-to-date technologies for gathering and analyzing data in studies and research to support the local decision making process.

Implementation Methods:

1. Promote water quality testing by maintaining the River Watch Program and extending this program to as many schools and subwatersheds as possible throughout the MHB counties using reliable data generation that addresses consistent water monitoring protocols, while providing a multidisciplinary and interactive program.
2. Promote analysis of Water Quality Data to identify and prioritize water quality issues.
 - ◆ Correlate water monitoring with subwatersheds and encourage subwatershed monitoring plans.
 - ◆ Encourage studies and projects that compare changes in water quality with changes in property values and economic use of the area.
3. Provide distribution of data and results by reporting on River Watch data
4. Promote water protection by recognizing the hydrogeologic interconnections between surface water and groundwater, and/or whatever revelation the best available technology may bring that would promote the mission, vision, or direction of the Mississippi Headwaters Board.
5. Promote study of the cumulative effects of septic systems and encourage the establishment of public service districts/clusters in appropriate areas
6. Promote the use of best available technologies to provide shoreline erosion analysis and bluff protection
7. Promote the Governor's Water Plan 2000, coordinated through the EQB (Environmental Quality Board), and specific River Watch goals by implementation of local water plans.
8. Facilitate the interpretation of existing information through trend development and studies similar to the 1998 study in Maine, which interprets the value of land based on water quality and other natural amenities.
9. Support the locally developed goals and objectives of the eight MHB county water planning efforts. MHB is committed to advising the counties in updating and amending the water plans.
10. Inform and educate to support above issues and projects

C.2. To Protect and Enhance the Natural Values

Objective:

Gather and provide information and data to promote the protection of habitat areas, the use of Forestry Goals, and the preservation of existing natural values.

Implementation:

1. Promote development of a comprehensive fish survey of the River to determine water quality and recreation impacts.

2. Utilize and update MHB's Erosion Study to identify and restore problem areas.
3. Identify point and non-point sources of stormwater runoff that may pollute the River.
4. Water Levels/ Flows
 - ◆ Partner and coordinate data collection and information inventories with the Army Corps of Engineers (ACOE) Reconnaissance Study-Reservoir operation to promote a systematic approach to dam and water level management.
 - ◆ Improve public information on water levels through maintenance of the Rossman Water Book.
5. Identify and promote protection of critical habitat for flora and fauna, on public and private lands, minimizing duplicative efforts
6. Identify point and non-point sources of agricultural impacts that may pollute the river.
7. Work with agencies such as USFS, MNDNR, County Land Departments, SWCDs and Forest Industry to promote sustainable forestry practices to meet forestry goals.
8. Maintain a significant role in working with PCA and DNR to promote responsible and far-sighted Basin Planning for the Mississippi River and its tributaries.
9. Develop and use wetland modeling, upland models, plume modeling, computer modeling, land use mapping.
10. Inform and educate to support above issues and projects

C.3. To Protect and Enhance the Historic Values

Objective:

Preserve the historical values by maintaining historic and prehistoric data and information of the watershed/ basin area.

Implementation:

1. Promote the gathering of historic and prehistoric information
 - ◆ Oral History, "Voices of the River, Tributaries from Our Past" will facilitate the ongoing collection, publication, and dispersion of History, archeology and or culture of the Mississippi River, through collaboration with County Historical Societies, Leech Lake Heritage Center, archaeological organizations and others.
2. Promote the establishment and use of Best Available Technologies to collect, store, and disseminate historical information.
3. Increase community awareness of the value and importance of the MHB's cultural resources.
4. Preserve the history and values on which the MHB is based.
5. Encourage preservation of historic maps, photographs, and documents
6. Encourage integration of historic preservation of all levels of planning to promote consideration of cultural resources in decision-making processes.
7. Expand and strengthen the network of organizations and individuals engaged in historic preservation throughout the Mississippi Headwaters region.
8. Maximize efforts to identify and designate significant historic resources.
9. Inform and educate to support above issues and projects

C.4. To Protect and Enhance Cultural Values

Objective(s):

Promote sustainable cultural uses of the river through land use regulation, cooperation and coordination, education and recognition programs.

Maintain environmental justice, fairness and equal treatment for all people.

Implementation:

1. Promote the use of BMPs and compliance with Land Use Regulations
 - ◆ Promote a Realtor Certification Program
 - ◆ Provide Recognition Programs
2. Encourage citizen involvement in MHB and River Watch
 - ◆ Maintain a strong volunteer network
 - ◆ Promote sustainable agricultural practices for pasture and feedlots.
 - ◆ Enhance public awareness of MHB and its goals
 - ◆ Promote the clean-up of the Mississippi River through removal of trash, debris, and other hazards to navigation that is suitable to the area.
 - ◆ Encourage development and use of BMPs for addressing light and noise pollution.
3. Maintain and enforce the MHB's Comprehensive Land Use Plan and Minimum Standards
 - ◆ Promote smart growth in the Corridor through proper placement of major utilities and development in or near areas that are most suitable for development.
 - ◆ Prevent the disturbance of wetlands when possible. Maintain a protective wetland replacement ratio when disturbance of wetlands is necessary. Maintain wetland replacement within the MHB corridor when possible but at least within the Mississippi River watershed.
 - ◆ Public land ownership in the River Corridor should be retained. Promote land exchanges to minimize development impacts on public land by consolidation of public holdings along the river.
 - ◆ Continue to review nonrecreational leases of public lands within the river corridor.
 - ◆ Acquisition is an option for those lands requiring greater protection than zoning provides.
 - ◆ Promote the establishment and use of Best Available Technologies to collect, store and disseminate information.
4. Promote a strong network and partnerships with state, federal and local agencies and organizations and with the Leech Lake Band of Ojibwe and tribal members.
 - ◆ Establish and maintain letters of agreement with cities and townships along the Corridor. Be more active in our collaboration and support of townships with similar goals
 - ◆ Promote the adoption of MHB standards or equivalent protection in cities and townships along the Corridor through annexation, education, or other collaborative means.
 - ◆ Support and partner with other entities, in the River Defense Network (RDN) and/or similar activities that conduct advance planning for the prevention of emergencies.

- ◆ Work toward the advancement of consistent administration of standards for Source Water Protection and the Safe Drinking Water Act as it relates to Health, Safety, and public welfare and as provide under the responsibility of zoning.
 - ◆ Encourage partnerships with the southern portion of the Mississippi River (south of the southern boundary of Morrison County).
 - ◆ Help coordinate planning across political boundaries to keep the River free of pollutants.
 - ◆ Correlate monitoring programs and information through Basin Planning.
5. Inform and educate to support above issues and projects

C.5. To Protect and Enhance Recreational Values

Objective:

Promote sustainable, non-detrimental recreation opportunities and use

Implementation:

1. Promote wise use and continued enhancement of the Mississippi Headwaters River Trail
2. Support sustainable recreational events
3. Encourage the use of Conservation Easements
4. Promote improvements to the Great River Road
5. Continue participation in the Mississippi River Parkway Commission and other organizations seeking to fulfill the objectives of the Great River Road Development Study. (See <www.dot.state.mn.us> go to publications.)
6. Promote sustainable and suitable upgrades of resorts and campgrounds.
7. Inform and educate to support above issues and projects

C.6. Administrative Directives

Objective(s):

Provide efficient and cost-effective support for the MHB while maintaining a good working environment for staff, MHB and MHAC members, and volunteers.

Implementation:

1. Maintain and improve ongoing support of the Board activities in fulfillment of MN Statutes.
2. Amend the Comprehensive Land Use Plan as needed so that the cost of a major revision every 5 years is more easily absorbed in the budget.
3. Streamline office efficiency, paperwork processing, and time in serving the needs of the counties and applicants.
4. Maintain adequate office space and adequate staffing/ workspace for MHB, MHAC, and volunteers.
5. Maintain financial stability, which may include use of a fee structure for the purpose of covering basic operating costs, and other routine operational expenses.
6. Maintain a strong voice in the legislature.
7. Be sensitive and responsive to concerns of constituents.

Part III.

Mississippi Headwaters Standards for Land Use

III. Mississippi Headwaters Standards for Land Use

Section A – Introduction

The Minnesota Legislature has empowered the Mississippi Headwaters Board (MHB) to protect the Mississippi Headwaters Corridor through regulation of land use above the Ordinary High Water Mark. Some activities on the shoreland are permitted by the MnDNR and other agencies, with review by the MHB to promote consistent administration of minimum standards. In the Mississippi Headwaters Corridor, this Plan represents the “common administration” (MN Stat. 103F.369 Subd. 3) of “minimum standards” (Subd.2) for protection of the River by the counties, (Subd. 4) townships, and/or annexing municipality, or governmental unit adopting the standards (MN Stat. 103F.371).

Section B - Definitions, Abbreviations, and Acronyms

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

For the purpose of this Plan, certain words and terms are herein defined as in the Glossary located at the end of this document.

Section C - General Provisions

C.1. Jurisdiction

- a. **Jurisdictional Area.** The jurisdiction of this Plan shall include all lands, islands and waters in the Mississippi Corridor within the jurisdiction of the Counties.
- b. **Municipalities.** Municipalities lying within the area of the Mississippi Headwaters Corridor are encouraged to bring the land within their respective incorporated limits under the jurisdiction of the official controls of the MHB, or, at a minimum shall develop consistent and appropriate standards to achieve the intent and purpose of this Plan.
- c. **Annexed Unincorporated Areas.** When land within the Corridor is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all subdivision platting, building permits, construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning controls and standards for that land. The zoning controls and

standards shall be consistent with the provisions of this Plan that applied to the land before the annexation. This provision does not apply to work for which lawful permits were previously issued. Pertinent local ordinances shall provide that these permits shall expire after one year if no work has begun on the permitted project. The Zoning Authority may allow an extension of the permit for up to 12 months.

- d. **Leech Lake Band of Ojibwe (LLBO).** The LLBO has jurisdiction over those lands governed by tribal trust within the Corridor. By agreement with the MHB, the LLBO will work to uphold the values and standards of the MHB Plan.

C.2. Compliance

The use of the Mississippi River shorelands, the size and shape of the lot, the type, dimensions and location of structures on the lot, the installation and maintenance of water supply and waste treatment facilities, the filling, grading, lagooning or dredging of any Mississippi River shoreland area, the cutting of shoreland vegetation, and the subdivision of lots shall all be in full compliance with the terms of this Plan, the state subdivision controls ordinance, Minnesota Rules, Parts 7080, as promulgated by the Minnesota Pollution Control Agency and Minnesota Rules, Chapter 4720, promulgated by the Minnesota Department of Health. These regulations are hereby adopted and made a part of this Plan by reference.

C.3. Abrogation and Greater Restrictions

- a. **Supersedes Other Ordinances.** The Standards of this Plan supersede all provisions that are less restrictive of any other zoning ordinances that apply to the Mississippi Headwaters Corridor.
- b. **More Restrictive Ordinances Allowed.** This Plan does not prohibit the County, LLBO, or local governments from adopting or continuing in force, by ordinance, regulations of the Mississippi River or Headwaters Lakes and their adjacent lands and islands, which are more restrictive than those required by this Plan.
- c. **Deed and Zoning Provisions.** It is not otherwise intended, nor shall it be construed by this Plan, to repeal, abrogate or impair any existing deed restrictions, covenants, or ordinances thereof other than zoning to the extent specified in the above paragraph titled “Supersedes Other Ordinances”.
- d. **Supplemental Provisions.** The County, LLBO, or local governments may adopt additional specific permit procedures or donations or other requirements for compliance so long as they are at least as restrictive, or great, than those required by this Plan.

C.4. Severability

The provisions of this Plan shall be severable, and the invalidity of any section, subsection, paragraph, subparagraph or sub-division or any other part thereof shall not make void any section, subsection, paragraph, subparagraph, or subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Plan or the application of this Plan to a particular property, building, or other structure, the judgment shall not affect any other provision of this Plan or any other property, building or structure not specifically included in the judgment.

C.5. Plan Amendments

Amendments to the Plan may be made in compliance with MN Statutes 103F.369 Subd. 2, “in any way that does not reduce minimum standards set forth in the Plan.” An annual review of the Plan is recommended to update and revise procedures, implementation, new information, or new regulations, address Best Management Practices or other elements affecting common administration of the minimum standards.

Section D - Mississippi Headwaters Corridor

D.1. General Considerations

General considerations and criteria used in establishment of the classifications and delineation of the Mississippi Headwaters Corridor are preservation of natural areas; present ownership and development of shoreland areas; shoreland soil types and characteristics; topographic characteristics; vegetative cover; water quality; recreational use of surface water; road, utility, and service center accessibility; necessity to preserve and protect natural, cultural, scientific, historic, and recreational values of the shorelands.

D.2. Corridor Defined by Map

In order to protect and manage the Mississippi River and its shoreland, the Headwaters Corridor has been classified as Wild River, Scenic River or Headwaters Lakes. The boundaries of the Corridor, as represented in the Official Zoning Maps, are generally defined as follows:

Wild River	1000 feet from OHWM
Scenic River	500 feet from OHWM
Headwaters Lakes	1000 feet from OHWM

These revised MHB maps are hereby designated as Official County Zoning Maps upon adoption of this Plan by the counties.

See Official Zoning Maps at Appendix 3 for boundary location. Confirmation of the exact location of the Corridor and its boundaries shall be made by the Zoning Authority.

Section E - Zoning Classifications

E.1. River Classifications

- a. **Wild.** The classification of "Wild" designates those areas of the river Corridor that are generally inaccessible, except by trail, and which include unique and significant natural, cultural, historic, scientific, and recreational values, and are generally considered remote. These areas represent the region's appearance before organized European settlement.
- b. **Scenic.** The classification "Scenic" designates those areas of the river Corridor with relatively undeveloped shorelines, with important natural, cultural, historic, scientific, and recreational resources. There is limited access to the river and other shorelines.
- c. **Description.** The following table classifies the Corridor by river segment. RM is the abbreviation for River Mile with Lake Itasca as the beginning point.

<u>River Segment</u>	<u>Classification</u>
Lake Itasca to RM 47	Wild
RM 47 to RM 90	Scenic
RM 90 to RM 146	Wild
RM 146 to RM 400	Scenic

- d. **Areas Excluded.** These classifications do not include incorporated areas or Headwaters Lakes. Incorporated areas are subject to zoning restrictions set by the local government unit, other County ordinances, and state and federal regulations.

E.2. Lake Classification

- a. **Headwaters Lakes.** Headwaters Lakes are comprised of the lakes Carr, Irving, Bemidji, Stump impoundment, Wolf, Andrusia, Cass, Winnibigoshish, and Little Winnibigoshish.

E.3. Areas Excluded

These classifications do not include incorporated areas or areas governed directly by the LLBO. Incorporated, non-annexed areas are subject to zoning restrictions set by the local government unit, other county ordinances, and state and federal regulations.

Section F - Construction or Structure Standards

F.1. Standards

The following table establishes the minimum standards for lot size, lot width, structure and ISTS setback, shore impact zone, and structure height for each zoning classification. The following standards apply to the Corridor:

Classification	Minimum lot size	Structure setback from OHWM	ISTS setback from OHWM	Lot Width at OHWM and at Building line	Shore Impact Zone	Structure Height
River Wild	10 acres	200 feet	150 feet	330 feet	100 feet	18 feet
River Scenic	5 acres	150 feet	125 feet	330 feet	75 feet	35 feet
Headwaters Lakes: General Development*	30,000 square feet	100 feet	75 feet	100 feet	50 feet	35 feet
Headwaters Lakes: Recreational Development*	40,000 square feet	100 feet	75 feet	150 feet	50 feet	35 feet
Headwaters Lakes: Natural Environment*	80,000 square feet	150 feet	150 feet	200 feet	75 feet	35 feet

*Unsewered / single dwelling – see MN Rules 6120-3300.

**General Development Lakes, Minnesota Rules 6120-3300 reduced lot area for only non riparian lots serviced by Public Service Districts.

Note: New Joint Powers Board:

Riparian Lots, Lakes, Bemidji & Irvine minimum lot size with Public Service District 30,000 square feet, 100' X 300'

Non-riparian lots, Lakes Bemidji & Irvine minimum lot size with Public Service District, 20,000 square feet, 100' X 200'

The MHB recognizes that other local government, state, or federal regulations may be more restrictive than the above standards in certain areas or situations. The more restrictive regulations take precedence.

F.2. Agricultural Building Height Exemption

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

F.3. Nonconforming Lots

- a) This subdivision applies to shoreland lots of record in the office of the County Recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance,

- improvement, or expansion of nonconforming uses and structures in shoreland areas according to this subdivision.
- b) A nonconforming lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - 1) All structure and septic system setback distance requirements can be met;
 - 2) A type 1 sewage treatment system consistent with Minnesota rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - 3) The impervious surface coverage does not exceed 25 percent of the lot.
 - c) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - 1) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - 2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080 and local government controls;
 - 3) Impervious surface coverage must not exceed 25 percent of each lot; and
 - 4) Development of the lot must be consistent with an adopted comprehensive plan.
 - d) A lot subject to paragraph c, not meeting the requirements of paragraph c must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
 - e) Notwithstanding paragraph c, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under a common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

F.4. Significant Cultural Sites

- a. **General Provisions**

No structure may be placed on an identified cultural site in a manner that affects the values of the site unless adequate information about the site has been recovered and documented by the Minnesota State Historical Society (MHS).
- b. **Notification and Review for Presence of Cultural Sites.**

All zoning actions submitted to Mississippi Headwaters Board for review and certification must be evaluated for the presence of cultural sites. Notice will be

made to the MHS regarding pending development, subdivisions or plats. The information will be used to address the cultural aspect of the certification process by the MHB. A development plan and training for site workers to identify previously unidentified cultural indicators may be recommended.

c. **Unplatted Cemeteries.**

No structure shall be placed nearer than 50 feet from the boundary of an unplatted cemetery or of a significant cultural site protected by the MHS.

F.5. Bluff Impact Zone

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

F.6. High Water Elevations

Where state-approved, local flood plain management controls exist, structures must be placed at an elevation consistent with the controls. Where these controls do not exist, the lowest floor, including basement, shall not be placed at an elevation lower than three feet above by the ordinary high water mark (OHWM).

In order to preserve floodplain areas, applicants should be advised that according to flood plain maps, the site in question may be within the 100-year, or 500-year, flood plain. Where flood elevations have not been delineated, this statement is to serve as a notice of suitability to the applicant by MHB to consider susceptibility of flooding and the resulting limitations for development which may be harmful to health, safety, welfare, or economic values of future residents of the proposed development. The natural state of each lot or subdivision should be suitable for a proposed use with only minimal alteration. For suitability analysis, see Section III-T.

F.7. Steep Slopes

Before issuing a permit for construction of sewage treatment system, road, driveways, structures or other improvements on steep slopes, the slope must be evaluated for possible soil erosion impacts and development visibility from public waters. If necessary, the permitting authority must impose conditions to prevent erosion, preserve existing vegetative screening of structures assuming summer, leaf-on vegetation. No excavation may be made between the building line and the water.

F.8. Stairways, Lifts and Landings

- a. **Construction Requirements.** 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.
- b. **Visibility Minimized.** Stairways, lifts and landings must be located to minimize visibility from the public water, assuming summer, leaf-on, conditions.
- c. **Handicap Accesses.** Facilities to provide access to shore areas for physically handicapped persons are allowed, provided the dimensional and performance standards of this section are met.

F.9. Decks

Decks not meeting the minimum structure setback requirements may be added to structures existing on July 1, 1981, provided the following criteria are met:

- a. The deck encroachment toward the ordinary high water mark does not exceed 15 percent of the existing shoreline setback from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
- b. The deck is not roofed or screened.

Section G - Unified Site Plan

G.1. Purpose

A Unified Site Plan (USP) shall be prepared for all variance applications, plats, and rezoning of particular tracts. The Zoning Authority may, at its discretion, require a USP for other permitted activities. The USP must be approved by the Zoning Authority or its

designee. MHB will review and provide comment on the USP to the Zoning Authority.

The MHB recognizes the ability of the Zoning Authority to prudently and properly issue permits for the construction of structures, individual sewage treatment systems, and other lot improvements.

G.2. Standards

The standards of the Unified Site Plan are:

- a. Retain or recreate original hydrologic conditions by minimizing use of pavements and impervious surfaces and retaining original runoff volume and velocities.
- b. Confine development and construction activities to the least critical areas by avoiding critical areas such as long, steep slopes, erodible soils, and fragile vegetation.
- c. Fit development to terrain.
- d. Preserve and utilize the natural drainage system.
- e. Establish and/or maintain at least a 10-foot vegetative buffer zone at the water's edge.
- f. Utilize natural vegetation landscaping.
- g. The applicant shall provide evidence of compliance with all Federal, State and local permits or requirements specifically: the Clean Water Act, Phase II permit for stormwater management, ISTS, and other applicable requirements.

G.3. Unified Site Plan Criteria

The Unified Site Plan must include the following information:

Date of submittal
 Property owner's name, address, phone number, parcel ID number
 Legal description of property – lot and block, certificate of survey, county, township range, section, and subsection
 Description of proposed construction
 Existing vegetative cover
 Existing and proposed shoreline buffer strips
 Soil Type
 Structure setback from OHWM
 Septic system setback from OHWM
 Amount of excavation within shore impact zone and outside the impact zone
 Percent of slope at building line
 Significant topographic features that affect the project
 Drainage patterns and vegetative buffers
 Type of vegetation that will be removed or changed for construction purposes or landscaping plans
 Percent of impervious surfaces such as roofs, sidewalks, driveways, parking areas

- Erosion control measures during construction
- Erosion control measures after construction
- Material adverse effect (if required)
- Suitability analysis (if required)

The USP must include a scaled site drawing and photo showing existing vegetative cover, slope and topography, property lines, rights-of-way, easements, location of existing buildings and structures, areas for the proposed project, and the areas of soil disturbance. Related site plans, such as ISTS Plans, may fulfill some requirements of the USP.

G.4. Material Adverse Effect and Suitability Analysis

Based on the information provided in the USP and related site plan(s), the Zoning Authority shall determine whether the proposed use will result in a Material Adverse Effect (MAE) or be unsuitable for the property. This determination shall be considered in the MHB's review or certification of the land use request. The level of MAE and Suitability is based on a demonstration and information provided by the applicant. A demonstration by the applicant will show suitability of a site for the proposed use based on the criteria listed in the USP. The demonstration/information provided to the Zoning Authority to determine the level of material adverse effect may include BMPs, which may minimize material adverse effect to the Corridor.

Section H - Uses Within the Corridor

H.1. Purpose

The purpose of regulating land uses within the corridor is to maintain the existing environmental quality of the Mississippi River, the Headwaters Lakes and their shoreland and to prohibit new uses which are incompatible with the intent of this Plan. These land use controls will thus protect the economic and environmental values of the Corridor and promote sustainable growth and development.

H.2. Permitted Uses, Conditional Uses, and Nonpermitted Uses

All of the following land uses are subject to the provisions promoted by the Unified Site Plan and the Stormwater Management sections of this Plan. Other sections may also apply to specific uses. Local, state, and federal regulations may also apply to specific land uses.

In the following table for land uses: "P" means the land use is permitted in the Corridor and may be subject to local controls; "C" means a conditional use permit is required; and "N" means that the land use is not permitted.

Land uses not listed as permitted or as a conditional use in this table are not permitted in the Corridor.

Land uses on Headwaters Lakes shall be governed by the individual county shoreland ordinances. However, the provision of this Plan may contain terms which impose limitations on land use on Headwaters Lakes. These use limitations shall apply to lands on Headwaters Lakes in addition to those of the individual county shoreland ordinances.

LAND USE TABLE FOR RIVER CLASSIFICATIONS

<u>LAND USE</u>	<u>CLASSIFICATIONS</u>	
	<u>RIVER WILD</u>	<u>RIVER SCENIC</u>
Agricultural Uses (as identified in Section L)	P	P
Bed and Breakfast (Section R)	C	C
Boat Access, Public (Section U)	C	C
Boat Access, Private (Section S)	N	N
Campground, Open Space, Recreation (Section R)	C	C
Cemetery (Section Q)	N	C
Communication Towers (Section N)	N	N
Decks (Section F)	P	P
Essential Services (Section N)	P	P
Forestry (Section M)	P	P
Grading and Filling (Section K)	C	C
Manufactured Homes (Section H)	P	P
Planned Unit Developments (New) (Section T)	N	C
Planned Unit Developments(ModifyExisting) (Section T)	C	C
Private Roads & Unpaved Public Roads (Section O)	C	C
Public Lands Management (Section U)	P	P
Public Roads (See also Grading & Filling) (Section O)	P	P
Public Recreational Trails-Non Motorized (Section O & U)	C	C
Public Recreational Trails-Motorized C		N
Resort (Section R)	C	C
Resort Conversions (Section R)	C	C
Sand, Gravel, and Borrow Pits (Section P)	N	C
Signs Necessary for Public Health, Safety, Recreational Use, and Identification (Section S & U)	P	P
Signs Visible from off-shore (Section S)	N	N
Single Family Residential (Section H)	P	P
Stairways, Lifts and Landings (Section F)	P	P
Travel Trailers and Campers (Section H)	C	C
Underground Mining (Section P)	N	N
Utility Transmission, Gas, and Power Lines (Section N)	C	C
Water Oriented Accessory Structures (Section H)	N	N
Wetlands Establishment or Restoration (Section K)	P	P

Wildlife and Fish Habitat Improvement (Section K) P P

H.3. Manufactured Homes

Manufactured homes shall be subject to the following conditions:

1. All County minimum dimensional standards and sanitary provisions shall apply to single family residential structures and uses.
2. Manufactured homes shall have their wheels and running gear removed and shall be placed on a permanent foundation.
3. Manufactured homes shall be at least 35 feet in length.
4. All other conditions that may be required by the County zoning ordinance or subdivision regulations.

H.4. Travel Trailers or Campers

Travel trailers or campers shall:

1. Be subject to all minimum dimensional standards and sanitary provisions of this Plan that apply to single family residential structures and uses.
2. Not be used for the purpose of permanent occupancy.
3. Be subject to all additional conditions that may be required by the County zoning ordinance or subdivision regulations.

H.5. Water Oriented Accessory Structures

Water Oriented Accessory Structures (WOAS) may be permitted on the headwaters lakes (not on the river) with the following restrictions:

1. WOAS shall not include Boathouses
2. WOAS shall be placed outside the Shore Impact Zone
3. WOAS shall be placed outside of a bluff or steep slopes
4. WOAS shall be allowed only on lakes and if allowed by local zoning ordinances
5. WOAS size limits are: no larger than 144 sq. ft and 12-½ feet height at peak of roof
6. WOAS shall be at least 3 feet above Groundwater and/or the OHWM
7. WOAS shall have no water or sewer
8. WOASs are limited to one structure per property
9. WOAS shall be located outside of the flood plain
10. “With regard to the appearance of the WOASs, they shall be made as compatible as practicable with the natural areas as design limitations allow with regard to materials used and color.”

Section I - Water and Sanitary Provisions

I.1. Domestic Water Supply

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

I.2. Well Standards

Any public or private well constructed to supply water for domestic purposes shall be constructed in accordance with the standards and regulations of Minnesota Department of Health as set forth in Minnesota Rules Chapter 4725.

HEADWATERS ALERT

Wellhead protection is a method of preventing well contamination by effectively managing potential contaminant sources in all or a portion of a well's recharge area. The MHB strongly urges well owners and operators to comply with Minnesota Department of Health standards and guidelines when their wells are subject to Minnesota Rules 4720.5100 to 4720.5590 for Wellhead Protection Planning. Source Water Protection requires the hydrologic complexity of surface with ground water interaction be considered for uses that may be located within a zone of contribution and may impact a public or private water source.

I.3. Public Waters Setback

The standards for ISTS setback from public waters, in Section III-F of this Plan, supersede the standards of state and local rules, unless the local rules are more restrictive than the standards of this Plan.

I.4. Public Sewage Treatment Systems

Publicly-owned sewage treatment systems must be used where available.

HEADWATERS ALERT

The MHB also encourages the establishment of public service districts (such as subordinate service districts described in MN Statutes 365A) to develop and implement neighborhood and community sewage treatment systems. These community systems and drainfields are organized by the local township and provide relief to neighborhoods where individual properties may not have the required lot area for a conforming septic system.

I.5. Private Sewage Treatment Systems

All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency, specifically Minnesota Rules, Chapter 7080, for individual sewage treatment systems (ISTS).

Section J - Stormwater Management

J.1. Consideration

Proper stormwater management must be considered in all reviews, approvals, and permits related to this Plan. It is recommended that best management practices and the stormwater management guidelines set forth in Local County Water Plans serve as the standards for this management process.

J.2. Review Provisions

If not already included in Local County Water Plans, the following provisions shall be considered in reviewing proper stormwater management:

- a. **Natural Features To Be Used.** Existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff if there is any discharge to public waters.
- b. **Constructed Facilities May Be Used.** 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.
- c. **Minimize Disturbance.** 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 with facilities or methods used to retain sediment on site.
- d. **New Development.** Permits for unimproved lots and applications for conditional uses, variances, and land subdivisions or plats must meet the following standards:
 - i. Impervious surface coverage of the lot, including roadways and parking areas, must not exceed 25 percent of total area.

- ii. Stormwater management Facilities must meet the standards of the local Soil and Water Conservation District or other acceptable standards.
- iii. Stormwater outfalls to the Mississippi River and the Headwaters Lakes must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- iv. The Zoning Authority shall require a USP if the impact proposed or existing impact 1) exceeds 5% of impervious surface with the Shore Impact Zone; or 2) exceeds 15% of impervious surface from the Shore Impact Zone to the Building Setback line; or 3) overall impervious surface on the lot exceeds 25%.
- v. New development must consider source water protection, such as wellhead delineation or proximity to a public or private well.

Section K - Shoreland Alteration

K.1. Purpose

Alterations of vegetation and topography will be regulated to prevent erosion to public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, preserve corridor for movement of wildlife, protect fish and wildlife habitat, conserve cultural resources and to preserve the scenic and aesthetic character of the shoreland. These Best Management Practices for shoreland alterations will protect the water quality of the River and will therefore sustain the economic values in the corridor.

The regulations for shoreland alterations set forth in this Plan, Minnesota Rules Chapter 6120, or any county shoreland regulations which are more restrictive shall apply

K.2. Vegetation Management Provisions

Vegetation alteration in the Corridor is allowed with the following provisions. Vegetation alteration shall be addressed in a USP if more than 15% of the existing vegetative cover is removed.

- a. **Exemptions.** Forestry uses, agricultural uses, and the construction of roads and rights-of-way regulated by county road building standards are exempt from the MHB vegetation alteration standards in b and c below.
- b. **Limited Vegetation Clearing.** In the Corridor and/or areas with bluff impact zones and/or areas of steep slopes, limited removal of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings and access paths, provided that:

- i. Removal does not exceed 25% of the existing vegetation, and erosion and sedimentation are minimized.
 - ii. The vegetative screening of structures, vehicles or other facilities is maintained.
 - iii. The vegetative shading of water surfaces is maintained; and
 - iv. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- c. **Intensive Vegetation Clearing.** Intensive vegetation clearing within the setback and bluff impact zones and/or areas of steep slopes is not allowed. Intensive vegetation removal outside the setback, and not involving a bluff impact zone or steep slopes, for forestland conversion to another use is allowed as a conditional use. This conditional use shall require a Unified Site Plan showing mitigation plans for the control of negative impacts.

K.3. Grading, Filling, Alterations in the Beds of Public Waters

- a. **Permit Required.** The Zoning Authority shall allow a one-time permit for 10 cubic yards of fill material. Any additional grading or filling work done within the Corridor shall require a conditional use permit and shall comply with the BMPs listed below:

Grading and filling of the natural topography that is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, storm water run-off, tree clearing and the destruction of natural amenities. A USP may address these practices and shall be approved by the Zoning Authority.

A grading or filling permit may be issued only if the following Standards and BMPs are met:

- b. **Standards.** Grading and filling of the natural topography shall also meet the following methods and practices:
- i. The smallest amount of bare ground is exposed for as short a time as feasible.
 - ii. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 - iii. Methods to prevent erosion and to trap sediment are employed.
 - iv. Fill is stabilized to accepted, professionally recognized standards.
 - v. Fill or excavated material is not placed in a manner that creates an unstable slope.
- c. **Steep Slopes.** Plans to place fill or excavated material on steep slopes are reviewed by a qualified professional, such as the SWCD or a licensed engineer, for

continued slope stability and in no case may create finished slopes of 30 percent or greater.

- i. Fill or excavated materials are not placed in bluff impact zones.
- ii. Disturbed areas are restored in the same building season.

K.4. Altering Current or Cross Section of Public Waters

The excavation of material from, filling in, construction of any permanent structures or navigational obstructions, or any work that will change or diminish the course, current, or cross-section of the Mississippi River, Headwaters Lakes, or wetlands in the Corridor, is prohibited unless authorized by a permit from the Commissioner of the Department of Natural Resources pursuant to Minnesota Statutes, Section 103G.245, and/or a permit from the US Army Corps of Engineers.

K.5. Drainage or Filling of Wetlands

Drainage or filling in of wetlands within the Corridor must be in compliance with the Wetland Conservation Act. The replacement and/or mitigation activities for the filling of a wetland in the Corridor, should take place in the Corridor.

Section L - Agricultural Practices

L.1. Conservation Plan Consistency

General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and bluff impact zones are maintained in permanent vegetation and operated under an approved conservation plan consistent with the field office technical guide of the County Soil and Water Conservation District. Recommendations of the publication "Agriculture and Water Quality," Minnesota Pollution Control Agency, 1989, are the minimum standard for agricultural practices in the River Corridor. The Zoning Authority or its designee will be responsible for the proper review of the Conservation Plans intended to minimize erosion and to protect water quality.

L.2. New Animal Feedlots Prohibited

New animal feedlots, as defined by the Minnesota Rules Chapter 7020, are not permitted in the river corridor.

L.3. Existing Feed Lots

Animal feedlots, barnyards, or agricultural waste systems in existence prior to July 1, 1992, may continue provided neither the size of the area involved in the use or the number

of animal units using the area increases. The County Feedlot Officer's feedlot registrations will serve as the means for this monitoring.

Section M - Forestry

M.1. Purpose

Forest management shall be allowed but limited to generally accepted forest management practices and/or silvicultural techniques designed to promote and manage a healthy, diverse, and productive forest area. Emphasis should be placed on the maintenance, development, and improvement of shoreland forests subject to the regulations set forth in this section. The manual "Sustaining Minnesota Forest Resources", MN Forest Resources Council, 1999, is a publication that suggests relevant forestry practices.

The vegetation management goals for the Corridor shall be for the maintenance and regeneration of naturally appearing, healthy forest vegetation, through the application of generally accepted forest management practices and/or silvicultural techniques. Strategies to maintain or create a forest condition that is naturally and historically suited to the Corridor, such as a diversity of tree species, forest age classes and forest patch sizes, will be encouraged.

Plan requirements for forest management within the Corridor.

- i. The view from the water will be treated as most sensitive;
- ii. Provision for riparian wildlife species must be a component of any plan;
- iii. Significant cultural and other unique resources must be protected;
- iv. Water quality changes due to forestry activities must be minimized; and
- v. Timber and other forest resources may be harvested and utilized when the requirements of this Plan are met.

M.2. Forestry Standards in the Corridor

If the activity is proposed to occur within 300 feet of the OHWM, a forest management plan for the property and/or site-specific timber harvest plan must be prepared prior to forestry activities occurring on the property. The plan must be submitted to and approved by the County Land Commissioner, or other designated county official, and must have been reviewed by MHB. Implementation of the Forestry Management Plan must comply with the submitted and approved plan. Forestry activities requiring a plan include timber harvesting, intensive site preparation, and forest access road construction.

Approval of plans shall be based upon how well the plan addresses the goals of the MHB and the following information:

- i. A Unified Site Plan;
- ii. Mapping of forest types;
- iii. Silvicultural practices and forest regeneration plans; and

- iv. Timber access roads and trails.

The plan must also include provisions to address and protect:

- i. Water quality;
- ii. Forest soils;
- iii. Erosion control;
- iv. Aesthetics;
- v. Wildlife and aquatic habitat;
- vi. Cultural or historic resources known to occur on the property;
- vii. Fire hazards, insects, and diseases; and
- viii. Disposal of petroleum products, trash, and hazardous substances.
- ix. Endangered or threatened resources known to occur on the property.

M.3. Recommendations for Forestry Practices to Address Riparian Forest Values

To prevent damage to soils, timber harvest activities may only take place when the ground is frozen or when the soils are sufficiently dry. Post-operational activities should include plans for removal of equipment and timber before spring thaw, and to restore timber removal on trails and landings to reduce soil erosion and compaction.

To reduce potential erosion and sedimentation, seed grasses and install water bars on roads or trails developed during timber harvest activities. Minimal soil disturbance should occur in the shore impact zone.

To maintain or enhance habitat characteristics for riparian forest wildlife species, retain as many mature long-lived tree species and dead, standing trees as possible after a timber harvest. Logging residue (limbs, unmerchantable logs) disbursed across the harvest area can provide habitat for many species of wildlife.

To maintain or enhance the visual quality of the Corridor, minimize logging residue adjacent to the shoreline and public roads. Utilize irregular timber harvest boundaries, and retain some mature, long-lived trees during harvest, to reduce the apparent size of the harvest area.

Section N - Utility Transmission Lines and Related Facilities

N.1. Purpose

It is essential to regulate utility transmission crossings of lands within the jurisdiction of Corridor in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects, which may result from such utility crossings.

As well as providing environmental protection, proper location and construction of Utilities can promote smart growth in the Corridor through the placement of major utilities in or near areas that are most suitable for development.

N.2. Permits Required for Crossings

Transmission Utility lines crossing lands within the Corridor require a conditional use permit from the Zoning Authority, or its designee, and/or other regulatory authorities. In reviewing permit applications for such crossings, primary consideration should be given to crossings that are proposed to be located with, or adjacent to existing public facilities, such as roads and utilities.

A conditional use permit is not required for essential services as defined in this Plan.

A transmission utility crossing of public water requires a permit from the Commissioner of the MnDNR pursuant to Minnesota Statutes, Sections 84.415 or 103G.245.

N.3. Satisfaction of Standards

For each of the standards listed below, the applicant shall indicate how considerations are satisfied. In dealing with route design considerations the applicant must, where applicable, also supply data on relevant site conditions. The Zoning Authority or its designee may issue a conditional use permit only if the applicant demonstrates satisfaction of these standards. These standards must include, but are not limited to:

- a. Transmission Utility lines must be located outside of the Corridor wherever practicable.
- b. If the transmission lines are proposed to cross any lands within the Corridor, then the applicant must make the following standards information available to the Zoning Authority for evaluation by that office. The Zoning Authority will then make recommendations to assist in the permitting process for utility crossings. That information must include land use, vegetation alterations, grading and filling, soil characteristics, erosion mitigation plans, public safety considerations, visual appearance mitigation plans, and right-of-way best management plans for maintenance.

No conditional use permit will be required for those high voltage lines regulated exclusively by the Environmental Quality Board or other state agency.

N.4. Wireless Telecommunication

Wireless telecommunication such as but not limited to any ground or roof mounted structure of more than 35 feet in height above average ground level built for the purposes of supporting, elevating or attaching antenna (s) for broadcasting of cellular, personal

communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services shall not be located within the Corridor.

Section O - Roads, River Crossings, and Recreational Trails

O.1. Roads and River Crossings

It is essential to regulate the construction of new public roads and reconstruction of existing public roads within the Corridor in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. By allowing the Local Government Units (LGUs) this local control of the road standards as stated below, the MHB will be assisting in limiting redundancy and also reducing costs for the planning of public transportation.

A permit as established in Minnesota Statutes Section 103G.245, is required from the Commissioner of Natural Resources for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water.

O.2. Road Standards

This Plan recognizes the advances that the state, the counties, and townships have made in improving their specifications for road construction, which promote and implement the standards as set forth in the 1992 Mississippi Headwaters Management Plan. Therefore, under this Plan, the MHB accepts the newer local government standards, and makes the Local Government Units (LGUs) responsible for upholding these current standards and reporting any non-standard road construction practices to the MHB.

LGUs are required to have established road standards that are included in the county ordinances and certified by the MHB. LGUs shall notify the MHB of upcoming road projects and shall submit a summary of the road project with a site plan to MHB for review and comment.

Construction of public roads is a Permitted Use in the Land Use Table of this Plan. Construction of driveway accesses is a Permitted Use. Construction of private roads requires a conditional use permit and must comply with the Grading and Filling provisions in Section III-K of this Plan.

O.3. Recreational Trails

a. Purpose

By allowing the minimum standards for trails along the MHB corridor, MHB intends to enhance recreation and provide equivalent protection of the River and Headwaters Lakes for recreational use along the Mississippi River. Some areas

may not be suitable for trail development after assessment using the trail suitability considerations below.

b. Permits

New public recreational trails shall only be permitted in the Scenic River Classification and the Headwaters Lakes. Trails are permitted in the Scenic River sections and on Headwaters Lakes. The Zoning Authority must have established and maintained ordinances and standards that have been certified by the MHB. The following minimum elements are required for certification.

- i. Preapplication Conference. A preapplication meeting with the neighboring land owners, LGU, DNR and local association representatives, onsite, to go over a proposed or concept plan for the development.
- ii. Trail Suitability Considerations.
 1. Drainage - existing and proposed drainage patterns, storm water and high water events.
 2. Erosion - mitigation of high erosion conditions.
 3. Environmental Assessment Worksheet - used and as a scoping document.
 4. Topography and land alterations.
 5. Wet lands and water table separation.
 6. Bank stabilization.
 7. Geographical features - streams, roads, buildings vegetation, etc.
- iii. Layout and Design
 1. Trail map showing location and topography
 2. Disturbance to shore, bluffs and vegetation
 3. Impact on cultural heritage sites.

c. Standards

Recreational trails shall be a conditional use within the building setback area, and a permitted use outside the setback area, when the following items are addressed:

- i Land easements or acquisitions are attained from landowners.
- ii The plans for ongoing maintenance and funding of the trails shall be described in a USP which shall also address the items in Section III-G of this Plan as well as each of the following elements:
 1. Repair and maintenance of hard/asphalt surfaces so as to prevent the leaching of petroleum, alkaline or other potentially detrimental materials from the trail into the River/Headwaters Lakes.
 2. Maintain the Best Management Practices for sites from initial construction throughout the life of the trail sites.
 3. To address existing drainage patterns, storm water and high water events, the USP map shall show where water will concentrate on the property, areas of overland flow, depressions, scales, and

- natural watercourses. Increased runoff should be limited or mitigated so erosion does not occur.
4. Address topography, a topographic map showing contour elevation of 10 feet, noting steepness and length of slope. The longer the slope, the greater is the potential for erosion.
 5. Address soil types for flood hazard, natural drainage, depth to seasonal water table permeability, shrink swell potential, texture and erodability.
 6. Show existing vegetation, any denuded or exposed areas, and unique vegetation. If existing vegetation cannot be maintained, then construction shall be conducted to minimize erosion. The vegetative buffer of native grasses, shrubs and trees will be maintained for at least 15 feet from the water's edge in order to protect water quality, provide habitat for wildlife and maintain the natural aesthetic of the shoreline.
 7. Identify, preserve, and avoid disruption of cultural heritage sites.
 8. Delineate geographic feature areas adjacent to the trail on the map such as but not limited to streams, roads, houses, other buildings, and wooded areas.

iii. The trail base shall:

1. Be designed to drain away from the River or Lakes as much as possible.
2. Be placed above the ordinary high water mark
3. Provide at least a 15-foot natural vegetative buffer zone between the River/Headwaters Lakes and also the trail and on the opposite side of the trail.
4. Be constructed with the least amount of disturbance to shoreline, bluffs, and vegetation
5. Maintain bank stabilization without excessive grading and filling.
6. Be prepared to reduce washout during flooding, erosion during rain events, and to prevent loss of life and property.
7. Width should be minimized whenever possible and should follow state aid standards for trails and may be less in areas where appropriate. This should provide eligibility for federal funding for trails.
8. Convert street beds or existing trails wherever possible.
9. Coincide as much as possible with the Great River Road.
10. Maintain separate trails for conflicting trail uses as much as possible.
11. Avoid wetlands and other vulnerable or sensitive sites areas.
12. Maintain 3-8% slope for handicapped accessibility where possible.
13. Trails shall be the only structures permitted in the first 50' from the OHWM. Other structures shall adhere to the building standards of this Plan.

- iv. Subject to the minimum standards outlined in this Plan, consideration must be given to facilities required to support trail usage, including but not limited to, the following:
1. Access points must have adequate parking and signage
 2. Adequate and maintained trash receptacles
 3. Shaded lighting where needed
 4. Informational kiosks regarding safe and responsible recreation
 5. GPS location for 911 emergency purposes
 6. Public restrooms consisting of sealed systems
 7. Picnic tables/shelters, benches, fire pits or grills, and telephones for emergency purposes.

All of the above must provide equivalent protection of the river/lakes. Equivalent protection may be achieved through mitigation of potential negative impact to the shoreline, wildlife habitat and other river/lake values that are protected by the MHB.

d. **Rerouting**

A Conditional Use Permit shall be required for any realignment or re-routing of areas or segments of existing public trails located in the Wild River Classification in which formal review has determined these segments or areas may be creating or causing a negative impact to the Mississippi River Corridor.

Section P - Sand, Gravel, and Borrow Pits

P.1. Purpose

Regulation of extraction or extractive uses in the Corridor protects the hydrogeologic connectedness of groundwater and surface water that may be drinking water sources.

P.2. Extraction

Extraction, processing of extracted materials, or accessory extractive uses are not allowed in the Wild sections of the Corridor or on Headwaters Lakes. Extraction, processing of extracted materials, or accessory extractive uses is a conditional use in the scenic sections of the river corridor, provided the standards in this section and of the local zoning authority are met.

P.3. Site Development and Restoration Plan

The Zoning Authority shall prepare and approve a site development and restoration plan for each use developed after July 1, 1992. The plan must include a USP, which addresses the items in Section III-G of this Plan, as well as the following points:

- Dust abatement
- Noise abatement
- Discharge of materials and petroleum products that may be pollutants

Hours of operation, dates of operation and duration of activity
Proposed mitigation of effects on wildlife

Erosion control and proposed mitigation for erosion
 Identification of cultural sites
 Consideration of alternate existing sites ~~and~~
 Restoration of the land
 Rehabilitation plans shall include clean fill only

Sites that have been in operation prior to July 1, 1992, must prepare rehabilitation plans for the site that include erosion controls.

HEADWATERS ALERT

A gravel pit is an open conduit to the aquifer and requires special consideration.

Section Q - Cemeteries

Q.1. Cemetery Development is Conditional Use

Development of a cemetery within the River Corridor is a conditional use in the Scenic River class provided the standards in this section are met. Cemetery development is not allowed on Headwaters Lakes or in the Wild River class.

a. **Site Plan**

A USP shall be submitted to and approved by the Zoning Authority. The USP shall address those items in Section III-G of this Plan and shall also address each of the following items:

- i. Name of the cemetery;
- ii. Legal description of the property affected;
- iii. Names and addresses of applicant, owner, surveyor, and designer of the plan;
- iv. Graphic scale;
- v. Arrow depicting north on the plan;
- vi. Date of preparation;
- vii. Total acreage of property;
- viii. Square footage for each proposed site
- ix. Existing soil conditions and topographic contours
- x. Roads and proposed roads showing right of way widths;
- xi. Proposed location and type of on-site sanitary treatment facilities and domestic water supply
- xii. Accessory facilities, existing or to be constructed, by type and location; and
- xiii. All streams, creeks, ponds, wetlands, and swamps.
- xiv. Appropriate drainage provisions

- b. **Activities Allowed**
Burial only is allowed on site. No embalming or other related activities are allowed on site.
- c. **Flood Plain Restrictions**
No placement of graves or accessory facilities within the designated flood plain.
- d. **Grave Liner Approval Required**
Each burial must be in a vault or grave liner approved by the Mississippi Headwaters Board.

Section R - Campgrounds, Resorts, and Bed and Breakfasts

R.1. Campgrounds

- a. **Conditions for Expansion**
Expansion of a campground by more than 2 units from the number normally in use prior to July 1, 1992, must comply with the standards in this subsection and requires a conditional use permit.
- b. **Unified Site Plans**
USPs for all proposed new campgrounds, or expansions of existing campgrounds, shall be submitted to the Zoning Authority.

The USP shall include the items identified in Section III-G of this Plan, and shall also include the following information:
 - i. Square footage of each proposed camping site.
 - ii. Proposed location of on-site wastewater treatment systems and drinking water supplies.
 - iii. Recreational and accessory facilities, existing or to be constructed, by type and location, including, but not limited to, lodges, sheds, swimming pools, tennis courts, laundries, convenience stores, boat storage, and fish cleaning houses.
- c. **Density Requirements**
Campgrounds must comply with the following density and length of stay requirements.
 - i. Campground: 8 units per acre; 4,000 square feet each site; minimum width 40 feet each campsite.
 - ii. Camping on an individual campsite per party is restricted to 14 consecutive days or less at one time without an RV.
 - iii. Recreational Vehicle Park Campground: 4 camping vehicle units per acre; 8,000 square feet each camping site; minimum width for each camping site is 80 feet.
- d. **Accessory Structures Prohibited**
No accessory structures shall be permitted on any campsite.

- e. **Access Roads**
All roads shall have a 50-foot minimum right of way. One-way roads within the campground must have a roadbed of at least 15 feet in width. Two-way roads within the campground must have a roadbed of at least 24 feet in width.
- f. **Setbacks and Sewage Treatment Systems**
Each camping site must meet the building setback requirements of this Plan, and also the individual sewage treatment system standards of this Plan and the Minnesota Rules 7080.
- g. **Licensing**
Campgrounds shall be licensed by and shall meet all standards prescribed by the Minnesota Department of Health and other state agencies with regulatory authority over such uses, as well as the standards set forth in this Plan.
- h. **Conditional Use Permit Considerations**
When reviewing an application for a conditional use permit for any campground, the Zoning Authority shall evaluate the effect of the proposed campground with regard to the following criteria:
 - i. Maintenance of safe and healthful conditions;
 - ii. Prevention and control of water pollution, including sedimentation;
 - iii. Existing topographic and drainage features and vegetative cover on the proposed site;
 - iv. The location of the site with respect to the flood plains and the flood ways of the Mississippi River;
 - v. The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover;
 - vi. The location of the site with respect to existing or future township, county, state or federal roads; and
 - vii. The compatibility with uses on adjacent lands.

R.2. Resorts

- a. **Expansion**
Expansion of a resort shall not be allowed without the issuance of a conditional use permit, with the following exceptions.

The expansion to an existing resort (PUD) involving six or fewer new units or sites, after the date of this Plan, shall be allowed as a permitted use, with the issuance of a building permit, provided that:

- i. The total project density does not exceed the allowable densities prescribed in MN Statutes Chapter 103, MN Rules 6120.2500 to 6120.3900 as amended; and
- ii. The septic system is assessed to be large enough for the increased units.
- iii. The work shall comply with the requirement of M.S. 103F.227.

b. **Review Criteria**

When reviewing an application for a conditional use permit for construction of a new resort or expansion of an existing resort, the Zoning Authority shall evaluate the effect of the proposed resort or resort expansion with regard to the criteria in MN Statutes Chapter 394 and the following criteria:

- i. Maintenance of safe and healthful conditions;
- ii. Prevention and control of water pollution, including sedimentation;
- iii. Existing topographic and drainage features and vegetative cover on the proposed site, and proposed alterations with mitigation;
- iv. The location of the site with respect to the flood plains and the floodways of the River;
- v. The erosion potential of the site based upon the degree and direction of slope, soil types, shoreline stability, and vegetative cover;
- vi. The location of the site with respect to existing or future township, county, state or federal roadways;
- vii. The compatibility with land uses on adjacent lands;
- viii. Appropriate density is determined on the lot;
- ix. The septic system is up to code; and
- x. Additional local restrictions may apply.

c. **Unified Site Plan**

A USP for all proposed resorts and resort expansions and conversions that require a conditional use permit shall be submitted to the Zoning Authority. In addition to the items in Section III-G of this Plan, the USP shall include:

- i. Total acreage of property, including boundaries;
- ii. Total dimension of dedicated property;
- iii. Proposed location and type of on-site sanitary treatment facilities and domestic water supply;
- iv. Recreational and accessory facilities, existing or to be constructed, by type and location, including, but not limited to, lodges, sheds, swimming pools,

tennis courts, laundries, convenience stores, boat storage and fish cleaning houses;

- v. Existing or proposed marinas, harbors, and/or any docking facilities.

d. **Licensing**

Resorts shall be licensed and shall meet all standards of the Minnesota Department of Health. In the event of conflict between those regulations and the regulations of this Plan, the more restrictive standards shall apply.

e. **Resort Conversions**

Resort conversions require a conditional use permit. Existing resorts or other land uses and facilities may be converted to residential planned unit developments provided that the land is properly zoned for residential use by the Zoning Authority to the appropriate residential land use category and all of the following standards are met:

Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be corrected. Proposals must also meet the conditional use criteria standards.

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

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

- i. Removal of extraneous buildings, docks or other facilities that no longer need to be located in shore impact or bluff zones;
- ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
- iii. If existing dwelling units are located in shore impact or bluff zones, conditions are attached to approvals of conversions that preclude exterior expansion 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 whenever they are rebuilt or replaced.

R.3. Bed and Breakfasts

- a. **Residence Requirement**
Bed and breakfasts must be contained within a single-family residence. An addition may be allowed to establish the use. A second building to establish the use is not allowed.
- b. **Rental Units**
The number of rental units is limited to no more than four, or the standards prescribed by the Minnesota Department of Health, whichever is more restrictive.
- c. **Parking**
Additional parking is limited to one vehicle per rental unit.
- d. **Septic Systems**
Septic systems must be up to code to handle the additional units.

Section S – Docks and Signs

S. 1. Signs

- a. **Signs Visible from Surface Water**
Signs visible from the river or lake are not allowed with the exception of public health and/or safety, recreational use and identification and must meet the following criteria:
 - sign must be no larger than 6 square feet in area;
 - sign must be related to a permitted use within the Corridor;
 - aesthetics of the sign must be in relation to the surrounding area;
 - no lighting of the sign is allowed
- b. **Signs Not Visible from Surface Water**
Signs not visible or completely screened from view of the river or lake are permitted, subject to local regulations.

S.2. Docks

Docks are regulated by the State of Minnesota. Proper permits shall be obtained from the Commissioner of Natural Resources. Local restrictions may apply.

Section T – Subdivision, Platting, and Planned Unit Development

T.1. Purpose

Subdivision is the practice of dividing any land parcel that is contiguous in area and under common ownership, into two or more smaller parcels. Subdivision shall be planned to provide green space to protect natural areas.

T.2. Suitability

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis, by the Zoning Authority, or the Commissioner of Natural Resources, shall consider 100 year floodplains and susceptibility to flooding, existence of wetlands and rankings for the wetlands as may be determined by the best available information and technology, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish or wildlife habitat, proximity to significant identified cultural sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community. These considerations and potential BMPs must be addressed as part of the USP, for any subdivision of land.

T.3. Required Information

A USP must be submitted with proposed land subdivisions in order to evaluate the suitability of the land for this subdivision. The USP shall address the items referenced in Section III-G of this Plan.

T.4. Plat Review

Plats must conform with MN Statutes, Chapter 505. Copies of all proposed plats within the Corridor shall be submitted to the MHB and the Commissioner of Natural Resources for review at least thirty (30) days prior to the approval or disapproval of such plats by the governing body on the suitability of the land for such subdivisions.

LGUs shall not grant final approval of a plat until the developer, in addition to complying with all other requirements imposed by the LGU, has filed with the LGU a road development agreement signed by the developer and the local road authority, which agreement addresses, at a minimum, standards for road construction, a time table for construction, and financial assurances for the construction of the road according to the development agreement.

T.5. Planned Unit Developments (PUDs), Common Interest Communities (CICs), and Cluster Housing Units (CHUs)**a. Purpose**

Planned Unit Developments, Common Interest Communities and Cluster Housing Units may be allowed only when the proposed development provides a better means of preserving agricultural land, open space, woodlands, scenic views, wetlands and other features of the natural environment than traditional subdivision practices.

b. Preliminary Approval

Preliminary plans including a Unified Site Plan (See Section III-G of this Plan) are required for review by the Mississippi Headwaters Board as provided in the Administration Section of this Plan and shall be approved by the Commissioner of Natural Resources prior to their approval by the Zoning Authority.

c. Permits

PUDs, CICs, and CHUs are permitted in the Scenic River and Headwaters Lakes sections. PUDs, CICs, and CHUs are not permitted in the Wild River section. The Zoning Authority must have established and maintained ordinances and standards that have been certified by the MHB. The following minimum elements are required for application and certification.

i. Pre-Application Conference.

A pre-application meeting should be held with the Zoning Authority, property owner/developer, and neighbors, onsite, to go over a proposed or concept plan for the development to ease implementation and maximize communication between all parties. Township, county, MHB, DNR and Lake Association representatives shall be notified and encouraged to attend.

ii. On-site Impacts, including but not limited to:

- a. Setbacks from Lake and property lines; both existing and proposed.
- b. Vegetation – Restoration, landscaping and screening.
- c. Shore Impact Zones – Alterations/uses allowed and restricted.
- d. Docking – Mooring - Boat Access – Shore Stations.
- e. Buffer zones between development and adjacent property owners.
- f. Outside Lighting as it impacts neighbors.

iii. Surrounding Site Issues

- a. Traffic – To, From and Within the Development; possibility of requirements for turning lanes, improvements to existing roads and installation of new roads, access for emergency and service vehicles.
- b. Drainage – On and off property.

- c. Impervious Surface Coverage – Roads, Buildings, Etc...
- d. Environmental Assessment Worksheet – used and a scoping document
- e. Minimization and Mitigation of Potential Impacts

iv. Layout and Design

- a. Layout of Units – A registered land survey of the parcel, and if applicable, blueprints showing number of bedrooms (to scale).
- b. Density – Existing and Proposed; Increases allowable & how much (formula for determining density).
- c. Useable Land – identification of all wetlands, bluffs, steep slopes, etc.
- d. Covenants, Declarations, Restrictions – Type of enforcement, i.e. County or Homeowner Association.
- e. Dedication of open space – location of open space including who and what uses are allowed.
- f. Type of PUD/CIC/CHU – Timeshare, lease or ownership.
- g. Separate Zoning Permit required for units, septic system, shore alterations, etc.
- h. As Built – filed/recorded upon completion of structures
- i. Grand-fathered-in resorts – different setbacks/densities.

v. Septic System and Water Use

- a. Water Use and Management Plan
- b. Septic Systems – existing, new, with alternate location; & type

vi. Government Agencies

- a. Emergency Services –Police, fire, Ambulance, School District.
- b. Check List of agencies/associations who are notified of the development and their responses.
 - (1) County (Zoning, Sheriff, Engineer, Surveyor, Attorney)
 - (2) Township(s) and/or commissioner
 - (3) MN Dept. of Natural Resources
 - (4) MN Dept. of Health
 - (5) Soil and Water Conservation District
 - (6) Army Corps of Engineers
 - (7) Lake Association
 - (8) Other-

d. **Altered Standards**

Minimum setbacks and height limits may not be altered. Other dimensional standards may be altered as exceptions to the standards of this Plan, if the following criteria are met:

- i Central sewage treatment system facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

- ii. There is not more than one centralized boat access facility for PUD residents only. Docking is provided by a centralized facility and there is no more than one boat slip for each unit.
- iii. Density shall not exceed two dwelling units per minimum lot size within the Corridor. Flexibility in density and dimensional standards can be petitioned with a study of Suitability and Material Adverse Effects that would provide greater vegetative buffers, improved wastewater collection and treatment, and a better means of preserving open space and natural areas.
- iv. Open space may be preserved through the use of restrictive deed covenants, public dedications, granting of scenic easements, conservation connections, or other alternative and innovative methods.

Section U - Management of Public Lands

U.1. Land Ownership

State or County lands within the Corridor may not be offered for sale or lease, “except for forest management, fish and wildlife habitat improvement, a veterans cemetery that complies with MS 102.369 subdivision 5, and open space recreational uses as defined in the plan” (MN Statutes 103F.369 Subd. 2). County tax-forfeited land in the river corridor should be retained. The MHB member counties should initiate land exchanges with private landowners who want to exchange their land to increase its public land holdings along the Mississippi River and Headwaters Lakes. Land exchanges with the State of Minnesota should be undertaken to consolidate blocks of public lands in same ownership, in order to develop more easily managed public ownership. Conservation Connections and other incentives should be implemented on sensitive private lands requiring more protection than zoning can provide.

County land commissioners will report to MHB annually on the status of public land ownership in the Corridor. MHB staff will work with State of Minnesota, United States Forest Service and Leech Lake Band of Ojibwe to monitor holdings by those agencies in the river corridor.

U.2. Sale or Exchange of Public Lands

Sale or exchange of public land should be considered only if such action(s) will eliminate substandard non-conforming parcels, make private substandard non-conforming parcels more conforming, or if such sale or exchange is consistent with the goals and objectives of this Plan. (MN Statutes 282.01 subd. 7A) Where critical lands are acquired in fee title, from willing sellers, the county may wish to consider sale of other lands outside the management boundaries in order to offset any possible reduction in local tax base. Within available funding, the counties will attempt to purchase scenic easements (conservation connections) or other interests in land, from

landowners who desire to sell them and where such purchases are desirable to protect unique shoreland areas.

U.3. Acquisition of Lands

Acquisition is an option for those public and private lands requiring greater protection than zoning provides. Lands requiring greater protection will be identified through the river resources inventory, or on an as needed basis, and according to the goals and objectives of this Plan. The MHB will report on its land protection program to identify and develop guidelines for protection and protection strategies, to the member counties, the Minnesota Legislature, the USFS and the LLBO at least every five years.

U.4. Nonrecreational Leases

New nonrecreational leases of public lands within the river corridor shall not be granted without review of the MHB for consistency with the goals and objectives of the Plan. To the extent practicable and feasible, existing non-recreational leases of public lands within the river management boundary shall be phased out. Existing recreational leases are allowed in the Corridor.

MHB staff shall meet with managers of leases on public lands to discuss the status of non-recreational and recreational leases in the Corridor.

U.5. Public Accesses with Boat Launches

a. Criteria

An MHB review is required for any public access with a boat launch. The Zoning Authority shall evaluate the proposed public access with regard to criteria established by the MnDNR and comply with the following standards:

- i. Site can support the ramp without pilings, dredging or special site preparation;
- ii. Access shall be constructed only of gravel, natural rock, concrete, steel matting, or other durable organic matter;
- iii. Boat launch shall be no more than 6 inches thick, 24 feet wide, extending 20 feet waterward or to a water depth not to exceed 4 feet, with no more than 30 cubic yards of fill and 60 cubic yards of excavation required;
- iv. Boat launch site is not a posted fish spawning site; and
- v. All soils disturbed during construction shall be stabilized by seeding or sodding in the same construction season and meet the standards for excavation, grading, and filling set forth in the Shoreland Alteration Section of this Plan.

U.6. Public Trails

MHB review is required for any new public trails within the Corridor. Standards and review criteria are listed under Section III.O.3 of this Plan.

U.7. Signs

Sign placement on public lands in the Corridor shall comply with Section III.S.1 of this Plan.

Section V - Administration

1. Authority

a. Administration

The provisions of this ordinance shall be administered by the designated Zoning Authority. Permits, approvals and certification shall expire after one year if no work has begun on the permitted project. The Zoning Authority may allow an extension of the permit for up to 12 months. Permits shall not be extended after the above described 12-month extension.

b. Board of Adjustment

The Board of Adjustment of the County shall hear and decide appeals and applications for variances and review any order, requirements, decisions, or determination made by the Zoning Authority, who is charged with enforcing this ordinance in the manner prescribed by Minnesota Statutes, Chapter 394, as amended.

c. Fees

Permit fees and inspection fees as may be established by resolution of the County or Township in support of MHB activities, shall be collected by the Zoning Authority for deposit with their treasurer and credited to the appropriate fund. Fees may be assessed based on the annual funding estimates to prepare and implement the Plan and otherwise carry out the duties imposed on the MHB by MN Statutes 103F.361-377.

V.2. Nonconforming Uses

a. Nonconforming Uses

Uses nonpermitted by this ordinance but which are in existence prior to the effective date of July 1, 1992, shall be nonconforming uses. Such uses may be continued but shall not be intensified, enlarged, or expanded beyond the permitted

or delineated boundaries of the use of the activity as stipulated in the most current permit issued prior to July 1, 1992.

- b. **Change of Use**
Such use shall not be changed to another nonconforming use or be reestablished if discontinued for a continuous twelve (12) month period.
- c. **Destruction of Structure**
If a nonconforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure or use of the site shall conform to this ordinance.
- d. **Maintenance**
Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted.

V.3. Substandard Uses

- a. **Existing Uses**
All uses in existence prior to July 1, 1992, which are permitted or conditional uses within the Mississippi Headwaters Corridor, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses, and shall be allowed to continue provided that any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

V.4. Conditional Uses

- a. **Standards**
Prior to the granting of a conditional use permit by the Zoning Authority the applicant must show the standards and criteria contained in this ordinance have been met. The MHB shall administratively review the conditional use application and provide comments to the Zoning Authority prior to the local public hearing decision.
- b. **Material Adverse Effect**
The applicant for a conditional use permit which, in the opinion of the Zoning Authority, may result in a material adverse effect on the environment may be requested by the Zoning Authority to demonstrate the nature and extent of the effect.
- c. **Considerations**
In reviewing a request for a conditional use permit, the Zoning Authority shall review the standards and criteria of this ordinance and the following general criteria:

- i. The prevention of soil erosion or other possible pollution of the Mississippi River and its Headwaters Lakes, before, during and after construction;
- ii. The visibility of structures and other facilities as viewed from public waters is limited.
- iii. The site is adequate for water supply and on-site sewage treatment.
- iv. The assessment and management of natural, cultural scientific, historic and recreational values of the site is addressed; and
- v. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of the Mississippi River, its shorelands and the Headwaters Lakes, to accommodate the proposed changes.

V.5. Administrative Reviews

a. Purpose

The MHB may authorize the its Director to make review and recommendations for conditional use applications, Forest Management Plans, Timber Harvest Plans and Unified Site Plans, as well as other plans affecting land management in the Corridor.

b. Administrative Reviews are given in order to:

- i. Facilitate a timetable due to the building season,
- ii. Meet the 60-day rule for administratively complete applications
- iii. Adhere to the requirements of other agencies which are more restrictive than those of MHB.

c. Administrative Reviews should be referred to the MHB when a request:

- i. Does not meet the criteria
- ii. Does not adhere to the requirements of other agencies
- iii. Is not consistent with the Plan.

V.6. Variances

a. Purpose

The purpose of MHB variance review is to assure that the Plan is not nullified by unjustified exemptions in particular cases and to promote uniformity in the treatment of applications for exceptions (MN Statutes 103F.373 Subd. 1).

b. Conditions

The granting of a variance requires the presence of all the following conditions:

- i. The strict enforcement of county zoning controls will result in unnecessary hardship. "Hardship" as used in connection with granting of a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations

- alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the local zoning ordinance.
- ii. Granting of a variance is not contrary to the purpose and intent of the zoning provision contained within the Mississippi Headwaters Management Plan, its standards and criteria, and is consistent with the policies adopted by the MHB.
 - iii. There are exceptional circumstances unique to the subject property which were not created by the landowner.
 - iv. Granting of the variance shall not allow any use which is neither a permitted or a conditional use within the Corridor established in the Plan, in which the subject property is located.
 - v. Granting of the variance will not alter the essential character of the Corridor.
- c. **Material Adverse Effect**
The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment or inconsistent with any provisions of this Plan, may be requested by the Board of Adjustment to demonstrate the nature and extent of the effect.
- d. **Certification Required**
Notwithstanding any provision of Minnesota Rules Chapter 394 to the contrary, a certified action is not effective until the MHB has reviewed the action and certified that it is consistent with the Plan (MN Statutes 103F.373, Subd. 2). All variances to the requirements of this Plan must be reviewed and certified in accordance with the Review and Certification Procedures Section of this Plan.

V.7. Amendments to Ordinance

- a. **Authorization**
In determining consistency of ordinances and ordinance amendments, the provisions of the Plan shall be considered minimum standards (MN Statutes 103F.373 Subd. 2). County ordinances regulating land use in the Corridor may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this section. Amendments to ordinances must be reviewed and certified by the MHB as specified in the Review and Certification Procedures Section of this Plan.
- b. **Amendment Initiation**
Requests for amendments of this ordinance shall be initiated by a petition of the owner or owners of the actual property, or by action of the county.
- c. **Filing**
An application for an amendment shall be filed with the Zoning Authority.

- d. **Hearing**
Upon receipt of the application and other requested materials, the Zoning Authority shall conduct a public hearing in the manner prescribed by Minnesota Statutes.
- e. **Certification Required**
Following the public hearing, the Zoning Authority shall make a report of its recommendations on the proposed amendment and shall file a copy with the County within sixty (60) days after the hearing. MHB review and certification must be obtained as specified in the Review and Certification Procedures Section of this Plan before the proposed amendment becomes effective.
- f. **Fees**
To defray the administrative costs of processing requests of an amendment to this ordinance, a fee not exceeding administrative costs shall be paid by the petitioners. Such fee shall be determined by the Zoning Authority and/or the MHB.

V.8. Amendments to, or Adoption of the MHB Comprehensive Land Use Plan

- a. **Purpose**
To amend the plan in such a way that does not reduce the minimum standards set forth in the plan, and when it is necessary, to do so in the most environmentally sound and cost-effective manner. MN Stat. 103F.369.Subd. 2.
- b. **Process**
A schedule for review and/or possible revision of the plan shall be completed every 5 years by MHB. Any revision shall be submitted to the Counties for public hearings and approvals. Upon approval by all 8 counties, and compliance with the statute, the amendment shall be effective. Adoption of amendments is optional for other government units. It is the responsibility of other government units to exercise their powers so as to further the purposes of the Statute and the MHB Plan (MN Stat 103F. 371.) In the event that proposed revisions are not approved, the existing plan will be maintained.

Section W - Review and Certification Procedures

W.1. Applicability

- a. **Actions Covered**
The review and certification procedures are established for the following categories of land use actions directly or indirectly affecting land use within the area covered by the Plan:

- i. Adopting or amending an ordinance regulating the use of land, including rezoning particular tracts of land;
 - ii. Granting a variance from a provision of the local land use ordinance which relates to the zoning dimension provisions of this Plan; or
 - iii. Approve Plats in accordance with M.S. 505 and PUD's and CIC's in accordance with M.S. 515B.
- b. **Review Required**
 No such local action shall be effective until the Mississippi Headwaters Board has reviewed and certified the actions.

W.2. Procedures

- a. **Notice of Hearings**
 A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances or plats under the local ordinance shall be received by the MHB at least two weeks prior to such hearings or meetings to consider such actions. The notice of an application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed plat, or a description of the requested variance.
- b. **Administratively Complete Applications**
 An administratively complete application is required for review by the MHB and shall include the following items:
 Application form
 Unified Site Plan and Map
 Findings of Fact
 Minutes of the Zoning Authority decision
 -or-
 Copy of the Proposed Plat
 Copy of the Ordinance or Amendment to Ordinance

Applicants may authorize a Waiver from the 60-day Rule in order to continue a review process by the Board and without needing to reapply.

- c. **Notification**
 The local authority shall notify the Mississippi Headwaters Board of its final decision on the proposed action, within 10 days of the decision, including copies of the Findings of Fact, minutes of the public hearing, and amendments or conditions to the action.
- d. **Certification Decision**
 The MHB shall, no later than 60 (sixty) days from the time they receive notice of the final decision, communicate to the local authority either:
 Certification of approval, with or without conditions; or

Notice of non-approval.

- e. **Approval**
The Certification of Approval becomes effective upon notification to the applicant and the Zoning Authority.
- f. **Non-approval**
In the case of notice of non-approval of an ordinance or a variance or plat, either the applicant, or the Zoning Authority may, within the thirty (30) days of said notice, file with the MHB a demand for hearing. If the demand for hearing is not made within the thirty (30) days, the notice of non-approval becomes final. Also:
 - i. The hearing shall be held in the county seat of the county to which the action applies, within 60 days of the demand for it but not before two weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statutes, Section 103G.311 as amended.
 - ii. Within 30 days after the hearing, the MHB shall either certify its approval of the proposed action, or deny it. The decision shall be based upon findings of fact made on substantial evidence found in the hearing record.
- g. **Sunset Clause**
The Certification of Approval shall expire after one year if no work has begun on the certified activity. With MHB notification, the Zoning Authority may allow an extension of the certification for up to 12 additional months. Certification shall not be extended after the above-described 12-month extension.

Section X - Other Government Actions

X.1. Furtherance of Plan Required

Local and special governmental units, councils, commissions, boards and districts, and all state agencies and departments must exercise their powers to further the Mississippi Headwaters Management Plan and this ordinance as provided in Minnesota Statutes Section 103F.371. Land use actions or activities directly affecting land use in the Corridor, including projects wholly or partially conducted, financed, permitted, assisted, regulated, or approved by governmental units or state agencies or departments must comply with this Plan or the governmental units or state agencies or departments must notify the MHB prior to approving the action or activities provided in this Plan.

X.2. Consistency Determination

The MHB shall determine whether a governmental action or activity furthers the Plan. Prior to approving an activity or action, a governmental entity that does not comply with this Plan must send a notice of any public hearings or meetings where the governmental action or activity will be considered to the MHB at least 15 days before the hearings or meetings. The MHB shall determine whether the activity or action is consistent with Minnesota Statutes Section 103F.371. If the MHB determines an action is not consistent, the governmental entity should work toward compliance with this Plan as outlined in the mutual agreements between the government entity and the MHB.

Section Y - Enforcement

Y.1. Violations

It is declared unlawful for any person to violate any of the terms and provisions of this Plan. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. Applications for an activity within the corridor will be considered only if there are no outstanding violations on that property.

Y.2. Restraint of Violations

In the event of a violation or a threatened violation of this Plan, the Zoning Authority or the MHB, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain or abate such violations or threatened violations.

Y.3. Specific Performance

Any person or resident may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Plan.

Y.4. Severability

The provisions of this Plan shall be severable, and the invalidity of any section, subsection, paragraph, subparagraph or subdivision or any other part thereof shall not make void any section, subsection, paragraph, subparagraph, or subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Plan or the application of this Plan to a particular property, building, or other structure, the judgment shall not affect any other provision of this Plan or any other property, building or structure not specifically included in the judgment.

Y.5. Effect

This Plan shall have full force and effect from and after its passage, approval, and publication by law.

GLOSSARY:

Definitions
Abbreviations and
Acronyms

GLOSSARY

All terms may not be included in the Plan document text, but may be defined herein for purposes of discussion.

Definitions

Abrogation. Abolish, annul, or repeal.

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

Agricultural Easement: A restrictive covenant placed on residential developments adjacent to agricultural land waiving all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent land.

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

1. Chemical and Fertilizer spraying
2. Farm machinery noise
3. Extended hours of operation
4. Storage and spreading of manure of biosolids under state permit
5. Open storage and spreading of manure and biosolids under state permit
6. Open storage of machinery
7. Odors produced from normal farm activities
8. On farm marketing of farm products

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

Alteration. Any manmade change, addition or modification of existing land use.

Animal Unit. A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on regular basis by a slaughter steer or heifer. (See MPCA Guidelines)

Aquifer. A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

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

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

goals. BMPs are dependent on the best available technology or information for resource management.

Bioengineering/ biotechniques. The scientific and technological design methods by which natural vegetation is used in landscaping shorelands for the purposes of shoreline stabilization, erosion prevention, wildlife and fisheries habitat and diversity, run-off buffer, aesthetics, privacy and cost effective maintenance. This may be done in conjunction with ecological restoration, supplemental planting to enhance an existing buffer or filter strip or combined with riprap.

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

The slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots or 25 feet above the toe of the bluff for non-riparian lots.

The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots averages 30 percent or greater;

The slope must drain toward the waterbody.

Part or all of the feature is located in a shoreland area.

Bluff Impact Zone. A bluff (as described above) and land located within twenty (20) feet inland of the top of a bluff.

Board of Adjustment. The MHB Member County's Board of Adjustment as described in Minnesota Statutes, Section 394.27.

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

Boat House. A structure designed and used solely for the storage of boats or boating equipment. (See water-oriented structure.)

Buffer Strip. Land area used to visibly separate one use from another or to shield or block structures, noise, lights, or other nuisances.

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

Building Height. The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hip roof, not to exceed 30 feet.

Building Line. A line parallel to the lot line or street right-of-way at any story level of a building and representing the minimum distance which all or any part of the building is set back from said lot line or right-of-way line.

Cabin. See Dwelling.

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

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

Clean Fill. Uncontaminated soil, sand, gravel, rock or concrete. Clean fill does not consist of metal, drywall, asphalt, or any substance containing petroleum, heavy metals, chemicals or any substance with potential to be soluble in water, migrate in water, or contaminate water.

Clearcut. A harvesting technique that removes all the trees (regardless of size) on an area in one operation.

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

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

Common Interest Communities (CICs). The contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to section 515B.2-121, subsection (f)(1). (Minnesota Common Interest Ownership Act Section 515.1-103D(10))

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

Conditional Use. A land use or development as defined by MN Statutes that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning permit exist, (2) the use or development conforms to the comprehensive plan of the county, and (3) the use is compatible with the existing neighborhood.

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

Conservation Connection. The voluntary and permanent transfer of specified development and land use rights from a landowner to a qualifying organization, as per Chapter 84C of Minnesota Statutes. (See Easement.)

Controlled Access Lot. Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river, or stream.

County. Means one of the eight member counties of the MHB or the county's Board of Commissioners.

County Board of Commissioners or County Board. The governing body of a County.

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

Density. The number of dwelling units residing upon, or to be developed upon, an acre of land.

Designee. A person or agency that has been designated by the Zoning Authority.

Development, New. A new use of land, or a change in the existing use of land, that requires the issuance of a permit or approval of a local zoning authority.

Dock - Permanent. A fixed structure, attached to the shoreline with footings, providing access to waterbodies and watercraft for water-oriented recreational activities. Permanent docks remain in the water year-around.

Dock - Temporary. A structure providing access to waterbodies and watercraft for water-oriented recreational activities on a seasonal basis. Temporary docks are easily removed from the water for part of the year.

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

Dwelling. 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. A dwelling unit may be a manufactured or mobile home.

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

Essential Services. Means the provision of services to individual parcels by public utilities or

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

Excavate. To make a hole, cavity, or tunnel. The disturbance of soil that alters the natural hydrology, stratigraphy, or drainage patterns of a lot.

Extraction. The removal of aggregate, soil, minerals or similar materials.

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

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

Feedlot, Livestock. A lot or building, or a combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. (See MPCA Guidelines.)

Fence. For the purpose of this ordinance a fence is any addition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

Filling. The act of depositing any fill material.

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

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

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

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

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

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

Gazebo. A freestanding accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing. (See also Water-oriented accessory structure.)

Generally Accepted Silvicultural Techniques (or Forest Management Practices). Those activities recommended for forest management by “Sustaining Minnesota Forest Resources”, MN Forest Resources Council, 1999.

Geographic Information System (GIS). A computerized mapping system for integrating different technologies used in gathering, analyzing, and assessing spatial data.

Grading. Changing the natural or existing topography of land.

Hardship. The same as that defined in Minnesota Statutes, Chapter 394. Hardship as used in connection with a variance 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.

Hazardous Substance. Any material solid, semisolid, liquid or gaseous which because of its quantity, concentration or chemical, physical or infectious characteristic may (a) cause or contribute to an increase in mortality or illness, (b) pose a hazard to human health or the environment when improperly treated, stored, treated, used or managed. Categories include explosive, flammable or combustibles liquids or solids infectious, compressed gas radioactive, oxidizers, poison or toxic liquid or solids, irritants, corrosives and miscellaneous. Or, the same as that defined in CFR (Codified Federal Register 49 (PCA 2000)).

Hazardous Waste. Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in

serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Headwaters Lakes. These are the nine lakes within the Corridor -- Carr, Cass, Irving, Bemidji, Stump (impoundment), Winnibigoshish, Little Winnibigoshish, Wolf, and Andrusia.

Headwaters Lakes, General Development. Means 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.

Headwaters Lakes, Natural Environment. Means generally small, and 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 and unsuitable soils. These lakes, particularly in rural areas, may be unsuitable for further development.

Headwaters Lakes, Recreational Development. Means generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. Development mainly consists of seasonal and year-around residences and recreationally-oriented commercial uses.

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

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

Impervious surface. Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

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

Infrastructure. See Related Essential Services. Other services which may be included are Fire, sheriff, school bus, water, fiber optics, and communications.

Intensive Vegetation Clearing. Means the substantial removal of more than 25 percent of trees or shrubs in a contiguous patch, strip, row or block within 150 feet of the ordinary high water mark of the Mississippi River or the defined setback distance for the

Headwaters Lakes.

Landfill. A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste.

Light Pollution. The upward and outward distribution of light either directly from fixtures or from reflection off the ground or other surfaces.

Local Government Unit or LGU. Any government unit subordinate to state government units.

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

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

Lot of Record. A lot that has been recorded in the office of the County Recorder prior to the date of adoption of this Plan.

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

Lot Width. The shortest distance between lot lines measured at the midpoint of the building line.

Manufactured Home. (See Dwelling.)

Material Adverse Effect. The real or potential, acute or chronic negative impact of a use which in the opinion of the jurisdictional government unit may result in a negative effect on the environment. The Applicant may be required to demonstrate the nature and extent of an adverse effect.

Mining Operation. The removal from the land of coal, salt, iron, copper, nickel, granite, petroleum products or other minerals or materials for commercial, industrial, or governmental purposes.

Mississippi Headwaters Board or MHB. The Board composed of one county commissioner from Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison

counties, formed as a joint powers board pursuant to Minnesota Statutes, Section 471.59 and Section 103F.367, subd.1.

Mississippi Headwaters Corridor or Corridor. The lands and waters contained within the Mississippi River and Headwaters Lakes zoning districts and identified in the Mississippi Headwaters Board Comprehensive Plan maps.

Mississippi Headwaters Comprehensive Plan or Plan. The comprehensive land use plan adopted pursuant to Minnesota Statutes, Section 103F.369.

Mississippi River Resources Inventory or River Resources Inventory. The list of recreational sites, endangered species, and important archeological sites in the Corridor and made available at the Mississippi Headwaters Board. (See Part I.)

Mobile Home. See Dwelling.

Mobile Home or Trailer Coach Park. This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

Modular Home. See Dwelling.

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

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

Official Map. The MHB Corridor map established in the Appendices of this Plan.

Open Space. Land used for recreation, resource protection, amenities, and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

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

Ordinary High Water Mark. The boundary of public waters and wetlands, which shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water mark is the elevation of the top of the bank of the channel.

Outstanding Violation. Any on-going or completed activity which is not permitted by the MHB Standards for the Management of Shoreland Areas or pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201 - 103F.221, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

Parcel. (See Lot)

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

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

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

Permitted Use. A use which may be lawfully established in a particular district or districts, without a conditional use permit, provided it conforms to all requirements, regulations, and performance standards of that district.

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

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

Planning Advisory Commission or Planning Commission or PAC. The MHB Member County's Planning Advisory Commission as described in Minnesota Statutes, Section 394.30.

Plat. The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates.

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

Private Road. A roadway or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road.

Public Service District. A designated area which is served by a municipality with both water and sewer services.

Property Line. The legal boundaries of a parcel of property.

Protected Waters of the State or Public Waters. Lakes, rivers, streams, and wetlands designated under Minnesota Statutes, section 103G.005, subd. 15.

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

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

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

Public Uses. Uses owned or operated by any governmental unit.

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

Recreational Trail (Non-motorized). A minimum impact path designed specifically for hiking, biking, horseback riding or skiing for the purpose of enjoying the values of the Corridor.

Recreational Trail (Motorized). A trail designed specifically for the purpose of All Terrain Vehicles (ATV).

Recreational Use. Use that is primarily for the enjoyment of individuals and families, and is not party to commercial enterprise other than resorts, campgrounds, and bed and breakfasts.

Recreational Vehicle (RV). Any unit incorporated in, attached to or intended to be attached to a motorized vehicle that provides living or sleeping facilities. This includes, but is not limited to, travel trailers, campers, fifth wheel campers, over the pickup cab campers, pop up campers, fold out campers, pickup topper campers, camper cars, bus campers,

mini-homes, motor homes and other similar units.

Recreational Camping Vehicle Park Campground. An area accessible by vehicle, containing sites for travel trailers or recreational camping vehicles, and with central

water supply and central on-site sewage treatment facilities connected to each site.

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

Related Essential Services. (See Essential Services).

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

Restoration. The process of returning a site to its normal, original, or previous state.

Riparian Lot. A lot that abuts public waters.

River Corridor or River. See MHB Corridor.

River Classification, Wild. River segments that are located in forested, sparsely populated areas. Predominant land uses include multiple use forestry, some recreation facilities, seasonal residential, and, within commuting distance of major towns, some year-around residential. Low intensity recreational uses of these rivers and adjacent lands are common. (See Part III, Section E.)

River Classification, Scenic. River segments that are generally located in the middle reaches of river systems. Common land uses include forests with riparian development strips and mixtures of cultivated, pasture, and forested beyond. Some seasonal and year-around residential development exists, particularly within commuting distances of major towns. The types and intensities of recreational uses within this class vary widely. (See Part III, Section E.)

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

Sand and Gravel Borrow Pits. Means the removal of topsoil, sand, gravel, clay, rock, and surficial geologic deposits of unconsolidated material using shovels, loaders, trucks and other similar equipment.

Sanitary Facilities. Accommodations such as toilet, bathroom, shower, and floor drains. (See Individual Sewage Treatment System.)

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

Selective Cutting. The removal of single scattered trees.

Setback. The minimum horizontal distance between a structure, individual sewage treatment system, or other facility and the ordinary high water mark, road, top of a bluff, highway, property line, or other facility.

Setback Area. Means the area between the minimum building line and the ordinary high water mark of the River or the Headwaters Lakes.

Sewage Treatment System. See Individual Sewage Treatment System.

Sewered Area. A lake or river area whose shoreland area residents are served by a municipal wastewater treatment system or subordinate service district established by the Zoning Authority and the local government unit for the purpose of sanitation.

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

Shrub. A woody plant up to 4 inches in diameter or 1 foot to 8 feet in height.

Sign. Any letter, work, symbol, model, printed, projected, or affixed device, poster, picture, reading matter, or other representation in the nature of advertisement, announcement, direction or informative device including structural and component parts, that is located outdoors.

Significant Cultural or Historic Site. Any archaeological or historic site, standing structure or any other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets this criterion if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist, or the Director of the Minnesota Historical Society, the Leech Lake Tribe, or the MHB. All unplatted cemeteries are automatically considered to be significant historic sites.

Single Family Residence. A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants.

Site Plan. See Unified Site Plan.

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

Solid Waste. Garbage, refuse, and other discarded solid materials, including solid waste materials, resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer,

any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

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

Standards. Refers to the minimum standards under MN Stat. 103F.369 Subd. 3.

Steep Slope. Land where agricultural activity or development is 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 Plan. 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.

Storage Building. See Structure.

Structure. Any building, sign, or appurtenances to the building or sign, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

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

Structure Setback. The line measured across the width of the lot at the point where a structure or campsite is placed in accordance with setback provisions.

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

Sub-standard Use. See nonconforming use.

Suitability Analysis. Consideration by the responsible unit of government of the susceptibility to flooding, existence of wetlands, inadequate drainage, soil and rock formation with severe limitations for development, severe erosion potential, topography, inadequate water supply, sewage treatment capabilities, nearshore aquatic conditions unsuitable or water-based recreation, fish or wildlife habitat, significant cultural site, any other feature of the natural land likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community. (MHB 1992 Section 20.1)

Toe of the Bluff. 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 is apparent, the toe of bluff shall be determined to be the lower end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff. 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 is apparent, the top of bluff shall be determined to be the upper end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

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

Travel Trailer or Camper. A unit no more than eight (8) feet wide and less than forty (40) feet in length, but not limited to, designed for short-term occupancy and designed to be pulled behind a vehicle, upon the frame of a truck, or self-propelled units.

Tree. A woody plant 4 inches or more in diameter or 8 feet or more in height.

Unified Site Plan. As described in this Plan, a written and graphic depiction of existing and proposed improvements for and/or development of land within the Corridor.

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

Utility Transmission Lines. Main lines and connections of utility lines providing essential services.

Variance. A modification or variation of the provisions of this Plan where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Plan would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or unfeasible under the circumstances.

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

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

Water-Oriented Accessory Structure or Facility. An above ground building, structure or other improvement, not including boathouses.

Wetlands. Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils;

- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such hydrophytic vegetation.

Wetlands Conservation Act (WCA). An act of the Minnesota Legislature to provide comprehensive wetland protection.

Zoning Authority. The entity designated by the county, local government unit, or LLBO to administer zoning matters.

Abbreviations and Acronyms

ACOE or ACE	(U.S.) Army Corps of Engineers
AHRI	American Heritage Rivers Initiative
BMPs	Best Management Practices
BWSR	(Minnesota) Board of Water and Soil Resources
CHU and CIC	Cluster Housing Units and Common Interest Community
CWP	Clean Water Partnership
DNR or MnDNR	(Minnesota) Department of Natural Resources
DOT	(Minnesota) Department of Transportation
EPA	(U.S.) Environmental Protection Agency
EQB	(MN) Environmental Quality Board
FRC	Forest Resources Council
GD	General Development – a DNR lake classification
GIS	Geographic Information System
ISTS	Individual Sewage Treatment System
LCMR	Legislative Commission on Minnesota Resources
LGU	Local Governmental Unit
LLBO	Leech Lake Band of Ojibwe
MDH	Minnesota Department of Health
MHAC	Mississippi Headwaters Advisory Committee
MHB	Mississippi Headwaters Board
MHS	Minnesota Historical Society
MPCA or PCA	Minnesota Pollution Control Agency
NE	Natural Environment – a DNR lake classification
NRCS	(U.S.) Natural Resources Conservation Service
OEA	Office of Environmental Assistance
OHWM	Ordinary High Water Mark
PUD	Planned Unit Development
RD	Recreational Development – a DNR lake classification
RM	River Mile
SSD	Subordinate Service District
SWCD	Soil and Water Conservation District
USFS	United States Forest Service
USP	Unified Site Plan
WCA	Wetlands Conservation Act

Appendix 1.
Joint Powers Agreement

APPENDIX # 1

AGREEMENT BETWEEN THE COUNTIES OF CLEARWATER, HUBBARD, BELTRAMI, CASS, ITASCA, AITKIN, CROW WING, AND MORRISON TO ESTABLISH A JOINT POWERS BOARD.

SECTION I – ESTABLISHMENT

Pursuant to the authority contained in M.S.A. 471.59 it is hereby resolved that Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison County Boards do thereby establish a joint powers board hereinafter referred to as the Mississippi Headwaters Board.

SECTION II – PURPOSE

The purpose of the Mississippi Headwaters Board shall be to formulate plans for the area under its jurisdiction; to protect the Upper Mississippi River from uncontrolled and unplanned development through the preparation and adoption of a comprehensive management plan for the river and adjacent lands. This management plan will provide for: the adoption of strong local zoning ordinances, recreational use of the river and adjacent public lands, donation or purchase of critical lands in the public interest, and sound management of existing public lands along the River.

SECTION III – ORGANIZATION

- A. MEMBERSHIPS – The membership of the Mississippi Headwaters Board shall be composed of one county commissioner, designated by the county board, from each member county.
- B. TERM OF OFFICE – The term of office will run concurrently with each member’s term on their respective county boards. The chairman shall serve a term of office of one (1) year.
- C. OFFICERS – The officers of the board shall consist of a chairman, vice chairman, and a secretary. The chairman, vice chairman, and secretary shall be selected by a majority vote of the board members.
 - 1. Chairman: It shall be the duty of the chairman to preside over all meetings of the Mississippi Headwaters Board. He shall have the power to call special meetings at reasonable times with reasonable notice when it is deemed such a meeting is necessary to the conduct of the business of the Mississippi Headwaters Board.

2. Vice Chairman: It shall be the duty of the vice chairman to preside over the meetings of the Mississippi Headwaters Board in the absence of the chairman. The term of office of the vice chairman shall run concurrently with the chairman.
3. Secretary/Treasurer: It shall be the duty of the secretary/treasurer to keep, or designate a person to assist in keeping a record of all proceedings of the Mississippi Headwaters Board, to provide for the proper receipt and disbursement of funds, and to perform all other duties normally assigned to the secretary/treasurer of a deliberative body. The term of office of the secretary shall run concurrently with the chairman.

- D. VOTING – Each member of the Mississippi Headwaters Board shall have one (1) vote.

SECTION IV – MEETINGS

- A. The Mississippi Headwaters Board shall meet in regular session on the 3rd Friday of each month at Walker in the county courthouse.
- B. The meetings will be alternately held in each county courthouse of member counties. The rotation of county meetings are to be set by the chairman.
- C. Special meetings may be held under the circumstances outlined in Section III-C-1.
- D. A quorum shall consist of a majority attendance of board members.

SECTION V – DUTIES AND RESPONSIBILITIES

- A. The Mississippi Headwaters Board shall have the power to contract for services, in the manner prescribed by law, that are required and necessary to prepare a comprehensive plan for protection of the Upper Mississippi River within the boundaries of the member counties.
- B. The Mississippi Headwaters Board shall have the power to accept and disburse funds; and to apply for state and federal funds necessary to prepare and implement its plan.
- C. The Mississippi Headwaters Board will have the power to develop and recommend a schedule for plan implementation by member counties and to provide for common administration of essential parts thereof.
- D. The Mississippi Headwaters Board will have the responsibility to initiate and maintain a liaison with governmental agencies necessary to complete

a
comprehensive plan for the Mississippi River within the member counties jurisdiction.

- E. The Mississippi Headwaters Board will have the authority to appoint advisory committees and conduct such public meetings and hearings as are necessary to provide full public review and participation of the management plan for the Mississippi River.
- F. The Mississippi Headwaters Board will also have the responsibility to arrange for the independent audit of its expenditures and disbursements, consistent with state law.
- G. Exercise of these powers and duties will require a majority of the Mississippi Headwaters Board voting members.

SECTION VI – AMENDMENTS

Amendments to this agreement will require a consensus of all voting members.

SECTION VII – EFFECTIVE DATE

This resolution shall take effect and be in force from and after the date of it’s signing.

SECTION VIII – AUTHORIZATION

IN WITNESS THEREOF, the respective counties by resolution duly adopted by its county board(s), causes this agreement to be signed by its designee and attested to all on the day and year signed.

Clearwater County Commissioner Donald McCollum
 Hubbard County Commissioner Ervin Kahlstorf
 Beltrami County Commissioner R.E. Boyer, Sr.
 Cass County Commissioner Virgil F. Foster
 Itasca County Commissioner Alf Madsen
 Aitkin County Commissioner L.H. Schroeder
 Crow Wing County Commissioner B. Murphy
 Morrison County Commissioner Michael B. Amo

Signed February 22, 1980

Appendix 2.

Minnesota Statutes 103F.361-377

APPENDIX #2

Minnesota Statutes 103F.361 through 103F.377

Mississippi Headwaters Planning and Management

103F.361 FINDINGS AND INTENT.

Subdivision 1. **Findings.** The legislature finds that:

(1) the Mississippi River from its outlet at Lake Itasca, Clearwater County, to the southerly boundary of Morrison county, Minnesota, possesses outstanding and unique natural, scientific, historical, recreational and cultural values deserving of protection and enhancement;

(2) the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison have entered into a joint powers agreement pursuant to law to develop a plan for the protection and enhancement of the foregoing values; and

(3) the plan adopted by the counties pursuant to the joint powers agreement establishes guidelines and minimum standards for cooperative local management of this segment of the Mississippi River.

Subd. 2. **Legislative Intent.** It is the intent of Sections 103F.361 to 103F.377 to authorize and direct the board and the counties to implement the plan for the Mississippi headwaters area.

History: 1990 c 391 art 6 s 41; 1992 c 476 s 1

103F.363 APPLICABILITY.

Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison.

Subd. 2. **Leech Lake Indian Reservation.** Sections 103F.361 to 103F.377 do not alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Leech Lake Indian Reservation. The plan and the county ordinances adopted pursuant to section 103F.369, subd. 4, apply only to areas within the zoning jurisdiction of the counties as provided by law in effect prior to May 20, 1981.

History: 1990 c 391 art 6 s 42; 1992 c 476 s 2

103F.365 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 103F.361 to 103F.377.

Subd. 2. **Board.** “Board” means the Mississippi headwaters board established under 103F.367.

Subd. 3. **Counties.** “Counties” means the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.

Subd. 4. **Plan.** “Plan” means the comprehensive land use plan approved by the board and dated July 1, 1992.

History: 1990 c 391 art 6 s 43; 1992 c 476 s 3

103F.367 MISSISSIPPI HEADWATERS BOARD.

Subdivision. 1. **Establishment.** The Mississippi headwaters board established by the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison by agreement entered into on February 22, 1980, pursuant to section 471.59 is established as a permanent board with authority to prepare, adopt and implement a comprehensive land use plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties.

Subd. 2. **Membership.** (a) The board shall consist of eight members. The governing body of each county shall appoint one of its members to serve on the board.

(b) The terms of board members are two years commencing on the first Monday in January of odd-numbered years.

(c) Vacancies on the board shall be filled for the remainder of the term by the governing body that made the original appointment.

(d) The governing body of a county may designate another member of the governing body or a county officer to act as an alternate for the member appointed by the county.

Subd. 3. **Officers.** (a) The board shall annually appoint from among its members a chair, vice-chair, and secretary-treasurer who shall serve for concurrent one-year terms.

(b) The chair shall preside over all meetings of the board and may call special meetings at reasonable times and upon adequate notice when necessary.

(c) The vice-chair shall preside over the meetings of the board in the absence of the chair.

(d) The secretary-treasurer or the designee of the secretary-treasurer shall keep a record of all proceedings of the board. The secretary-treasurer shall provide for the property receipt and disbursement of funds.

Subd. 4. **Meetings.** (a) The regular meetings of the board shall be held at times and places prescribed by it.

(b) A majority of all members of the board shall constitute a quorum and a majority vote of all members shall be required for actions taken by the board.

Subd. 5. **Staff and contracts.** The board may employ staff and contract for goods and services as necessary to implement sections 103F.361 to 103F.377. Contracts are subject to the statutory procedures and restrictions applicable to county contracts.

Subd. 6. **Funding.** The board shall annually submit to each county for its approval an estimate of the funds it will need from that county in the next fiscal year to prepare and implement the plan and otherwise carry out the duties imposed upon it by sections 103F.361 to 103F.377. Each county shall, upon approval of the estimate by its governing body, furnish the necessary funds to the board. The board may apply for, receive, and disburse federal, state and other grants and donations.

Subd. 7. **Advisory committees.** The board shall appoint advisory committees representing a broad geographical area and diverse public interests, and conduct public meetings and hearings necessary to afford the public an opportunity to become fully informed of all deliberations in the preparation and implementation of the plan.

Subd. 8. **Contact with government agencies.** The board shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the plan and shall negotiate

cooperative management agreements with the United States Forest Service and Bureau of Land Management and the state department of natural resources. The board, Beltrami, Cass, Hubbard and Itasca counties shall initiate and maintain contacts with the governing body of the Leech Lake Indian Reservation and shall negotiate a cooperative management and jurisdiction agreement with the reservation governing body.

History: 1990 c 391 art 6 s 44; 1992 c 476 s 4

103F.369 PLAN IMPLEMENTATION.

Subdivision 1. **Implementation required.** The plan shall be implemented by the board as provided in this section and section 103F.373.

Subd. 2. **Plan provides minimum standards.** The standards set forth in the plan are the minimum standards, which may be adopted by the board and by the counties for the protection and enhancement of the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shoreland areas subject to the plan. Except for forest management, fish and wildlife habitat improvement, a veterans cemetery that complies with subdivision 5, and open space recreational uses as defined in the plan, state or county lands within the boundaries established by the plan may not be offered for public sale or lease. The board with the agreement, expressed by resolution adopted after public hearing, of the county boards of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison counties may amend the plan in any way that does not reduce the minimum standards set forth in the plan.

Subd. 3. **Implementation.** The board shall develop and establish a schedule for implementation and common administration of the plan by the counties. The schedule shall be binding upon the counties subject to approval by the governing bodies of the respective counties.

Subd. 4. **County land use ordinance must be consistent with plan.** The counties shall adopt land use ordinances consistent with the plan.

Subd. 5. **Veterans cemetery.** A veteran's cemetery may be located within the boundaries established by the plan if a site plan approved by the county zoning authority addresses each of the following items:

- (1) the name of the cemetery;
- (2) a legal description of the property affected;
- (3) names and addresses of applicant, owner, surveyor, and designer of the plan;
- (4) graphic scale;
- (5) an arrow depicting north on the plan
- (6) date of preparation of the plan;
- (7) total acreage of property;
- (8) square footage for each proposed site;
- (9) existing soil conditions, depth of water table, and topographic contours;
- (10) roads and proposed roads showing right of way widths;
- (11) proposed location and type of on-site sanitary treatment facilities and domestic

water

- supply;
- (12) accessory facilities, existing or to be constructed, by type and location;
- (13) all streams, creeks, ponds, wetlands, and swamps;
- (14) burial only on site with no embalming or other related activities on site;
- (15) no placement of graves or accessory facilities within the designated flood plain; and
- (16) each burial must be in a vault or an appropriate liner as determined by the board.

History: 1990 c 391 art 6 s 45; 1991 c 158 s 1, 2; 1992 c 476 s 5-7

103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.

All local and special governmental units, councils, commissions, boards and districts and all state agencies and departments must exercise their powers so as to further the purposes of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and political subdivisions shall be administered in accordance with the plan.

Actions that comply with the land use ordinance are consistent with the plan. Actions that do not comply with the ordinance may not be started until the board has been notified and given an opportunity to review and comment on the consistency of the action with this section.

History: 1990 c 391 art 6 s 46; 1992 c 476 s 8

103F.373 REVIEW AND CERTIFICATION OF LAND USE ACTIONS.

Subdivision 1. **Purpose.** To assure that the plan is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:

- (1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;
- (2) the granting of a variance from provisions of the land use ordinance; and
- (3) the approval of a plat, which is inconsistent with the land use ordinance.

Subd. 2. **Certification.** Notwithstanding any provision of Chapter 394 to the contrary, an action of a type specified in subdivision 1, clauses (1) to (3), is not effective until the board has reviewed the action and certified that it is consistent with the plan. In determining consistency of ordinances and ordinance amendments, the provisions of the plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (1) to (3), that is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.

Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when a hearing is not required, a copy of the application to consider an action of a type specified in subdivision 1, clauses (1) to (3), must be forwarded to the board by the county at least 15 days before the hearing or meetings to consider the actions. The county shall notify the board of its final decision on the proposed action within ten days of the decision. By 30 days after the board receives the notice, the board shall notify the county and the applicant of its approval or disapproval of the proposed action.

Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board, the county or the applicant may, within 30 days of the notice, file with the board a demand for a hearing. If a demand is not filed within the 30-day period, the disapproval becomes final.

(b) If a demand is filed within the 30-day period, a hearing must be held within 60 days of demand. The hearing must be preceded by two weeks' published notice. Within 30 days after the hearing, the board must:

- (1) affirm its disapproval of the proposed action; or
- (2) certify approval of the proposed action.

History: 1990 c 391 art 6 s 47; 1992 c 476 s 9, 10

103F.375 INCORPORATION AND ANNEXATION.

Subdivision 1. **Moratorium on certain activities.** If land subject to the plan is annexed, incorporated, or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on:

(1) all subdivision platting and building permits on the land until zoning regulations are adopted for the land that comply with the provisions of the plan; and

(2) construction, grading and filling, and vegetative cutting as those activities are defined in the plan.

Subd. 2. **Exception for work under prior permits.** This section does not apply to work done pursuant to lawful permits issued before the land became subject to the land use planning authority of the city.

History: 1990 c 391 art 6 s 48; 1992 c 476 s 11

103F.377 BIENNIAL REPORT.

During the first year of each biennial legislative session, the board shall prepare and present to the appropriate policy committees of the legislature a report concerning the actions of the board in exercising the authority granted by the legislature under sections 103F361 to 103F.377. The report must include an assessment of the effectiveness of the plan and its implementation in protecting and enhancing the natural, scientific, historical, recreational, and cultural values of the Mississippi River and related shorelands situated within the member counties.

History: 1990 c 391 art 6 s 49; 1992 c 476 s 12

Appendix 3.

Official Zoning Maps of the MHB Corridor

APPENDIX #3

Mississippi Headwaters Corridor Official Zoning Maps

Mississippi Headwaters Corridor

Maps defining the corridor under the jurisdiction of the Mississippi Headwaters Board on the Mississippi River and on the Headwaters Lakes of Carr, Irving, Bemidji, Stump, Wolf, Andrusia, Cass, Winnibigoshish and Little Winnie follow. Maps are provided for the length of the river for the unincorporated areas of the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison. The corridor is indicated by a diagonal line across the river. Maps of the Mississippi River and the Headwaters Lakes are provided for the incorporated areas, but there is no corridor in areas incorporated as municipalities.

Map Delineation

These MHB maps are only representations of the Headwaters Corridor and are not meant as delineations or specifications for the purposes of Public Land Survey systems or methods. The MHB will continue to rely upon the County Surveyors or the county designees for that Public Land Survey information.

Map Information

Maps indicate the river itself, physical characteristics of the river, such as rapids, the river corridor, roads, railroads, pipelines, and powerlines.

Additional Maps

Each member county of the Mississippi Headwaters Board is provided a set of maps of the river corridor for that county.

Map Interpretation

Maps are presented according to the flow of the river, and should be read from the upstream point to the downstream point on each map. Maps of the Headwaters Lakes follow the southern boundary, from the inlet of the river to the outlet, and then return to the inlet of the river and follow the north shore. The north shore of Lake Winnibigoshish is not represented on these maps.

MISSISSIPPI HEADWATERS BOARD

COMPREHENSIVE PLAN

July 1, 2002
(FINAL DRAFT 12-21-01)

Mississippi Headwaters Board
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Executive Summary

The upper Mississippi Headwaters River corridor is located in the first 400 miles of the Mississippi River in North Central Minnesota. It is characterized by the presence of surface water, associated drainage basins and groundwater aquifers, a complex vegetative system and freshwater, wetland and terrestrial wildlife habitat. These abundant resources are strongly influenced by human culture.

In 1980, the eight counties signed a joint-powers agreement to uphold the MHB Management Plan. In 1981 the legislature enabled the Plan with zoning authority through MN Stat. 103F. 361-103.F. 377.

The Plan has been updated in order to comply with the provisions of the Plan as referenced by statute and to address the annexation by municipalities, new technologies, and the increased needs of the region.

The 2002 Plan essentially maintains the same restrictions as the previous plans. Revisions have been subject to meetings of the Citizens Taskforce, Advisory Committee, written comment from the public, e-mail, phone calls, technical advisors, and at least two public hearings in each of the eight counties throughout the years 1998 to 2002.

The MHB endorsed goals to implement the Plan. They are to complement existing water protection efforts in the Upper Mississippi River watershed; to provide a format for partnerships working together for the common good and toward common goals; to encourage stewardship in practices affecting water quality; to provide opportunities for education to diverse peoples and increased information regarding the protection and enhancement of the five MHB values.

MHB's mission is to enhance and protect outstanding and unique natural, scientific, historical, recreational, and cultural values. This applies in the first 400 miles of the Mississippi River from its source at Lake Itasca in Clearwater County to the southerly boundary of Morrison County, Minnesota.

The 2002 MHB Comprehensive Plan is divided into three parts including Administration and Authority, Management Objectives, and Standards. Maps of the MHB Corridor are included in the Appendices.

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